


**CERTIFICATION RELATED TO FOREIGN MILITARY FINANCING
FOR COLOMBIA UNDER SECTION 7045(b)(2) OF THE DEPARTMENT
OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS
APPROPRIATIONS ACT, 2015 (Div. J, P.L. 113-235)**

Pursuant to the authority vested in the Secretary of State, including under section 7045(b)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (Div. J, P.L. 113-235), I hereby certify and report the Colombian Armed Forces and the Government of Colombia are meeting the conditions contained in section 7045 of the Joint Explanatory Statement accompanying the Act.

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

SEP 10 2015

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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***ADDENDUM: SELECT HUMAN RIGHTS CASES**

LEGISLATIVE CONTEXT AND SCOPE OF REPORT

Section 7045(b)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (SFOAA) (Div. J, P.L. 113-235), provides that 25 percent of Foreign Military Financing funds appropriated for assistance for Colombia may be obligated only in accordance with the procedures and conditions in the joint explanatory statement accompanying the SFOAA. In particular, the joint explanatory statement provides three conditions with respect to human rights and paramilitary groups the Secretary of State or his designee must certify have been met before such funds can be obligated. The criteria are as follows:

Criterion 1: *Cases involving members of the Colombian military who have been credibly alleged to have violated human rights are subject only to civilian jurisdiction and the Colombian military is cooperating with civilian prosecutors and judicial authorities in such cases;*

Criterion 2: *The Government of Colombia is upholding its international obligations by investigating, prosecuting, and punishing persons responsible for crimes against humanity, war crimes, and other gross violations of human rights, and is not offering amnesty to such persons; and*

Criterion 3: *The Government of Colombia is making progress in dismantling illegal armed groups; taking effective steps to protect the rights of human rights defenders, journalists, trade unionists, and other social activists; and respecting the rights and territory of indigenous and Afro-Colombian communities, including protecting them from forced displacement, killings, and other violations.*

This memorandum provides the justification for the Secretary of State's certification that the criteria referenced above have been met and provides the report required by section 7045(b)(2). It contains information covering the period from June 1, 2014, to June 1, 2015.

EXECUTIVE OVERVIEW

The Colombian government, both within the armed forces and in Colombia at large, has taken important steps to improve its human rights record during the

certification period from June 1, 2014, to June 1, 2015. In December 2014, Presidential Advisor on Human Rights Guillermo Rivera noted a significant reduction in human rights violations and crimes that affect the enjoyment of human rights under President Santos. Rivera stated overall homicides in Colombia have declined by approximately 52 percent since 2009. Looking at specific human rights defenders and public leaders that form part of this total, homicides have also decreased significantly. In 2014, half the number of mayors were killed compared to in 2009; homicides of council members decreased by 60 percent; and homicides of union leaders decreased by 36 percent over the same period.

Establishing a reliable justice system that promotes democracy, social progress, peace building, and citizen confidence in the state is a priority for the Colombian government. The number of massacres has decreased, from nine in 2009 alone with 147 victims to seven from 2010 through July 2014 with 28 victims. A total of 56,903 guerrilla and paramilitary members demobilized since 2003 as of October 2014, and 1,243 members of illegal armed groups demobilized from January to November of 2014. Colombia's national policy for human rights and international humanitarian law is managed by the Presidential Advisor for Human Rights and International Humanitarian Law. The office of the Presidential Advisor promotes, protects, and defends human rights and supports strategies for access to justice, investigative measures, sanctions for human rights violators, and reparations to victims. The office forms a part of the Ministry for Post-Conflict, Human Rights, and Citizen Security.

The judicial system has been steadily improving its processes and efficiency. During the certification period, the government prioritized improving the provision of judicial services, reducing backlogs in the justice system, and modernizing and simplifying judicial procedures. The judicial system has made advances on some emblematic human rights cases, resulting in convictions, including of military personnel. Despite advancements in security and human rights, several challenges remain: conviction rates are low; threats against human rights defenders and other vulnerable individuals increased significantly; attacks toward human rights defenders and forced displacement continue; and members of vulnerable groups face discrimination and bear a disproportionate amount of the societal violence.

The Colombian government continued to investigate and prosecute many members of the armed forces credibly alleged to have committed human rights violations; however, the vast majority of convictions have been against low-level members of the armed forces. During the certification period, the Supreme Judicial Council resolved 247 jurisdictional disputes. Two hundred and thirty-

eight cases were assigned to the civilian justice system, while two cases were assigned to the military justice system because the evidence indicated they did not meet the established criteria in order to be considered alleged violations of human rights committed by armed forces personnel. In the remaining seven cases, no decision was made on jurisdiction due to procedural issues. In those instances, cases remained in their original jurisdictions.

By September 2014, the Attorney General's Office opened 2,234 investigations against 5,014 members of the armed forces for "false positives" (categorized as aggravated homicide or homicide of a protected person, often under the pretense that they were guerillas) concerning 4,382 victims. The Attorney General's Office prosecuted 796 members of the armed forces, including six colonels, for their involvement. In April 2015, the Attorney General's Office announced it is investigating 56 false positives cases that specifically took place between 2010 and 2014 and will investigate 22 active and retired generals for false positives. The Colombian military said it continued to cooperate with civilian prosecutors and judicial authorities on cases involving allegations of human rights violations during the certification period.

The Ministry of Defense and the Attorney General's Office reported that during the certification period there were no cases of human rights violations by members of the armed forces or police under judicial review in the military justice system. A June 2015 Human Rights Watch (HRW) report titled "On Their Watch: Evidence of Senior Army Officers' Responsibility for False Positive Killings in Colombia" notes that, according to prosecutors in the Attorney General's Office, several false positive cases remain in the military justice system. Several Department officials met with Human Rights Watch to discuss its findings in June and subsequently requested additional information from the organization. HRW was not in a position to name its sources nor specific false positive cases they stated remain in the military system.

The Department also followed directly up with the Colombian Attorney General's Office. The Attorney General's Office asserted that there were no such cases remaining in the military system. The Department thus far has been unable to obtain additional information that could resolve the seeming contradiction between the official statements of the Attorney General's Office and the statements of some of its members to HRW.

HRW's civilian prosecutor sources also alleged that some military personnel who were cooperating with the civilian authorities in false positive cases pending

in the civilian system had said their ability to cooperate with the civilian prosecutors was constrained because they had related cases or charges still pending in the military justice system. The Department, in response to this allegation, asked the Ministry of Defense to confirm all false positive cases had been transferred to the civilian justice system and, in addition, whether any charges related to, or arising out of the same facts as, such false positive cases, had likewise been transferred to the civilian justice system. The Department also asked the Ministry of Defense to confirm it is contrary to government policy to use the threat of prosecution in the military justice system to intimidate or influence witnesses who are cooperating in cases pending in the civilian justice system. The Ministry of Defense responded to this additional inquiry, stating it is not the policy of the Ministry of Defense or any of its elements, including military justice personnel, to threaten, pressure, or in any way influence individuals, military or otherwise, who are participating in, assisting, witnesses or potential witness to, or the targets of civilian judicial processes.

The Ministry of Defense implemented strategies requiring close cooperation with other national agencies (specifically with the justice sector), other countries, international organizations, and civil society. In response to several years of engagement by domestic and international NGOs and the international community, the Colombian government in early April 2015 improved its proposed military justice reform legislation. The adjustments removed previously proposed jurisdictional changes that human rights groups and international actors were concerned could lead to grave human rights violations being prosecuted in military courts.

Colombia has ratified and abides by various international instruments that impose obligations related to the investigation, prosecution, and punishment of persons responsible for war crimes and certain violations of human rights. The Colombian Congress passed the "Legal Framework for Peace" to enable the transition from armed conflict to peace. The eventual post-conflict transitional justice strategy is part of the negotiations of a potential peace agreement between the government and the Revolutionary Armed Forces of Colombia (FARC). While a final peace agreement has yet to be reached, President Santos has publicly said Colombia will uphold its domestic and international legal obligations.

The Colombian government is taking steps to dismantle criminal bands and other illegal armed groups, protect the rights of human rights defenders and social activists, and respect the rights and territory of members of indigenous and Afro-Colombian communities. The Colombian security forces captured 2,666 criminal

band (BACRIM) members in 2014. Cases of organized crime have fallen by nearly 50 percent so far in 2015, and the security forces have captured almost 30 criminal band leaders and more than 420 members. However, organized criminal organizations continue to displace and terrorize Colombian citizens, particularly in vulnerable regions lacking state presence, such as the Pacific Coast port city of Buenaventura. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), BACRIMs were responsible for 19 percent of all forced displacements between 2012 and 2014. Colombian government officials made high-level, public statements during the reporting period praising the work of human rights defenders and criticizing threats and attacks against them.

The government requested the Attorney General's Office carry out investigations on threats and also met with human rights defenders to discuss strategies, actions, and investigations in support of advocacy. Despite these efforts, harassment and death threats against human rights defenders, land rights activists, labor unionists, journalists, and other vulnerable individuals continue to be a problem. According to a report by Colombian NGO *Somos Defensores*, there were 626 acts of aggression against human rights defenders, including 488 threats (many delivered as mass threats via e-mail), 55 murders (a decrease from 78 murders in 2013), and 41 attempted murders in 2014. For the first quarter of 2015, the NGO counted 296 acts of aggression, including 249 threats, 19 murders, and 20 attempted murders. Although the Attorney General's Office reported prosecutions and convictions in cases involving attacks against human rights defenders, there were no prosecutions or convictions for threats against human rights defenders during the certification period. The National Protection Unit (UNP) administered protection programs for a total of 9,726 at-risk individuals.

The Victims and Land Restitution Law represents a landmark achievement in the protection and guarantee of human rights in Colombia because it establishes the priority criteria to advance reconciliation, assistance to victims of the conflict, processes for land restitution, and the ability to provide for the effective enjoyment of rights for the population affected by the conflict. From 1985 through May 2015, 7,392,679 victims of the conflict have registered with the government, and 589,429 victims have received reparations. In addition, a total of 3,000 families have received land titles covering 100,000 hectares (247,105 acres). However, about 150,000 people are still forcibly displaced every year. In April 2015, Finance Minister Mauricio Cardenas announced that the government has earmarked 9.5 billion pesos (\$3.77 million) to spend in 2015 on assistance and reparation for the victims of violence. In April 2015, President Santos announced a new plan, called "Strategy 20-15," to accelerate land restitution in Colombia with the goal of

processing 35 percent of all applications this year. Despite this, there were several threats and attacks against members of indigenous and Afro-Colombian communities. The Colombian government made efforts to respect the rights and territory of members of indigenous and Afro-Colombian communities, including by providing specialized services for victims' reparations and land restitution, working to prevent forced displacement, and addressing illegal mining and its detrimental effects. The Colombian government has increased its outreach and dialogue with minority communities to improve relations and communication, direct specific resources to vulnerable communities, and address ethnic and racial discrimination.

The Department of State, both in Washington and through the U.S. Embassy in Bogotá, consults regularly with civil society representatives regarding Colombia's human rights performance. In developing its examination and analysis of Colombia's human rights situation, the Department carefully considers NGO views, observations, and experience, as well as reports from international organizations. Since the last certification, senior Department officials met with Washington-based NGOs as a group on four occasions and held several meetings with individual groups at the working level. The U.S. Embassy in Bogotá engaged in outreach to civil society and government officials across Colombia and met regularly with NGOs. The Department also continued its high-level engagement with the Colombian government on human rights issues, specifically democracy, human rights, justice, and good governance, through high-level diplomatic engagements and the High-Level Partnership Dialogue (HLPD), launched in 2010. The most recent HLPD meeting was held in Bogotá in April 2015, and was led by Deputy Secretary Antony Blinken and Foreign Minister Maria Angela Holguin.

SECTION 7045 (1)

The Joint Explanatory Statement accompanying the FY 2015 SFOAA requires a certification that:

“Cases involving members of the Colombian military who have been credibly alleged to have violated human rights are subject only to civilian jurisdiction and the Colombian military is cooperating with civilian prosecutors and judicial authorities in such cases;”

Judicial System and its Challenges

The Colombian government prioritized the development of a reliable justice system that promotes democracy, social progress, peace building, and citizen confidence in the state. To achieve this end, the government has worked in the last few years to strengthen access to justice, the provision of services, alternative dispute resolution, the design of tools for transitional justice, and the prison system. The government has prioritized improvements in the provision of judicial services, reduction of backlogs in the justice system, and the modernization and simplification of judicial procedures.

The judicial system in Colombia has faced a number of challenges in recent years but has made important improvements in its processes and efficiency. According to figures from the judicial branch, in 2011 there were 2.4 million backlogged cases in the justice system. As of January 2015, 1.8 million proceedings were facing delays, representing a 25 percent decrease compared to 2011. However, a three-month judicial strike between November 2014 and January 2015, led by the National Association for Judicial Branch Workers (Asonal), affected 23,000 prosecutions and added to the already problematic congestion in the justice system. The Attorney General's Office continues to make steady progress to process cases, reporting in December 2014 that it filed 119,320 charges, with 70,000 indictments, and 30,000 convictions for the year. The Office credits these accomplishments to the new investigation paradigm that was initiated in 2012, which is based on prioritization, analysis of the context of cases, and a coordinated strategy for dismantling illegal organizations.

On January 21, 2015, the Administrative Unit of the Supreme Judicial Council announced it would adopt the National Plan for Rationalization of Judicial Resources. The Plan will take into account previous plans for decongestion and would create more than 5,000 new permanent jobs and approximately 1,600 additional provisional positions. In March 2015, the Attorney General's Office launched a plan known as *Plan Padrino* to promote the implementation of mechanisms to speed up criminal proceedings. Forty-four prosecutors will be assigned to implement the plan.

Human Rights Cases Subject to Civilian Court Jurisdiction

The Colombian government reported that during the certification period, cases relating to crimes involving alleged violations of human rights were investigated and prosecuted in the civilian criminal justice system. The

Department is aware of the June 2015 report by Human Rights Watch alleging that, according to Colombian prosecutors, an undetermined number of false positive cases from the period 2002 to 2008 remain in the military justice system. However, the Human Rights Watch report does not provide more specific information on any such cases in the Colombian military justice system. Thus, the Department has requested additional information from Human Rights Watch to substantiate these claims. The Department has also requested additional information from the Colombian Attorney General's Office about these allegations.

HRW also alleged that, according to some civilian prosecutors with whom HRW spoke, some military personnel who were cooperating with the civilian authorities in false positive cases pending in the civilian system had said their ability to cooperate with the civilian prosecutors was constrained because they had related cases or charges still pending in the military justice system. The Department, in response to this allegation, asked the Ministry of Defense to confirm all false positive cases had been transferred to the civilian justice system and, in addition, whether any charges related to, or arising out of the same facts as, these false positive cases had likewise been transferred to the civilian justice system. The Department also asked the Ministry of Defense to confirm it is contrary to government policy to use the threat of prosecution in the military justice system to intimidate or influence witnesses who are cooperating in cases pending in the civilian justice system. The Ministry of Defense had not responded to this additional inquiry as of the date of this certification.

More than 200 cases in which there was a question about the appropriate jurisdiction underwent a rigorous review to determine where they belong. From June 1, 2014, to March 17, 2015, the Supreme Judicial Council (*Consejo Superior de la Judicatura*), which has a constitutional role to make decisions on jurisdictional disputes, resolved a total of 247 cases. The Council examines the evidence to determine the proper jurisdiction, based on established criteria. The Council assigned 238 of the 247 cases (96 percent) to the civilian justice system and assigned two cases (one percent) to the military justice system because the evidence reviewed indicated they did not meet the established criteria to be considered alleged violations of human rights committed by armed forces personnel. The Council reached no decision on seven cases (three percent), due to procedural issues. In those instances, cases remained in their original jurisdictions.

As of March 17, 2015, the Council was reviewing 41 cases against members of the armed forces and police based on alleged human rights violations to resolve

jurisdictional disputes. Of these 41 cases, 14 related to the National Police and 27 to the National Army. Of the 14 National Police cases, there were two homicides, which allegedly resulted from interventions in street fights. There were also eight cases of personal injury; two cases of abuse of authority; one case of verbal mistreatment; and one case of theft. Of the 27 National Army cases, there were 24 homicides, 20 of which have not yet been classified but refer to the loss of life of unarmed civilians or presumed members of illegal armed groups, criminal bands, and narco-trafficking organizations. The other four homicides were of members of the National Army allegedly as a result of weapons mismanagement. There was also one case of theft; one case of illegal possession of weapons and munitions; and one case of irregularities in public procurement.

The Ministry of Defense and the Attorney General's Office reported that during the certification period, no cases involving alleged human rights violations by members of the armed forces and police were pending in the military penal justice system. However, HRW asserted that individual prosecutors investigating false positives in different regions said that an undetermined number of cases remain in the military justice system. According to Colombian law, alleged violations of human rights involving acts that break the nexus with military service must be investigated in the civilian justice system as opposed to the military justice system. According to the Ministry of Defense, the military justice system's policy is to transfer to civilian jurisdiction any cases in which there is any reasonable belief, based on the evidence provided, that armed forces members committed human rights violations. Between June 1, 2014, and January 27, 2015, the military justice system voluntarily transferred 88 cases to the civilian system.

Investigating and Prosecuting Human Rights Violations

During the certification period, the Attorney General's Office and the Inspector General's Office continued to take action on cases involving alleged human rights violations. The Attorney General's Office has a budget of just over \$1 billion in 2015 and has a specialized directorate to investigate and prosecute cases related to human rights and international humanitarian law. The Human Rights Directorate handles most human rights-related crimes, with assistance from the Directorates for Extrajudicial Killings, Context and Analysis, Citizen Security, Labor, and the Supreme Court (the entity responsible for cases against military officers above the rank of colonel). According to the Attorney General's Office, between June 1, 2014, and March 31, 2015, there were approximately 108 cases involving 179 victims, 210 active investigations (138 that are in the preliminary phase), two cases suspended due to a lack of evidence, 72 cases currently in

judicial processes, 83 indictments, and 29 convictions of members of the armed forces and police for human rights violations.

As of March 31, 2015, the Human Rights Directorate in the Attorney General's Office employed 108 prosecutors, including 50 prosecutors in Bogotá and 58 prosecutors in the regional offices. The Citizen Security Directorate in the Attorney General's Office employed 3,351 prosecutors, including 644 in Bogotá and 2,887 in the regional offices. There are approximately 200 members of the judicial police that support these prosecutors. As of March 31, 2015, a local prosecutor was working in each of the eight Victim Attention Centers located in the various regions of Colombia. As of March 31, 2015, 940 cases involving alleged human rights violations by members of the armed forces and police were open and proceeding in the new, oral accusatory justice system, while 2,182 cases involving alleged human rights violations by members of the armed forces and police were open and proceeding in the old, inquisitorial justice system.

The Context and Analysis Directorate within the Attorney General's Office has focused on several specific themes in its work during the certification period: violence in the Uraba Antioquia region (currently with 72 investigations open); violence against journalists (with seven investigations open); violence against Union Patriótica members (with 32 investigations open); violence against labor union leaders (with 44 investigations open); gender-based violence (with 46 investigations open); investigations against members of the FARC (with 37 investigations open); assassination investigations; support for reports to the Supreme Court; and administration.

From June 1, 2014, to January 2015, the Attorney General's Office had opened a total of 2,308 investigations against 5,137 members of the armed forces for aggravated homicide or homicide of a protected person, concerning 4,475 victims. The Attorney General's Office has prosecuted, since June 1, 2014, 923 members of the armed forces (including four colonels, three lieutenant colonels, ten majors, 22 captains, 68 lieutenants, 48 sergeants, 67 corporals, two privates, 562 soldiers, and three members with no rank registered from the army; three lieutenants, one sergeant, one corporal, and four infantry marines from the navy; and two agents, five inspectors, two lieutenants, and two majors from the police) for their involvement in these homicides.

NGOs assert that many of the investigations and prosecutions have been for lower-ranking members of the armed forces. In its June 2015 report, HRW alleged that more than 180 battalions and other tactical units attached to 41 brigades had

committed false positives from 2002 to 2008. HRW claimed dozens of senior Colombian army officers allegedly implicated in the false positives killings had risen through the ranks and were escaping punishment. On April 13, 2015, the Attorney General's Office announced it would be investigating 22 active and retired generals for their alleged roles in the false positives scandal. On April 27, 2015, the Attorney General's Office said it was investigating a total of 56 false positive cases, 24 of which occurred in 2010, 17 in 2011, nine in 2012, four in 2013, and two in 2014. In early June 2015, news reports indicated that hearings began against five colonels from the Pedro Nel Ospina Battalion, including Colonel Edgar Avila and Colonel José Zanguña, for their alleged involvement with more than 70 cases of false positives.

The 2015 budget for the Inspector General's Office is \$201 million. Between June 1, 2014, and February 28, 2015, the Inspector General's Office opened 16 new disciplinary processes against 84 members of the armed forces and police, based on alleged acts that impact human rights. Between June 1, 2014, and February 28, 2015, the Inspector General's Office concluded 68 cases involving 245 members of the armed forces and police for alleged violations of human rights. Of these 68 cases, 48 cases involving 134 members of the armed forces and police were suspended. Of the 68 cases, the remaining 20 cases resulted in disciplinary verdicts for 111 members of the armed forces and police. Of the 20 cases resulting in verdicts issued, 14 had verdicts of 'not guilty' and six carried penalties. A total of 68 individuals were absolved (61 members of the armed forces and seven from the police). In terms of disciplinary action, 43 members of the armed forces were suspended temporarily, placed on administrative leave, or removed from duty permanently.

Military Cooperation with Civilian Authorities

The Colombian Ministry of Defense reported that during the certification period it did not oppose civilian jurisdiction in cases involving members of the military who had been credibly alleged to have violated human rights. Officials from the Ministry of Defense and the military justice system are respectful of the principle of autonomy and independence of judges. In addition, the decisions and activities of judges are constitutional functions – any interference by a public official could result in sanctions. In its June 2015 report, HRW alleged there is a lack of cooperation by military authorities with judicial authorities in advancing false positives cases, including a failure to provide evidence and intimidation of witnesses. Without more detailed information about these claims, however, it was not possible to determine whether this was a widespread or systematic practice.

The Department has asked HRW for more information about these allegations and has also asked the Colombian government for an official response.

The Colombian Ministry of Defense reported that during the certification period it continued to cooperate with civilian prosecutors and judicial authorities on investigations of alleged human rights violations by members of the armed forces. The Ministry of Defense, through the National Policy on Human Rights, implemented strategies that require close cooperation with other national agencies (specifically with the justice sector), other countries, international organizations, and civil society. The positive relationship between officials from the civilian and military judicial systems has strengthened as a result of the Plan for Promotion of Jurisdictional Review (*Plan de Impulso de Revisión de Competencias – PIRC*). The Ministry of Defense's Office of Human Rights has promoted specific interagency agreements, training, and the provision of resources to assure the utmost protection of and compliance with international human rights law and international humanitarian law. At the regional level, officials from the civilian and military judicial systems and the Inspector General's Office maintain fluid communications and report strong cooperation.

The Ministry of Defense maintained direct contact with the Ministry of Interior and the Ministry of Justice and Law to advance mechanisms to implement preventative measures and protection to people, groups, and communities at risk, with cooperation from the National Police. The Ministry of Defense continues its relationship with the Attorney General's Office and the Technical Investigation Corps to guarantee adequate litigation against members of illegal armed groups, carry out investigations regarding alleged violations of human rights and international humanitarian law, and provide justice services around the country. The Ministry has a designated official who serves as a liaison with the Attorney General's Office and the Inspector General's Office to facilitate investigations within each branch of the armed forces. In addition, the Ministry of Defense has offered the services of its Human Rights and International Humanitarian Law Unit as a direct channel of communication with the Attorney General's Office and to assist with delays in investigations.

The Ministry of Defense works closely with the Inspector General's Office to facilitate disciplinary investigations for alleged violations of human rights and international humanitarian law. Together with the Ombudsman's Office, the Ministry of Defense coordinated with the Directors of the armed forces academies to provide training in democracy and human rights. The Ministry also coordinates

with the Ombudsman's Office on the Early Warning System to help prevent human rights violations and protect vulnerable individuals.

The Ministry of Defense has also strengthened its relationship with Judicial Police authorities, in particular with regard to cases of alleged homicides of a protected person. Military units are instructed to use all resources necessary to allow Judicial Police officials to inspect the scene of an alleged homicide of a protected person and to support the investigation that follows. They are also instructed to facilitate the transportation of public servants to the scene of the crime. If an Army unit does not have aerial transportation resources readily available, it will immediately call on the Air Force. The National Police provides protection to people with a demonstrated level of risk and to vulnerable physical installations that fall outside of the target populations covered under protection programs under the executive, legislative, and judicial branches.

Military Justice Reform

The jurisdiction of the military justice system is laid out in Article 221 of the Constitution, which establishes that military courts will preside over charges involving allegations against active duty members of the armed forces as related to their official duties. The Military Penal Code was established through Law 1407 of 2010. Article 3 of this Code specified that crimes against humanity and grave violations of human rights, such as torture, forced disappearance, and genocide could never be considered crimes related to service. According to Colombian NGOs, more than ten initiatives for military justice reform have been presented in the last four years; several never came to completion as a result of public disapproval and activism, removal from the legislative process due to procedural issues, and rejection from the Constitutional Court. During the certification period, there were three main bills with Colombia's Congress on military justice reform: Senate Draft Bill 85 of 2013/House Draft Bill 210 of 2014; Senate Draft Bill 22 of 2014/House Draft Bill 167 of 2014 (a constitutional amendment); and House Draft Bill 129 of 2014.

Senate Draft Bill 85 was filed on September 11, 2013, in the Senate and on June 18, 2014, in the House. It required a total of four debates, two in the House, and two in the Senate, followed by a reconciliation session and a Constitutional Court review. At the end of the certification period, the bill was in the third House debate, which began October 21, 2014, and continued to advance in the session of Congress that ran from March to June 2015. The constitutional amendment, Senate Draft Bill 22 of 2014/House Draft Bill 167 of 2014, was filed October 1,

2014, and required a total of eight debates, four in the House, and four in the Senate, followed by a reconciliation session and a Constitutional Court review. During the certification period, the amendment passed through seven debates, and had one House debate remaining. House Draft Bill 129 was filed on October 14, 2014, with a total of four debates, two in the House and two in the Senate, followed by a reconciliation session. Draft Bill 129 had not started any of the required debates and the Colombian government announced in April 2015 it planned to withdraw the draft bill.

The military justice reform bills aim to increase professionalization and judicial independence to ensure greater accountability in the military justice system, making it more independent and transparent. The Colombian military justice system is already independent of the chain of command and is led by civilian authorities. The bills would bring the oral accusatory model to the military justice system, bringing it in line with the civilian justice system. Processing cases through the accusatory system would help to improve the transparency of the process. The military justice reform proposals establish principles of independence and impartiality for the military justice system. Bill 85 seeks to strengthen the autonomy of the military justice system by converting the Executive Directorate of the Military Justice System (currently a part of the Ministry of Defense) into a Special Administrative Unit for Military Justice. This Unit would be a decentralized entity that formed part of the executive branch – with legal status, administrative autonomy, and financial independence – assigned to the Ministry of Defense.

Likewise, an Autonomous Military Justice System Corps would be created, made up of members of the armed forces in active service who have judicial, investigative, or administrative judicial support duties. The Corps would set up a system for career growth, promotions, and evaluations, which would be independent from the institutional mandate and under the exclusive control of the Special Administrative Unit. Creating a Technical Investigation Corps within the military justice system would allow the government to count on a technical tool for evidentiary and testimonial support. In terms of the disciplinary function, the authority that investigates and prosecutes the acts of active members of the armed forces would be another active armed forces member of the same or a greater rank, but with more experience. With the introduction of new legislative measures for military justice reform, the Colombian government is taking steps to keep cases involving alleged human rights violations in civilian courts.

Alongside these advances, some civil society groups and international organizations expressed concern that certain provisions in the bills could give military courts exclusive jurisdiction over certain crimes involving human rights violations committed against civilians by members of the military, including cases related to false positive killings. On September 29, 2014, the UN Office of the High Commissioner for Human Rights (OHCHR) published an "Open letter by Special Procedures mandate-holders of the United Nations' Human Rights Council to the Government and the Congress of the Republic of Colombia." In the letter, UN experts warned Colombian officials that language included in Draft Bill 85 would seriously undermine the independence and impartiality of the judiciary and extend military jurisdiction to crimes that should fall within the jurisdiction of civilian criminal courts. They added that it would represent a significant step back in efforts to seek accountability for human rights violations and comply with obligations under international human rights law and humanitarian law. On November 24, 2014, several NGOs issued a joint statement titled "Serious Setback for Justice in Colombia if Bills to Expand Jurisdiction of Military Courts Approved," where they outlined the shortcomings of each of the three draft bills.

Though the United States supports reform of the military justice system, we have regularly urged the Colombian government at the highest levels to ensure that civilian courts exercise jurisdiction over crimes involving alleged human rights violations by security forces. Despite the problematic provisions the Colombian government consistently provided assurances at the highest levels that the military justice reform measures would not result in human rights cases being transferred to military jurisdiction. For example:

- On September 24, 2014, President Santos vowed that cases related to human rights violations, including extrajudicial killings, committed by the Colombian military would never be tried in military courts.
- On October 1, 2014, then-Minister of Defense Juan Carlos Pinzon said before the Colombian Congress that the armed forces do not seek impunity. He claimed military justice reform aimed to satisfy two promises by President Santos: to continue fighting for judicial guarantees for the armed forces; and not to allow any false positives cases to be tried in the military justice system. Flanked by Attorney General Eduardo Montealegre and Inspector General Alejandro Ordóñez, Pinzon noted that the most important thing about the military justice reform measures was that they established an appropriate framework for investigations of members of the armed forces, so that if they

committed human rights violations, charges would be adjudicated in civilian courts, not military courts.

- On November 24, 2014, then-Colombian Ambassador to the United States Luis Carlos Villegas wrote a public letter to HRW, saying Colombia had the legitimacy to advance a clear judicial framework for the investigation and prosecution of human rights violations, including those committed by members of the armed forces. Villegas said that legislation submitted to Congress, and the additions to the draft language resulting from wide and public debate, indicated the political decision of the Santos administration to reassure that any criminal behavior that is not directly related to an act of service, including extrajudicial executions, would always be subjected to civilian justice. Villegas added that the legislation would ensure accountability, transparency, and due process.
- On March 15, 2015, Minister of Interior Juan Fernando Cristo said in an interview that he has specific instructions from President Santos to guarantee that the final military justice reform legislation does not under any circumstances or in any case allow any false positives cases to be transferred from the civilian justice system to the military justice system. If the legislation requires modifications, then changes will be introduced.

During the certification period, NGOs and the international community suggested to the Colombian Ministry of Defense, congressional, and senior government leaders specific adjustments to the language in the legislation before the Colombian Congress to close any possible loopholes that could result in improper transfer of cases. In early April 2015, the Colombian government dropped proposed jurisdictional adjustments from its proposed military justice reform legislation. This addressed certain remaining statutory concerns that the legislation could lead to some cases involving alleged human rights violations being heard in military courts. According to NGOs, the changes to the constitutional amendment (Senate Draft Bill 22 of 2014/House Draft Bill 167 of 2014) appear to address many of the statutory concerns of the human rights community, by stating that the military justice system will have jurisdiction only over infractions related to military service, without appearing to leave open any of the possible loopholes in previous versions of the bill. According to the Colombian government, the constitutional amendment aims to establish clear parameters for cases to go to military or civilian jurisdiction. It seeks to apply international humanitarian law, where appropriate, as a framework to more accurately judge members of the armed forces in actions, operations, and

procedures that are carried out in the context of an armed conflict, excluding conduct that breaks the nexus with military or police service.

In addition, in April 2015, the Colombian government announced its intention to withdraw House Draft Bill 129 of 2014. NGOs said this was a positive step, since they claimed the bill had a number of problematic measures establishing criteria for the application of international humanitarian law. NGOs believed the bill privileged military operations over the protection of civilians and left wide room for infractions against civilians to be interpreted as having occurred during hostilities. Regarding Senate Draft Bill 85 of 2013/House Draft Bill 210 of 2014, NGOs continued to be concerned with Article 8. Article 8 stipulated that all crimes committed by members of the military be sent to military courts, with the exception of seven human rights crimes that are loosely defined in the bill, prompting some NGO to express concern that it could leave open the possibility of problematic interpretation, despite assurances from the government of Colombia. While outside the certification period, it is important to note that in June 2015, both Senate Draft Bill 85 and Senate Draft Bill 22 of 2014 (a constitutional amendment) passed through their final debates. The United States will continue to monitor the discussion of pending legislation and the implementation of approved legislation with a view to ensuring that all credible allegations of human rights violations are subject only to civilian jurisdiction.

SECTION 7045 (2)

The Joint Explanatory Statement accompanying the FY 2015 SFOAA requires a certification that:

“The Government of Colombia is upholding its international obligations by investigating, prosecuting, and punishing persons responsible for crimes against humanity, war crimes, and other gross violations of human rights, and is not offering amnesty to such persons; and”

Investigations and Prosecutions for Gross Violations of Human Rights

Since June 1, 2014, in the Attorney General’s Office, nine new cases were opened for crimes against humanity and five new cases were opened for war crimes. As of March 1, 2015, in the Attorney General’s Office, 19 cases are open for crimes against humanity; seven cases are open for war crimes; and six cases are open for other gross violations of human rights.

From June 1, 2014, to February 28, 2015, the Inspector General's Office opened 30 new cases for crimes against humanity; 26 new cases for war crimes; 15 cases for the lack of discipline related to the homicide of a protected person; and one case for the violation of human dignity. The Inspector General's Office reported that it opened no new cases for other gross violations of human rights. As of February 28, 2015, in the Inspector General's Office, 1,465 criminal investigations were underway for cases involving alleged violations of human rights and international humanitarian law. From June 1, 2014, to February 28, 2015, in the Inspector General's Office, a total of 68 cases were concluded for gross violations of human rights. Forty-eight of those cases were suspended for lack of evidence, and 20 resulted in disciplinary verdicts.

Transitional Justice

The Colombian Congress passed general rules for a transitional justice process through constitutional amendment 01 of 2012, known as the "Legal Framework for Peace." This constitutional provision aimed to clarify the legal permissibility of certain justice tools that might facilitate a negotiated settlement of the armed conflict and take into account victims' rights. The Framework set forth the possibility of creating and applying judicial and non-judicial transitional justice mechanisms for the prosecution of crimes related to the armed conflict, the clarification of truth, the effective reparation of victims, and the institution of guarantees of non-repetition. According to a December 2014 report by the Organization of American States' Mission to Support the Peace Process (OAS/MAPP), progress has been made in strengthening a comprehensive, cohesive transitional justice policy, through the creation of diverse legal instruments developed to meet the needs of the peace process. The OAS Inter-American Commission on Human Rights (IACHR) has stated that case prioritization would, in principle, be consistent with Colombia's international human rights obligations. Case prioritization would allow the Colombian government to focus on certain cases (such as those most responsible for the worst crimes) and renounce the prosecution of others. However, the IACHR expressed "concern" that the Legal Framework for Peace contemplates renouncing the investigation and prosecution of serious human rights and international humanitarian law violations, which would be "incompatible" with the obligations of the state. The IACHR recalled that Colombia must honor its obligation to investigate serious violations of human rights, and called on Colombia to take international human rights standards into account both when analyzing the Legal Framework for Peace and when drafting and debating the statutory laws based thereon.

In 2013, the Constitutional Court conditionally upheld the Legal Framework for Peace. The court expressed, through two special communiqués, the view that such a transitional justice strategy was a legitimate mechanism for achieving peace and that it was in accordance with the Constitution. The court clarified that authorities would need to implement the framework in compliance with the country's international obligations. The court also included parameters for interpretation and development of future implementing legislation, including that those deemed "most responsible" for the most serious crimes in the context of the conflict could not have their sentences suspended completely.

Colombia is a state party to the Rome Statute of the International Criminal Court (ICC). The ICC's Office of the Prosecutor (OTP) currently has a preliminary examination open into alleged atrocity crimes committed in Colombia. In its public reporting, the OTP has concluded there is a reasonable basis to believe that crimes within the ICC's jurisdiction have been committed by a number of parties in Colombia. OTP is now monitoring the progress, relevance, and genuineness of national judicial investigations into those alleged crimes. While OTP has said that the parameters established by the Constitutional Court for implementing the peace framework reflect a commitment to ensuring the compatibility of national laws with Colombia's international obligations, it has also notified Colombian authorities that wholly suspended or inadequate sentences could affect the court's analysis of the genuineness of national proceedings. If OTP is not satisfied in this regard, it could pursue its own investigations and prosecutions, although there is currently no timeframe on which OTP is expected to conclude its ongoing analysis.

Currently, Colombian authorities and the FARC are negotiating the design of a transitional justice strategy to address serious crimes committed during the conflict and the needs of victims. This includes potential criminal trials for those responsible for serious and systematic crimes, truth seeking, reparations, and other guarantees of non-recurrence of abuses. The ICC's Office of the Prosecutor has notified Colombian authorities that inadequate sentences could harm the genuineness of a national proceeding.

Justice, truth, reparation, and guarantees of non-recurrence for serious violations of human rights law and serious violations of international humanitarian law by all actors, promoted through judicial and extrajudicial mechanisms, are the elements the Colombian government has identified as necessary for reconciliation and sustainable peace. Recognition of responsibility, genuine expressions of remorse, guarantees of non-recurrence, and participation in transformative actions

could be beneficial. As part of the mechanisms created to dignify victims, establishing processes for the reconstruction of truth in a non-judicial way, and recognizing the gravity of human rights violations and violations of international humanitarian law, the National Center for Historic Memory implemented a program for the collection, preservation, and custody of files, documentation, and materials that contribute to the clarification of the facts, reparation, and truth for victims and society.

In January of 2015, Colombian government peace negotiator Humberto de la Calle admitted that “in the matter of transitional justice, as might be expected, we are still facing considerable differences.” On February 25, 2015, the International Center for Transitional Justice (ICTJ) and the Kofi Annan Foundation hosted a conference in Colombia, titled “Truth Commissions and Peace Processes: International Experiences and Challenges for Colombia.” The conference gathered major political figures and international and national experts to reflect on lessons learned from truth commissions that emerged from peace processes around the world. Leading up to the end of the certification period, representatives from the Colombian government and the FARC were working to establish the parameters for a truth commission in the case a peace agreement is reached. The commission would be independent and impartial and would hear from all sides in the conflict, to contribute to the clarification of what happened and offer a full explanation of the complexity of the conflict; to promote and contribute to the recognition of victims; and to promote an atmosphere of dialogue.

The Colombian government continued to provide assistance and reparations to victims of the conflict under the Victims and Land Restitution Law. As of May 2015, 7,392,679 victims of the conflict registered with the government since 1985, and 589,429 victims received reparations. In addition, a total of 3,000 families have received land titles covering 100,000 hectares. The Colombian government made efforts to respect the rights and territory of indigenous and Afro-Colombian communities. Despite these efforts, there were several threats and attacks against members of indigenous and Afro-Colombian communities. The Colombian government has given specific consideration to how these populations are affected by the Victims and Land Restitution Law, internal displacement, and illegal mining. The government improved its outreach and dialogue with minority communities and directed specific resources to these areas.

Training and Promotion of Human Rights

Colombia works together with its international allies to partner on the issue of protection of human rights to help guarantee non-repetition. The Ministry of Defense works with the International Committee of the Red Cross (ICRC) to promote respect for international humanitarian law within the armed forces and to supervise the conditions in the military reclusion centers. The Ministry collaborates with OHCHR to evaluate the human rights and international humanitarian law training provided to armed forces members. OHCHR recommended Colombia develop judicial and non-judicial means for Colombian society to confront past violations of human rights and international humanitarian law. International organizations and well-known academic institutions have formalized agreements and developed academic projects with the Ministry of Defense so that civil and military officials can attend specialized courses on human rights, international humanitarian law, and the Inter-American human rights system.

The Ministry of Defense has a cooperation agreement with U.S. SOUTHCOM. Thanks in part to this agreement, the Colombian military has developed a comprehensive human rights program focused on strengthening and institutionalizing human rights principles in its doctrine, education and training efforts, internal control mechanisms, and processes related to cooperation with civilian authorities. Colombian military officers increasingly share their human rights expertise in support of SOUTHCOM-sponsored engagements with other partner nations in the region.

SECTION 7045 (3)

The Joint Explanatory Statement accompanying the FY 2015 SFOAA requires a certification that:

“The Government of Colombia is making progress in dismantling illegal armed groups; taking effective steps to protect the rights of human rights defenders, journalists, trade unionists, and other social activists; and respecting the rights and territory of indigenous and Afro-Colombian communities, including protecting them from forced displacement, killings, and other violations.”

Progress in Dismantling Illegal Armed Groups

The Colombian government continued to dismantle criminal bands (BACRIM) and criminal networks, including by arresting and prosecuting under civilian law individuals who have provided financial, planning, or logistical support, or have otherwise aided, abetted, or benefitted from former paramilitary organizations or other criminal groups. In its annual report on human rights in Colombia released in March 2015, the United Nations stated the main challenge in terms of public security continued to be the violence of armed groups linked to organized crime. According to the UN, the violence perpetrated by these groups affected those who lived in areas where these groups disputed control over illegal income derived from the drug trade, extortion, illegal mining, prostitution, human trafficking, and illegal migration. The UN encouraged the Colombian government to create an integrated approach that would combine police action with improvements in justice administration and the fight against corruption.

Colombia is taking effective steps to dismantle BACRIM through targeted efforts by the Ministry of Defense (mainly the National Police) and the Attorney General's Office. The government carried out intelligence and military operations to reduce criminal activity, prevented recruitment into criminal groups, and developed judicial processes against BACRIM members. The Ministry of Defense has developed its institutional, military, and police capacities to better address the problem of criminal bands. The Ministry of Defense, the Attorney General's Office (anti-BACRIM Unit), and the Supreme Judicial Council continued to cooperate to ensure members of criminal bands were brought to justice. The Ministry of Defense carried out joint operations with the National Police and the Judicial Police to gather intelligence information that was used to guide judicial processes. The Colombian government provided resources, training, and professional incentives to judicial and police institutions to investigate and process the entire spectrum of crimes involving BACRIM members – including human rights abuses and violations of international humanitarian law. The authorities also offer strong incentives for low-ranking members of criminal groups to cooperate with justice officials and provide information on operations, high-ranking members, and criminal networks – without compromising justice for cases involving human rights abuses and violations of international humanitarian law.

The Ministry of Defense reported 2,666 alleged BACRIM members were captured and 24 died in combat in 2014. The security forces captured 781 members (including 145 leaders) of *Clan Úsuga* and 249 members (including 38 leaders) from the *Rastrojos*. From the period of June 1, 2014, to March 16, 2015, a

total of 1,129 BACRIM members were captured. In 2014, the departments with the most BACRIM arrests were Antioquia (518), Valle del Cauca (322), and Córdoba (176). Since June 1, 2014, Colombian security forces captured 14 high-profile BACRIM leaders, mostly from *Clan Úsuga*. Colombian armed forces seized 975 weapons, 68,825 munitions, and 849 communications devices. The Ministry of Defense reported that by May 2015, 86 percent of the country (947 municipalities) was free of BACRIM. In December 2014, the Attorney General's Office reported 7,000 members of criminal groups were in prison and judges had handed down 30,000 sentences.

According to the Attorney General's Office, as of December 29, 2014, 1,894 members of organized crime structures were captured in 2014. Of these, 82 were government officers that were assigned to the army, the police, the Technical Investigation Corps (CTI), the National Penitentiary and Prison Institute (INPEC), and various municipalities. These were isolated incidents and did not demonstrate a state policy of collusion with illegal armed groups. As of March 1, 2015, the Attorney General's Office reported 548 active cases involving more than 960 people who allegedly provided financial or logistical support to illegal armed groups and BACRIM. There were 58 judicial investigations opened during the certification period and the Attorney General's Office issued 38 preventative detentions related to this crime. As of March 1, 2015, a total of 634 BACRIM members were convicted since June 1, 2014.

In February 2014, the Attorney General's Office announced it would advance an investigation into 2,134 cases of recruitment of minors by illegal armed groups and criminal groups – more than 700 of which are linked to the FARC. Of these, 1,039 cases were linked to the unlawful recruitment of minors for the purposes of war. As of February 2014, the Transitional Justice Directorate within the Attorney General's Office reported 1,870 cases of unlawful recruitment of minors by illegal armed groups and BACRIM have been tried in the justice system. Within the last two years, more than 200 cases of FARC recruitment of minors have received indictments.

In April 2015, President Santos said cases of organized crime in the country have been reduced by nearly 50 percent in 2015, compared to the same period the previous year, and that almost 30 BACRIM leaders and more than 420 of its members have been captured in the first four months of the year. Santos also approved a "Comprehensive Policy for Combating Criminal Organizations" to eradicate BACRIM through a specialized prosecution system and special detention centers. He underscored the need to strengthen all judicial instruments available to

be more effective against dismantling criminal groups. Santos added this is a priority for the Colombian government now and would be in a post-conflict era. Santos prioritized ten municipalities in Colombia to begin implementation of this initiative.

The National Police Anti-BACRIM Unit, created in late 2010, formulated a detailed strategy to combat criminal structures. Originally known as the National Strategy against BACRIM (ENBAC), the strategy was redesigned in 2015 as the Institutional Strategy against Organized Crime (ENCOR). ENCOR deals with the structural components of organized crime at the judicial, tactical, and operational levels and seeks to dismantle the structural components of organized crime. The National Police work closely with the Attorney General's Office to pursue the sources of illegal financial networks and money laundering, to recover assets, to capture heads of criminal organizations, and to identify those who have provided financial, planning, or logistical support to illegal armed groups.

The Integrated Center of Intelligence Against Criminal Groups (CI2) continued to fight drug trafficking criminal bands but now operates under a new title – the Integrated Center of Information and Intelligence for Citizen Security – Specialized Organized Crime (CI3 COE). The CI3 strengthens the information system to support the analysis and decision-making process on BACRIM activities. The CI3 coordinates with judicial authorities to open judicial processes against BACRIM members for crimes of forced displacement, homicide, drug trafficking, extortion, kidnapping, conspiracy to commit a crime, illegal financing and business, and money laundering. It organizes technical meetings to quantify the presence of BACRIM at the regional and local levels, specifically looking at leadership configurations, BACRIM structures, sources of finance, and the number of BACRIM members. The CI3 counted a total of 3,500 members in 2014 – demonstrating a 4 percent decrease since 2013. Criminal groups are present in 168 municipalities in 15 departments. In 2006, there were 33 BACRIM organizations. In 2014, the CI3 recognized three major BACRIM structures: *Clan Úsuga* (the largest, with over 2,500 members and with national reach), the *Rastrojos*, and the *ERPAC* (Popular Revolutionary Anti-Terrorist Army of Colombia).

Government Efforts to Protect Human Rights Defenders and Members of Vulnerable Populations

National Human Rights Policy

During the certification period, the Colombian government continued to protect and respect human rights defenders, journalists, labor unionists, political opposition leaders, religious leaders, land leaders, and members of indigenous and Afro-Colombian groups. The Colombian government formulated plans to protect human rights in the 32 departments of Colombia, establishing a specific roadmap for protection and respect for human rights in each department. Colombia strengthened its institutions to better address human rights challenges the country faces, specifically to guarantee and protect human rights for all Colombians. The Colombian government formulated policies for the protection of and respect for human rights based on a number of resources and inputs: documents by civil society organizations, international reports, international and national legal frameworks, and inputs from roundtables with human rights defenders, civil society, local and national governments, and the international community. The result is a national policy and strategy on human rights, formed through a collaborative and inclusive process, and implemented at the national and local levels in Colombia.

The Colombian government launched the “National System of Human Rights and International Humanitarian Law” in November 2011 to articulate and coordinate rules, policies, and national and local entities to respect and protect human rights. Completed in December 2013, the National System was the result of three years of work, 33 regional consultations, and meetings with 9,000 organizations, with input from over 19,000 people from across the country. The National System established seven specialized sub-systems under the leadership of different ministries, to work on the following themes: citizenship; human rights education; civil and political rights; international humanitarian law and armed conflict; economic, social, and cultural rights; justice, equality, non-discrimination, and respect for identity; and foreign affairs and communication. As part of the National System’s sub-system for justice, Presidential Advisor on Human Rights Rivera and Minister of Justice Reyes defined next steps for the interagency and developed strategies to guarantee human rights and strengthen access to justice through mechanisms like the Justice Houses (Casas de Justicia).

From this comprehensive process, a civil society proposal was presented to President Santos on December 10, 2013, titled “From Violence to a Society with Rights: Proposal for a Human Rights Policy in Colombia 2014-2034.” The proposal had fundamental goals to improve institutional capacity, strengthen the role of civil society, and promote the culture of respect for the work of human rights defenders. In December 2014, President Santos vowed to take the recommendations in the report and turn them into policy. As a result, the

"National Strategy for the Guarantee of Human Rights 2014-2034" was created. The National Strategy was presented before the Colombian government's Interagency Committee on Human Rights on August 1, 2014. Elements of it were also included in the National Development Plan 2014-2018, which clarifies that the office of the Presidential Advisor for Human Rights has the lead in articulating, coordinating, and supervising the implementation of the National Strategy, but will work in collaboration with various government agencies.

This National Strategy will be implemented at the national and local levels and will seek to incorporate a human rights focus in the design, formulation, implementation, evaluation, and accountability of all public policies. Departmental and municipal entities should include components of the National Strategy in the development of their own strategies, goals, and objectives to promote human rights. On February 16, 2015, Presidential Advisor for Human Rights Rivera presented the "Strategic Plan for the Presidential Advisor on Human Rights 2014-2018" to emphasize the government's commitment to human rights and invited other stakeholders present to coordinate strategies to provide support for human rights defenders.

Many human rights defenders believe public recognition by senior Colombian government officials is the necessary first step in adopting political protection measures. Colombian government officials have continued to make high-level, public statements praising the work of human rights defenders and criticizing threats and attacks against them. To mark International Human Rights Day, the office of the Presidential Advisor on Human Rights, in coordination with local authorities and civil society organizations, carried out activities December 10, 2014, to highlight the important role of human rights defenders in the departments of Córdoba, Norte de Santander, Tolima, Chocó, and the district of Bogotá. Presidential Advisor for Human Rights Guillermo Rivera publicly stated in April that the Colombian government condemns any kind of threat to human rights defenders. He also requested the Attorney General's Office carry out necessary investigations on threats to clarify the facts, identify those responsible, and punish them. Lastly, Rivera said the Colombian government respects the important role of human rights defenders. NGOs acknowledge that on the national level there have been important contributions toward making the work of human rights defenders more visible and more supported, but note that more needs to be done on the local level.

The government has also increased outreach and training to government officials and to the general public. In collaboration with the Organization of Ibero-

American States and the Presidential Agency for International Cooperation, the Colombian government continued to implement the “National School for Education in Human Rights for Public Officials” project. The School offers theoretical and practical tools to public servants who seek to reinforce their knowledge on human rights issues and coordinate interagency efforts through established human rights frameworks. The School has locations in Chocó and Nariño, and 291 public officials have participated. With support from Colombia’s National Training Agency (SENA), the government developed a virtual training program titled “Promotion and Exercise of Human Rights, for a Culture of Peace and Reconciliation.” It is a free course that seeks to provide tools and understanding on human rights to support a culture of peace and reconciliation. Between September and December of 2014, 3,021 community leaders and civil society representatives received training on the exercise of civil, political, economic, social, cultural, environmental, and collective rights.

The Colombian government has taken action to highlight the work of human rights defenders through a communications strategy that was created together with civil society. The objective of the strategy is for citizens to be able to identify who human rights defenders are, what they do, and how they contribute to society. The Colombian government produced radio, television, and online communication pieces to promote the work of human rights defenders. Eight radio spots played around the country 10,219 times, and ran for a month from November to December 2014. The television commercial, produced in collaboration with the UN Development Program, aired in January. The government also implemented a social network strategy from February to April.

The Colombian government interacted regularly with human rights defenders, journalists, trade unionists, and other social activists in order to better understand their situation and strengthen the cooperative relationship. Through the National Guarantees Roundtable (*Mesa Nacional de Garantías*), a forum for ongoing dialogue since 2009, the government continued to meet with human rights defenders to discuss strategies, actions, and investigations in support of advocacy. The Ministry of Interior reactivated the National Guarantees Roundtable on October 20, 2014, after a year of inactivity. The Roundtable provided an opportunity for 109 human rights defenders and participants from the international community to dialogue with the Colombian government at senior levels, led by the Ministry of Interior with participation from several government agencies. The Colombian government agreed to develop a prevention and protection plan in six regions with the highest threat levels and stated it would guarantee protection to

victims, specifically guarantees for non-repetition. There was no indication, however, that this plan was put into action during the certification period.

Despite the government's efforts, harassment and death threats against human rights defenders and other vulnerable individuals continued to be a serious problem. According to a February 2015 report by Colombian NGO *Somos Defensores*, in 2014, there were 626 acts of aggression against human rights defenders registered, including 488 threats, 55 killed (a decrease from 78 killed in 2013), 41 attempted murders, 23 arbitrary detentions, 10 cases of information theft, and other crimes. Of the 55 human rights defenders killed in 2014, 60 percent (31 individuals) had previously reported threats against them. For the first quarter of 2015, *Somos Defensores* counted a total of 296 acts of aggression against human rights defenders, including 249 threats, 19 killings, 20 attempted murders, and other crimes. According to Peace Brigades International (PBI), 2014 saw a pattern of at least 15 mass threats delivered by pamphlets, an increase of 133 percent in comparison to the previous year. During the certification period, there was an increase in threats. Some examples include:

- On September 8, an e-mail threat was sent to 91 human rights defenders, including Movement of Victims of State Crimes (MOVICE), the Nydia Erika Bautista Foundation, and others.
- On September 9, an e-mail threat was sent to 89 human rights defenders, allegedly signed by the *Águilas Negras*, declaring them "military objectives."
- On September 16, two uniformed assailants on motorcycles stopped Alberto Yepes and Adriana Pestana of the Colombia-Europe-U.S. Coordination (CCEEUU) organization. They searched Yepes and stole his computer and cell phones.
- On October 4, threats allegedly signed by *Los Rastrojos* were issued against members of MOVICE.
- On October 5, *Clan Úsuga* allegedly sent a text message threat to Walter Agredo of the Committee in Solidarity with Political Prisoners (FCSP) and other human rights defenders.

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- On October 28, a written threat allegedly signed by the *Águilas Negras* was left at the New Rainbow Corporation think tank, threatening to kill the 98 people it named, including members of CCEEUU, Yanette Bautista, the FCSPP, and Jahel Quiroga of the Corporation for the Defense of Human Rights (CREDHOS), and MOVICE.
- On December 9, a leaflet threat allegedly signed by the *Águilas Negras* was issued with the names of 80 human rights defenders from MOVICE, the Colombian Association of Solidarity Aid (ANDAS), the Sons and Daughters for Memory and Against Impunity, and others.
- On January 11, a threat allegedly signed by the *Águilas Negras* was issued against more than 36 members of human rights organizations and churches.
- On January 21, a pamphlet allegedly signed by the *Gaitanista Self-Defense Forces* was distributed threatening several human rights defenders, victims of political violence, trade unionists, and civil servants.
- On February 22, Diego Martinez of the Permanent Committee for the Defense of Human Rights (CPDH) received threatening phone calls. CDPH campaigns to ensure the victims and human rights organizations are heard at the negotiating table in Havana and supports land restitution cases.
- On March 11, a death threat allegedly signed by the *Águilas Negras* was issued against a wide range of peace and human rights activists.

The Attorney General's Office reported in January it had investigated several cases of alleged homicide, kidnapping, displacement, threats, and other potential crimes against human rights defenders and members of vulnerable groups. It currently has 2,574 cases open with 3,900 victims. With regard to violence against labor leaders, the Attorney General's Office has 1,543 open cases related to 1,948 victims and 800 culprits, 197 of which are facing trial and 630 of which have been convicted. In terms of violence against political leaders, specifically from the *Unión Patriótica* political party, there are 818 cases and 317 perpetrators have been convicted. There are 213 cases of violence against indigenous people currently open with a total of 633 victims.

In response to the increase in threats during the certification period, the Colombian government strongly condemned the acts of intimidation and threats

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against human rights defenders and solicited the effective intervention of the Attorney General's Office so that investigations can be carried out. The Attorney General's Office conducted inquiries to achieve the full clarification of facts and to attempt to identify the perpetrators of the crime. In addition, the Ministry of Interior developed an action plan to strengthen security measures for human rights defenders. President Santos ordered the National Police and the Attorney General's Office in February to create a special unit to investigate threats against human rights defenders. Attorney General Montealegre officially formed a specialized, interagency unit in March dedicated to investigating cyber threats targeted at human rights defenders. The Attorney General's Office, DIJIN, Interpol, the Police, the Ombudsman's Office, and the National Protection Unit are working together to cross-analyze information from judicial and intelligence agencies. Interior Minister Cristo said on March 17, 2015, investigations are progressing well and assured that the threats do not derive from the *Aguilas Negras*, who no longer exist – but rather that opponents of the peace process use that name to frighten social leaders when there is a breakthrough in the talks.

During the certification period, the Attorney General's Office reported there were 639 threats and 492 cases opened for threats against human rights defenders and leaders of vulnerable populations. There were no prosecutions or convictions for threats against human rights defenders and leaders of vulnerable populations, of these new cases.

Threats Against Human Rights Defenders and Vulnerable Populations since June 1, 2014			
Group	Reported Threats	Open Cases	Prosecutions and convictions
Human Rights Defenders*	75	60	0
Journalists	98	72	0
Trade Unionists	87	75	0
Elected Officials	65	52	0
Religious Leaders	23	16	0
Indigenous Leaders	124	103	0
Afro-Colombian Leaders	55	22	0
Land Leaders	112	92	0
Total	639	492	0

*Excluding Indigenous, Afro-Colombian, Religious, and Land Leaders.

During the certification period, 94 cases were being investigated for 129 attacks against human rights defenders and leaders of vulnerable populations. There were 15 prosecutions and convictions for attacks against human rights defenders and leaders of vulnerable populations.

Attacks Against Human Rights Defenders and Vulnerable Populations since June 1, 2014				
Group	Reported Attacks	Open Cases	New Cases	Prosecutions and convictions
Human Rights Defenders*	16	16	0	2
Journalists	3	2	0	2
Trade Unionists	3	3	1	0
Elected Officials	2	2	0	2
Religious Leaders	2	1	0	0
Indigenous Leaders	55	32	0	9
Afro-Colombian Leaders	38	28	0	0
Land Leaders	10	10	0	0
Total	129	94	1	15

*Excluding Indigenous, Afro-Colombian, Religious, and Land Leaders.

The National Protection Unit (UNP) was established in 2011 to offer protection to at-risk citizens and communities and is affiliated with the Ministry of the Interior. The 2015 budget for the National Protection Unit is \$155 million. The UNP consolidates all government protection entities' databases and administers protection programs for vulnerable persons, including providing communications equipment, bodyguards, armored cars, reinforced doors or windows, and relocation assistance, among other measures. The type and scope of protection provided varies according to the specific threat level, as assessed by the UNP and partner agencies. As of May 2015, the National Protection Unit provided protection to a cumulative total of 9,726 at-risk individuals. From June 2014 to March 2015, the UNP specifically provided protection to the following groups based on new requests for protection:

Protection Provided to Human Rights Defenders and Vulnerable Populations since June 1, 2014						
Group	New Request s Receive d	Ordinary Risk	Extraordina ry Risk	Extreme Risk	Unable to Contact Individu al	Resources devoted (\$)
Human Rights Defender s*	384	171	203	0	10	\$6,758,79 0
Journalist s	97	39	58	0	0	\$2,814,25 0
Trade Unionists	275	133	141	0	1	\$11,369,8 00
Elected Officials	1097	477	587	1	32	\$9,027,47 0
Religious Leaders	0	0	0	0	0	0
Indigeno us and Afro- Colombia n Leaders	311	106	194	0	11	\$2,311,17 0
Land Leaders	1138	612	484	3	39	\$5,081,02 0
Total	3302	1538	1667	4	93	\$37,362,5 00

*Excluding Indigenous, Afro-Colombian, Religious, and Land Leaders.

The current UNP Director, Diego Mora, began his tenure in January 2015 with the goal to improve the agency's management. After facing budget shortages in 2014, the UNP adopted a series of measures that will positively impact efficiency in resource management. The UNP will authorize expense allowances and flights for bodyguards only in cases where the protected person's threat level requires it. In addition, in 2015 the UNP began reporting budget activities to the Risk Evaluation and Recommendation of Measures Committee (CERREM), to ensure protection measures provided are matched with the fiscal support required to carry them out.

A small number of UNP executives were demanding kick-backs in late 2014 in return for contracts to providers of security services. The National Protection Unit has since taken a number of steps to tackle corruption within the organization. Those involved in corrupt acts were removed from their positions and are under both criminal and disciplinary investigations. Additional control measures were established to enhance the verification of contracts – now there is twice as much visibility and control over the authorizations of expenses for protection schemes. The UNP requested additional special agents from the Comptroller General and the Attorney General's Office to add to the four officials advancing auditory work. The National Protection Unit announced in late 2014 it would pursue a phased approach to end the practice of using third-party contractors to supply bodyguards in order to reduce corruption and provide better control through direct hiring. The UNP is developing a new contractual process for protection service providers with strengthened mechanisms for control.

The National Protection Unit has been working to design and implement a collective protection strategy in response to requests from groups who reported individual protection measures do not sufficiently counteract the risks communities are exposed to. The government completed the reform to Decree 4912 of 2011, which establishes the mechanism of collective protection, and the Ministry of Interior is reviewing the newly amended decree with human rights defenders. As a result of a pilot project supported by the UNP, UN High Commissioner for Refugees (UNHCR), and USAID, the National Association of Displaced Afro-Colombians (AFRODES) provided specific feedback on collective protection measures for at-risk communities. One hundred and eighty AFRODES leaders did a review and analysis resulting in the development of a collective risk evaluation tool, specifically tailored to Afro-Colombian communities – but that could be applied in other situations. However, the protection measures cannot be provided to *AFRODES* communities until the decree is finalized.

Several labor unions, communities, and civil society organizations have community-based or collective protection measures, including: the communities of Jiguamiandó and Curvaradó, La Toma, the Awá indigenous community, the Association of Indigenous Councils of Norte del Cauca (ACIN), the Regional Indigenous Council of Cauca (CRIC), the Consultancy for *Human Rights and Displacement* (CODHES), the José Alvear Restrepo Lawyers' Collective (CAJAR), Telling is Living (Narrar para Vivir), and at least 19 labor unions.

Journalists

The Colombian Constitution guarantees freedom of the press and the government is generally respectful of the rights of journalists. President Santos publicly highlighted the important role journalists play in a democratic society, saying journalism is “the essence of freedom of expression and the backbone of democracy.” The government recognizes journalists have been the targets of threats and violence, and has continued to provide them with protection. Interior Minister Cristo announced in February 2015 that threatened journalists and human rights defenders will be protected and emphasized the importance of investigations.

A number of Colombian and international journalism NGOs have reported on the increased risks journalists face. Reporters Without Borders (RWB) condemned on March 5 the murders of two journalists in Colombia in the span of three weeks and expressed concern about the low rate of convictions for crimes of violence against media personnel. RWB urged authorities to conduct exhaustive, independent, and impartial investigations into the murders and guarantee the security of threatened journalists. A report by the Committee to Protect Journalists (CPJ) from October 2014 noted Colombia halved its impunity rating in the last seven years, but that it still has a long way to go to achieve justice for killed journalists.

The Inter-American Press Association (IAPA) stated on October 19, 2014, that acts of aggression against journalists increased, despite the fact that more than 80 journalists have protection measures. The IAPA noted violence against journalists and impunity continue to be the two most serious problems affecting press freedoms in Colombia. Of the 144 homicides of journalists since 1977, only 19 have resulted in convictions. An international delegation of the IAPA visited Colombia February 9-10, 2015, and welcomed advances regarding freedom of expression and press freedom. IAPA reported that in a meeting with President Santos, the President acknowledged shortfalls regarding impunity and expressed his willingness to take up recommendations about actions his government could take. Santos said the changes in the Attorney General’s Office made last year had already shown positive results.

Colombia’s Foundation for the Freedom of Press (FLIP) said in a February 2015 report that several journalists were threatened, intimidated, or extorted. According to FLIP, in 2014 there were 131 human rights violations against journalists involving 164 victims. Of this total, there were 60 threats, 22 acts of aggression, and 34 obstructions against journalism. FLIP stressed that the most

effective mechanism to protect journalists is the investigation and sanction of those responsible for attacks against the press. , FLIP noted in a May report that covering protests in Colombia has become the most dangerous task for reporters – they often face aggression, arbitrary detention, and destruction of equipment. As many as 89 journalists have experienced acts of aggression while reporting on protests in recent years – mostly from law enforcement authorities. During the certification period, there were several threats and attacks documented against Colombian reporters, including some of the following:

- In September 2014, the criminal group known as *Los Rastrojos* allegedly threatened two journalists in Montería, Córdoba: Leiderman Ortiz Berrio, editor of weekly newspaper *La Verdad del Pueblo*, and Edgar Astudillo of *Radio Panzenú*. Ortiz Berrio has been the target of repeated threats. In 2010, the Inter-American Commission on Human Rights requested that the Colombian government provide him with protection. He was provided with an armored car and was protected by three bodyguards. After the most recent threats, Ortiz Berrio requested the UNP re-evaluate measures taken to safeguard his family as well as dozens of other threatened journalists. Astudillo also receives protection measures.
- In September 2014, the criminal group *Clan Úsuga* allegedly threatened eight journalists of various media outlets in the cities of Cali and Buenaventura, in Valle del Cauca. On April 28, 2015, journalist Yesid Toro admitted he was the author of the flyer threatening the journalists, which included him. Toro confessed he wrote the letter to avoid losing security protection provided to him by the UNP. The UNP called Toro's actions "irresponsible" and will press charges against him.
- Oscar Castaño Valencia was attacked, beaten, and robbed on November 10, 2014, while investigating cases related to human trafficking and prostitution. In the past ten years, Castaño Valencia has been the victim of various attacks, which at one point forced him to leave the country. Police Chief José Ángel Mendoza Guzmán said his organization is investigating the case and was coordinating with the investigation by the Attorney General's Office. The UNP put into place measures to reduce risks Castaño Valencia is facing.
- On December 4, a death threat pamphlet allegedly signed by the *Águilas Negras* targeting various journalists and alternative media outlets was circulated, including *Contagio Radio*, journalist Luis A. Castaño and his family, *Colombia*

Informa, Brecha, El Turbion, Los Indivisibles, El Salmon, and Galeria de la Memoria.

- On January 22, 2015, 38 journalists, human rights activists, and officials received death threats allegedly signed by the *Autodefensas Gaitanistas* in the departments of Atlántico and Magdalena. Among the 38 human rights defenders threatened, several were journalists, including the Director of *Atlántico Noticias*, Jorge Cura; television correspondents Luis Oñate and Argemiro Pión, correspondent of *La W Radio* Lina Palma, and regional reporter for *Caracol Radio* and *TV Magdalena* Junior Beltrán Rodríguez. Among those directly threatened was Omar Vera, Chief Editor of *El Turbión*, a digital newspaper that for 11 years has been reporting on the struggles of Colombia's social movements. National Ombudsman Jorge Armando Otálora called on the authorities on January 22, 2015, to provide security measures to the 38 journalists, human rights advocates, and officials who were threatened. The Colombian office of the UN High Commissioner for Human Rights said January 28 that it will help guarantee the safety of the threatened individuals.
- Luis Peralta Cuellar, a renowned Colombian journalist and manager of radio station *Linda Estereo*, a branch of *Caracol Radio*, was killed in El Doncello, Caquetá February 14, 2015, after having received death threats on a number of occasions.
- Radio reporter Edgar Quintero of *Radio Luna* was shot six times March 2, 2015, in Palmira, Valle del Cauca.

The Colombian government has made progress on emblematic cases related to journalists. Journalist Claudia Julieta Duque investigated and reported on forced disappearance, forced recruitment of children by armed actors, the impact of impunity, justice, and infiltration of former paramilitary groups in government agencies. Duque began receiving threats in 2001, and she was forced to leave the country on several occasions. In early October 2014, charges were issued by the Attorney General's Office against José Miguel Narváez, Giancarlo Auqué Silvestri, and Enrique Ariza, all former directors at the Administrative Department of Security (DAS). Though the men appealed the charges, in December 2014, the Bogotá Superior Court confirmed on appeal the charge of aggravated psychological torture against the three. The trial was set to begin in 2015. The prosecutor requested an Interpol red notice for Mr. Auqué. On October 22, 2014, former DAS Director Carlos Alberto Arzayús Guerrero and former DAS officials Hugo Daney Ortiz García and Jorge Armando Rubiano Jiménez pleaded guilty to

aggravated psychological torture committed against Duque. On November 24, 2014, the Attorney General's Office captured a seventh member of the former DAS – Ronald Harbey Rivera Rodríguez – who was wanted in connection to Duque's case. On December 17, 2014, a court sentenced former Assistant Director of Operations of the DAS, Hugo Daney Ortiz García, to 11 years in prison. As the case advanced, Duque and her family continue to report receiving threats.

Jineth Bedoya is a victim of sexual violence who has documented, exposed, and confronted sexual violence in the context of the Colombian conflict, raising awareness through a foundation and her continuing role as a journalist and editor at *El Tiempo* newspaper. The Colombian government made progress on Bedoya's 2000 abduction and rape case during the certification period. On August 21, 2014, President Santos designated May 25 as the anniversary of the crimes against Jineth Bedoya, as a national day of dignity for victims of sexual violence and to recognize the work undertaken by Bedoya. On September 26, 2014, the Attorney General's Office concluded that the May 2000 kidnapping, torture, and sexual assault of Bedoya constitutes a crime against humanity in her capacity as a journalist. The courts indicted Mario Jaimes Mejía, aka "Panadero," as a co-conspirator in the case. Bedoya claims her case involves several high-ranking members of the armed forces, but the Attorney General's Office has not linked them to the judicial process or opened an investigation. Charges were dropped June 1 against Alejandro Cárdenas Orozco, alias *J.J.*, a former paramilitary who had confessed to taking part in the 2000 kidnapping and rape of Bedoya, but then later retracted his confession. Shortly after, the Attorney General's Office reversed the decision, issued an order for his capture, and detained *J.J.* Bedoya participated in the second group of victims that traveled to Cuba to participate in the peace talks and raised the issues of sexual violence and women's rights. She remains under threat because of her activism, but receives protection measures from the UNP.

Labor and Trade Union Members

Colombia has made important strides in strengthening the protection of labor rights since the Colombian Action Plan Related to Labor Rights (Labor Action Plan) was announced in April 2011 – including creating a ministry of labor, hiring and training hundreds of new labor inspectors, expanding the protection program for unionists and labor activists, and reducing the number of workers hired through illegal cooperatives. Nevertheless, significant challenges remain, and the government continues to work to address these issues. To meet its commitments under the Labor Action Plan, Colombia must continue to increase the collection of fines for labor law violations, particularly for illegal subcontracting; increase

prosecutions of violence and threats against unionists and address the growing number of death threats; increase criminal investigations and prosecutions of unlawful labor practices; close existing legal loopholes that allow unlawful subcontracting; and ensure consistent, high-quality inspections and investigations.

In support of the Labor Action Plan, the Colombian government reported that as of March 17, 2015, there were 904 authorized labor inspector positions, 796 of which were filled. Every department had at least one labor inspector position except Vaupés, which is expecting a labor inspector to fill the vacancy. Other departments with significant vacancies included Antioquia (11 vacant of 62 positions), Bolívar (eight vacant of 18 positions), and Bogotá (27 vacant of 85 positions). Departments with the greatest number of filled positions were Antioquia, Atlántico, Bogotá D.C., Santander, and Valle del Cauca. Between June 1, 2014, and January 31, 2015, 2,384 administrative labor investigations were initiated. In the same period, 64 inspections were completed in the five priority sectors of the Labor Action Plan and 30 fines totaling \$382,401.52 were imposed.

Violence, threats, harassment, and other practices against trade unionists continue to affect their ability to engage in freedom of association and collective bargaining. Low prosecution and conviction rates for attacks and threats against unionists' rates remain a concern. There was an increase in harassment and death threats against labor unionists in 2014. The National Union School (ENS), a labor rights NGO and think tank, reported 20 unionists were killed during 2014, and three had been killed as of April 7, 2015. Child recruitment into armed groups, child labor, and forced labor, generally in mining, agriculture, and domestic service, remain concerns. Afro-Colombians, indigenous, and inhabitants of marginalized, urban areas are at the highest risk of becoming victims of these illegal practices.

COLabora, the Ministry of Labor's National Program for Citizen Services, was launched in May 2013, and has continued in its efforts to enhance communication between the government and citizens and to respond to citizen complaints and petitions. Between June 1, 2014, and February 28, 2015, COLabora services reached a total of 1,163,098 citizens. In 2014, 62 percent of citizen communication with COLabora was via telephone, since telephone interaction is the fastest, most effective, and most affordable method of communication. The Ministry of Labor received an average of 5,888 calls per month in the second half of 2012; in the last four months of 2014, this indicator increased to 96,062 average calls per month. The use of "Virtual Inspector," a chat service that provides a channel for online interaction with citizens in response to

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labor-related complaints and concerns, also increased by more than 300 percent in 2014. The Ministry of Labor informs citizens of their labor rights but does not assist them if a violation of their rights would need to be resolved via a court; citizens are responsible for building their own legal case.

The government has made efforts to promote labor rights, protect union members, and prosecute perpetrators of anti-union violence since June 1, 2014. As of March 2015, a total of 115 labor homicides have occurred since 2011. The Human Rights Directorate of the Attorney General's Office reported that during the certification period there were 67 prosecutions, 56 preventative detentions, 31 indictments, 15 sets of charges brought against alleged perpetrators, and 27 convictions relating to labor cases. An additional 17 convictions were issued from other Directorates within the Attorney General's Office, for a total of 44 convictions since June 2014. The Attorney General's Office managed a total of 912 cases relating to violence against labor unionists.

Victims and Land Restitution

The Colombian government continued to provide assistance and reparations to victims of the conflict under the Victims and Land Restitution Law, which went into effect January 1, 2012 and will last through 2021. Colombia is the first country in the world to produce a formal record of victims impacted by a domestic conflict. Eighty-six percent are victims of displacement and 14 percent are victims of threats, murder, forced disappearance, and other crimes. According to victims, the main perpetrators of violence or displacement were not identified (2,943,209), guerrilla groups (2,717,219), former paramilitary forces (1,296,186), and the armed forces (28,833).

The Colombian government has continued to focus on and invest in victim's assistance, including a seven percent increase for victims' programs announced in early 2015. In April 2015, Finance Minister Mauricio Cardenas remarked that the government has earmarked \$3.77 million to spend in 2015 on assistance and reparation for the victims of violence, an increase of seven percent from the previous year. As of May 2015, 7,392,679 victims of the conflict have registered with the government since 1985 and 589,429 victims have received reparations. In terms of collective reparations, an OAS report from December 2014 notes that various reparations plans exist for groups, but there are some deficiencies in the implementation of these plans in terms of the conditions and contexts in which they are executed.

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The Colombian government set up Victims Assistance Centers, including more than 110 national centers for assistance, eight regional centers, and 22 mobile units. Every day, through the Victims Assistance Centers, phone lines, and virtual channels, the government assists more than 4,000 victims. In 2014, 418,458 victims were informed directly or indirectly through the Victims' Unit website, by telephone, in writing, or in person for the first time about the rights they have under the Victims and Land Restitution Law. On February 24, 2015, the Victims' Unit established the "Comprehensive Route," a strategy to provide victims with timely, centralized, and tailored responses, articulating and coordinating all in-person, written, telephone, and virtual information channels into a single file. The Colombian government intends to extend the victims' registration deadline, including for Colombian victims abroad. The government also expanded the definition of the term "victim" to include victims of government abuses as well as victims of other armed actors. However, the capacity to deliver assistance to victims at the municipal level remains limited. Local governments and victim assistance units lack resources and knowledge to effectively provide assistance as mandated by the Victims and Land Restitution Law.

The government's Land Restitution Unit has 24 regional offices. Between June 1, 2014, and February 28, 2015, 3,138 people had received land under the Victims and Land Restitution Law covering a total of 9,979 hectares. Since the law's enactment, a total of 3,000 families have received land titles covering 100,000 hectares. In early April 2015, President Santos announced a new plan, called 'Strategy 20-15,' to accelerate land restitution in Colombia, with the goal to process 35 percent of all applications this year.

Since the law's enactment in 2012 through February 28, 2015, the Land Restitution Unit has received a total of 76,164 requests for restitution. Of these, 27,133 are being processed by the Land Restitution Unit and are currently in the administrative stage. The Colombian government resolved 15,780 requests, included 10,168 cases in the Registry of Dispossessed and Forcibly Abandoned Lands (RTDAF), and presented 7,801 case claims before judges. Between June 1, 2014, and December 31, 2014, 1,522 cases moved to land restitution judges and 215 moved to magistrates, for a total of 1,737 processes. Of these, judges issued decisions on 1,363 cases, with 835 resulting in a sentence; magistrates issued decisions on 221 cases, with 85 resulting in a sentence. According to a December 2014 OAS report, despite efforts to issue judgments, problems persist with regard to the execution and enforcement of judgments. Between June 1, 2014, and March 24, 2015, the Supreme Judicial Council designated 39 judges and 15 magistrates to work with the Land Restitution Unit.

During the certification period, the government reported a total of 1,096 Territorial Action Plans (PAT) were adopted to implement assistance and reparation measures for victims in 1,066 municipalities and 30 departments. A December 2014 OAS report notes that although Territorial Action Plans for victims' assistance were widely produced, there are some shortcomings in their negotiation with beneficiaries and in the allocation of budgets for their execution. According to Amnesty International (AI), by August 2014, fewer than 30,000 hectares of land were returned and only 50,000 hectares of indigenous territory were returned to the rightful occupants – during the first four years of a ten year plan. According to AI, most of the land restitution cases that have been settled have involved families who had already returned to their land prior to the restitution process and were simply seeking formalization of their ownership over the land. Even when land titles are granted, concerns about how those returning can sustain themselves economically prevent many people from returning home. Additionally, land claimants, human rights defenders, and state officials involved in the land restitution process have been threatened and killed.

Forced Displacement

From 1995 until June 2015, the Colombian government registered 6.2 million internally displaced persons (IDPs), which is more than 10 percent of Colombia's population. In February 2015, the Colombian government reported 150,317 newly displaced in 2014, compared with 247,396 newly displaced in 2012 and 244,803 newly displaced in 2013. However, since the victims have two years to submit their declaration, there tends to be a lag in reporting displacement numbers. The United Nations High Commissioner for Refugees (UNHCR) estimates that since the start of the conflict, more than 400,000 Colombians have fled to neighboring countries, including Ecuador, Venezuela, Costa Rica, and Panama to seek international protection.

Forced displacement remains a serious concern, with about 15,000 Colombians displaced every month between November 2012 and August 2014. According to a November 2014 Amnesty International report, the majority of those forcibly displaced are peasant farmers, indigenous, and Afro-Colombians whose lands are often of economic and political interest to the parties to the conflict. In addition, 45 percent of forcibly displaced households are headed by women, who are also at greater risk of being sexually abused, raped, or forced into prostitution.

The International Committee of the Red Cross (ICRC) stated that individual displacements continue on a significant scale and often with no state response. Individual displacements often take place in areas controlled by armed groups or with low government capacity and go unreported, as victims cannot access relevant institutions or are not aware of their rights to submit a declaration. The Colombian government and humanitarian organizations are more capable of reporting on mass displacements, where 10 or more families or 50 or more people are displaced in one event, because they are easier to monitor. Mass displacements, however, only represented seven percent of all displacements in Colombia in 2014.

The UN Office for the Coordination of Humanitarian Affairs (OCHA) emphasizes that other less visible impacts of violence persist. Due to a change in tactics by armed groups, many people facing violence are unable to flee. Armed groups often avoid causing visible emergencies to not draw attention from the government. In territories controlled by armed groups, violence is used to exert social control through threats, restrictions on mobility, homicides, extortion, disappearances, individual displacements, and the recruitment of children.

Respecting the Rights and Territory of Members of Indigenous and Afro-Colombian Communities

The Colombian government made efforts to respect the rights and territory of members of indigenous and Afro-Colombian communities, promoting health, autonomy and self-government, organizational strengthening, cultural identity, territorial rights, education, technology, and human rights and international humanitarian law. NGO estimates show Afro-Colombians make up approximately one quarter of the population (though the 2005 Colombian government census, which relies on self-identification, indicates they form 10.6 percent of the population) and comprise approximately 90 percent of communities along the Pacific coast. The Colombian government has included a specialized focus for ethnic groups in preparation for the next census which is scheduled to take place in 2016. Many Afro-Colombians lack basic necessities, such as potable water, infrastructure, housing, health care, and access to education. About 30 percent of more than six million displaced are Afro-Colombian. According to the UN Development Program (UNDP), municipalities where Afro-Colombians represent 30 percent or more of the population has an elevated rate of extreme poverty compared to the general population.

There are nearly 1.5 million indigenous persons in Colombia, making up approximately 3.4 percent of the population. The National Indigenous

Organization of Colombia (ONIC) identifies 102 indigenous communities spread over 27 of Colombia's 32 departments. Colombia has 735 designated indigenous reserves equivalent to almost 30 percent of the national territory, but indigenous representatives report less than eight percent of the land is suitable for agriculture. Along with Afro-Colombians, members of indigenous populations have been disproportionately affected by forced displacement. During the certification period, there were several threats and attacks documented against members of indigenous and Afro-Colombian communities. A few examples are included below:

- On September 29, 2015, Afro-Colombian community leader Claudia Mondragon received a death threat allegedly signed by an individual nicknamed *El Coquito*. Mondragon had just returned to the Humanitarian Space in Buenaventura a day earlier after having left because of death threats.
- In November 2014, FARC guerrillas allegedly killed Manuel Antonio Tumina and Daniel Coicue, two Nasa members of the National Indigenous Guard in Cauca, for removing a billboard commemorating the death of former FARC leader Alfonso Cano. Interior Minister Cristo stated "an attack against the indigenous population is lamentable and to be condemned. The government thoroughly condemns this indescribable act which does nothing for peace in the country." In addition, 26 death threats were issued against representatives of the indigenous assemblies of Cauca in a leaflet allegedly attributed to the FARC. In November 2014, the FARC issued a statement lamenting the circumstances that led to the Indigenous Guard deaths and said the threats against indigenous leaders did not come from the FARC. An indigenous court sentenced seven FARC guerrillas to between 40 and 60 years in prison and 20 lashes.
- In December of 2015, the UN reported that more than 400 Nonam community members of the Wounaan indigenous people were forced to flee from Union Balsalito (Chocó) to a site near Buenaventura. The victims were displaced due to combat between illegal armed groups and the military.
- On January 4, 2015, Francia Marquez and Lisifrey Ararat fled their homes due to intimidation by illegal armed groups.

- On February 8, 2015, Afro-Colombian leaders Sabino Lucumi, Eduar Mina, and Francia Marquez of the Community Council of La Toma received a death threat allegedly signed by the *Águilas Negras*.
- In March 2015, Wayuu representatives called on the OAS to take action against the damming of the Rancheria River in the department of La Guajira, which they allege is causing their only source of fresh water to be diverted to coal mines. The Wayuu said this recent development is causing the community to suffer even more from malnutrition and starvation.
- In April 2015, Afro-Colombians protested against the killings of at least 12 Afro-Colombians in different parts of Colombia, including seven youths in Bogotá. Protestors demanded the authorities investigate the incidents as racially motivated.
- On April 25, 2015, Colombia's National Indigenous Organization (ONIC) denounced the killings of eight of its members in violent actions related to the armed conflict in Cauca and Chocó between April 10 and 18.
- According to news reports, on April 16, 2015, six members of an indigenous community were killed and two others disappeared in the villages of Agua Clara and Agua Bonita, northern Cauca.

Council member of Pueblo Bello Saúl Barrientos Ortiz and Ricardo Antonio Pérez were arrested on February 2, 2015, for trying to kill indigenous leader Rogelio Mejía in the Santa Marta region in 2012. In February 2015, retired police Brigadier General Fabio Alejandro Castañeda Mateus turned himself in to the authorities. General Castañeda is under investigation for his alleged involvement and responsibility in the events surrounding the 1991 murder of 20 members of the indigenous Nasa community by members of the security forces in the municipality of Caloto, Cauca.

Afro-Colombian and indigenous groups continue to face serious challenges with land tenure and displacement. According to the UN Office of the High Commissioner for Human Rights (OHCHR), lack of political participation in decisions affecting those living in areas of mineral exploitation, especially members of indigenous and Afro-Colombian communities, continues to lead to social unrest. In July 2014, the Presidential Program for Human Rights launched national guidelines on businesses and human rights. Several constitutional court

verdicts in the past year strengthened and reinforced the requirement for *consulta previa* (prior consultation) with communities, before implementation of public or private projects that could affect Afro-Colombian or indigenous communities. The court has also recommended the armed forces implement a separate *consulta previa* process before engaging in operations and other military activities in Afro-Colombian and indigenous areas. Afro-Colombian and indigenous communities maintain the current process is inadequate – but the Colombian government is taking steps to improve relations with these communities.

In March 2015, the UN High Commissioner for Refugees (UNHCR) expressed concern that Afro-Colombian and indigenous groups are particularly at risk of displacement as their ancestral lands are often located in resource-rich areas. The organization reported that communities face pressure from illegal armed groups that want to take control of territory for business operations, and when communities do not want to get involved, they then receive threats and are forced to move.

The Colombian government has implemented projects and programs to prevent forced displacement in Afro-Colombian and indigenous communities. The government has given specific consideration to how implementation of the Victims and Land Restitution Law affects Afro-Colombian and indigenous populations. According to the government, of those included in the victims' registry, 9.4 percent are Afro-Colombians and 2.4 percent are indigenous. The Land Restitution Unit, under the Ministry of Agriculture and Rural Development, has worked to socialize Law 4633 of 2011 (assistance, attention, reparation, and land restitution for indigenous communities) and Law 4635 of 2011 (assistance, attention, reparation, and land restitution for Afro-Colombian communities); 2.4 percent of the Land Restitution Unit's budget is devoted to Afro-Colombian populations and 2.1 percent to indigenous populations. From June to December 2014, the Colombian government held seven events with 1,051 participants from indigenous communities and ten events with 368 participants from Afro-Colombian communities to discuss elements of the Victims and Land Restitution Law. Between June 1, 2014, and March 11, 2015, the Land Restitution Unit organized eight focus groups with indigenous and Afro-Colombian communities to generate a dialogue between the government and victims. These focus groups included a total of 139 people – 65 Afro-Colombians and 73 indigenous persons. The Colombian government reported that in 2014, there were 22,823 victims belonging to ethnic groups in Colombia who received assistance and reparations, including 4,967 indigenous persons and 17,840 Afro-Colombians. During the certification

process, the Colombian government advanced 157 processes of collective reparations for ethnic communities.

The Land Restitution Unit works with the Ethnic Affairs Subunit which covers indigenous affairs and Afro-Colombian affairs and manages the restitution of land for ethnic communities. As of February 2015, 22 vulnerable communities (nine community councils and 13 indigenous communities) have been restituted or are in the process of restitution, marking a territory of 1,044,689 hectares and benefitting 9,316 families. 18 additional requests for restitution have been requested, covering 264,479 hectares. In November 2014, President Santos and Interior Minister Cristo met with the Regional Indigenous Council of Cauca (CRIC) and the ONIC. Shortly after, Minister Cristo announced the government signed a decree for the legal protection and safety of lands and territories traditionally occupied by indigenous communities at risk of displacement.

Illegal Mining

In January 2015, *El País* newspaper reported that illegal armed groups have taken up illegal mining as a profitable business to finance themselves. Combating illegal mining, therefore, is an important part of dismantling BACRIM and illegal armed groups. The Colombian government has made notable progress during the certification period to address illegal mining. According to the National Mining Agency (ANM), as much as 83 percent of the gold and silver produced in Colombia originates from illegal or informal mines. Chocó, Antioquia, Cauca, Nariño, Valle del Cauca, and southern Bolívar are the main regions used for illegal mining in the country. In early 2015, the National Mining Agency (ANM) began a new policy in which all people and companies that want to legally trade in minerals must sign up with the body's Mineral Sales Registry (RUCOM). Colombia's anti-mining authorities are increasing their capacity to trace illegal gold as it enters the legal market, rather than just at the point of extraction. In the past, there was little oversight of this point of contact between illegal mining operations and legal gold exporters and traders, and this has been a critical factor in facilitating the unchecked growth of illegal gold mining in Colombia in recent years. Gold is a legal product to market, making it difficult to determine if it came from illegal mining or not, if not discovered at the point of extraction.

The Colombian government has taken action to address illegal mining, including confiscating and destroying machinery, investigating the perpetrators, and protecting communities to ensure their rights. The Ministry of Defense is combating illegal mining, particularly through the rural police (Carabineros). The

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Carabineros protect rural areas and the environment and provide support for the investigation and prosecution of the perpetrators of illegal mining. In addition, the National Police has a specific Unit for Investigation of Crimes against the Environment and Natural Resources. In December 2014, the government announced a crackdown on illegal mining and said it will create a subcommittee that will promote actions to minimize the impact of aggressive operations in search of gold.

According to the Ministry of Defense, the 2014 results in the fight against illegal gold mining were better compared to the past four years. Gold seizures totaled 739 kilos in 2014, worth \$26 million, demonstrating an increase of 6,700 percent compared to 2013, when 11 kilos were seized. Gold seizures have frustrated the plans of criminals to launder the money produced by illegal mining in order to buy land, apartments, and vehicles, and it has reduced the purchase of new weapons and war materials. According to the Colombian government, 46 metric tons of gold are extracted in Colombia every year. Of that total, illegal armed groups take 17.3 percent. Of the 739 kilos confiscated in 2014, only 9.2 percent of the total amount of gold is derived from illegal mines.

The Ministry reported in 2014, 34 bulldozers were seized (compared to six in 2013); 103 dredges were seized (compared to 39 in 2013); and 205 backhoes were seized (compared to 260 in 2013). In addition, 90 backhoes were destroyed (compared to 45 in 2013) and 18 dredges were destroyed (compared to 14 in 2013). The government has taken over 841 mines and 1,757 people were arrested in connection with illegal mining, an increase of 27 percent since 2013. On January 20, the Attorney General's Office announced the capture of John Uber Hernandez Santa, the so-called gold czar. Uber is the chairman of Comercializadora Internacional Goldex, and has been under investigation for allegedly laundering \$975 million thought to come from illicit gold-mining proceeds. The Attorney General's Office considered this to be the biggest blow ever dealt against laundering related to illegal gold mining. During the certification period, the Attorney General's Office reported there were 3,090 investigations open into illegal mining, for illegal exploitation of mineral deposits and other materials, and damage to material resources. Since June 1, 2014, there have been 41 convictions for crimes related to illegal mining.

Throughout 2015, members of indigenous and Afro-Colombian communities have protested against illegal gold mining taking place in their territories. According to news reports, the protesters, mostly from the indigenous and Afro-Colombian communities from La Toma in Cauca, are fighting the

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pollution and environmental damage caused by the illegal activity. As a result of these protests, the communities have received threats allegedly signed by the *Rastrojos* criminal group and have had several violent clashes with the police. Despite several laws that protect the rights of the communities, NGOs are concerned the government has not taken sufficient action to ensure the rights of the communities.

The Colombian government plans to hold talks with indigenous communities before awarding mining concessions in a bid round in 2015. The ANM is designing a dialogue strategy for 18 municipalities in Antioquia, Norte de Santander, and Risaralda departments to identify potential conflicts with mining companies before they occur. The ANM will use the experience as a pilot for 313 strategic mining areas.

On November 18, a group of Afro-Colombian women from Cauca marched from La Toma to Bogotá in order to defend their territories from illegal mining and unconsented large-scale development projects. According to NGO reports, the women asked for the removal of illegal machinery operating in their territories; the implementation of Constitutional Court Orders 005 and 092; the provision of protection measures; and the application of prior consultation mechanisms in collective territories. On December 11, 2014, the Afro-Colombian women met with the Interior Ministry, and the government announced it would set up a subcommittee to study immediate steps to stop illegal mining. The Attorney General's Office reported it was actively involved in the interagency subcommittee, to provide information on government illegal mining investigations and strategies, as well as concrete solutions, to the Afro-Colombian women from Cauca.

According to a December 2014 report by the Comptroller General's Office, illegal mining causes deforestation and pollution of waters with mercury, detected in 80 municipalities of 17 departments. Health Minister Alejandro Gaviria stated Colombia must fight and counteract this problem. On January 30, 2015, the National Ombudsman's Office also expressed concern over increased environmental problems and threats against social leaders related to illegal mining activities. In January 2015, the Colombian government announced it would inspect 770 mining concessions to ensure environmental and safety standards are being met. The ANM said that halfway through 2015 it will start work on a program to check all of the country's concessions.

Government Engagement with Afro-Colombians and Indigenous Persons

The Colombian government has undertaken several efforts for outreach and dialogue to improve relationships with minority communities and directed resources to respect the rights and territory of members of indigenous and Afro-Colombian communities. President Santos declared equality one of the pillars of his second term and Colombia secured UN approval for an International Decade for People of African Descent, starting in 2015. President Santos signed an anti-discrimination law in 2011 to punish acts of discrimination based on race, ethnic origin, nationality, gender, and sexual orientation. In November 2014, a Colombian court issued the first conviction under the 2011 law.

The Colombian government is working to improve the livelihoods of Afro-Colombians, specifically along the Pacific Coast. Through the *Todos Somos Pacifico* initiative, at least \$400 million will be provided to local governments in the region to spur investment and development from 2016 to 2020. The four-year plan will focus on the cities of Buenaventura, Tumaco, Guapi, and Quibdó, and will include investments in education, technology, infrastructure, environment, and social inclusion. The initiative, which receives support from the Inter-American Development Bank (IDB) and the World Bank, is linked to Colombia's National Development Plan.

On October 7, 2014, President Santos signed a decree granting indigenous communities local self-government. The decree was rooted in provisions of the 1991 constitution and after years of delay, municipal governments handed over authority to indigenous communities to control their own local development. They are now able to manage their own resources and services, including healthcare, education, and water supply.

In January 2015, the government began consultations with minority groups, including indigenous and Afro-Colombian communities, as part of its design of the National Development Plan (PND) for 2014-2018. The PND will promote development, justice, and equal opportunity for members of Afro-Colombian and indigenous populations. According to press reports, the government of Colombia reached a tentative agreement with indigenous groups January 20 to invest between \$3.3 to \$4.5 billion in indigenous community development as part of the PND, which would address issues such as the management of resources, indigenous reserves, and ancestral land. The PND also intends to move \$2.5 million to the Ministry of the Interior to create offices to ensure greater speed and attention to indigenous affairs and to fund and manage indigenous investment projects.

The Defense Ministry continued to carry out Permanent Directive 07 of 2007 on recognition, prevention, and protection of Afro-Colombian and indigenous communities to better implement the Constitutional Court's order 005 of 2009 and order 004 of 2009. The Ministry of Defense has taken measures to improve communication and relations with indigenous and Afro-Colombian communities, increase its understanding of the land and property rights of these groups, and raise awareness among military planners regarding the impact of military operations on vulnerable communities. As part of the National Consolidation and Territorial Reconstruction Policy (PNCRT), the Ministry of Defense carried out infrastructure projects, provided development support, and implemented programs to prevent the recruitment of Afro-Colombians and indigenous persons into illegal armed groups. Through the Human Rights Unit, the Ministry of Defense maintains constant communication with Afro-Colombian and indigenous community leaders to respond to complaints and concerns related to the presence of the armed forces in and around their territories. The Ministry also carried out capacity-building activities through workshops and seminars for members of the armed forces. The Ministry of Defense participated in meetings led by the Ministry of Interior to improve coordination and development for indigenous preservation plans for 36 communities, which are 70 percent finalized and should be implemented shortly.

In 2014, the National Police, with technical support from USAID, developed a Police Conduct Guide. The Guide develops strategies and consolidates best practices of the National Police with respect to human rights for members of vulnerable groups. The Police also developed a "Strategy for the Protection of Vulnerable Populations," which emphasizes the attention, assistance, and accompaniment to promote human rights and coordinate humanitarian assistance actions for members of marginalized communities. In addition, a \$1.8 million scholarship program facilitates entry of qualified Afro-Colombian and indigenous youth into Colombian National Police academies, supporting higher education and careers in government. The program collaboration between the U.S. and Colombian governments – has produced more than 1,800 active police officers and in 2015, 520 new scholarships will be awarded.

With support from the State Department and USAID, the government of Colombia supports programs to increase employment opportunities and provide entrepreneurship training and mentoring; expand workers' protection and access to justice; improve access to and equality in law enforcement; strengthen the capacity of organizations supporting racial and ethnic equality; and enhance governance capabilities. The United States and Colombia also collaborate on the U.S.-Colombia Action Plan on Racial and Ethnic Equality (CAPREE). CAPREE seeks

to eliminate racial and ethnic discrimination in both societies by sharing best practices and implementing programs to address social barriers affecting marginalized communities. As a result of our bilateral engagement, we have expanded educational opportunities, job training, and employment opportunities for marginalized communities in both countries. The Ministry of Interior hosted the third CAPREE Steering Committee meeting on April 28, 2015, and Deputy Secretary of State Blinken led the U.S. delegation of high-level officials.

Buenaventura

According to human rights NGOs, the city of Buenaventura has suffered from extremely high levels of violence, including displacement, forced disappearances, torture, and dismemberments. The practice of throwing the dismembered bodies in the sea or burying them in clandestine graves continues. The remains of 32 dismembered persons have been found in the city since 2013: 12 in 2013, 14 in 2014, and six in the first two months of 2015. Furthermore, 80 percent of the approximate 500,000 inhabitants of Buenaventura, most of who are Afro-Colombians, live in poverty, and 63 percent are unemployed.

Faced with this situation, the inhabitants of the area known as *Puente Nayero* in the La Playita neighborhood set up a Humanitarian Space, with support from NGOs. This is the first Humanitarian Space to exist within an urban context and is inspired by the Humanitarian Zones that were set up in communities such as Curvaradó and Cacarica in Urabá. The Zones are a community initiative that enables civilians to continue their resistance to violence within their lands in spite of pressure generated by the dynamics of the armed conflict. Since the creation of the Humanitarian Space, residents of Puente Nayero report vast improvements in security, allowing them to drive out criminal elements and, for the first time in years, allowing residents to be out on the streets after dark. Unfortunately, members of the Humanitarian Space and accompanying NGOs continue to be the target of harassment and death threats.

The situation in Buenaventura has received significant attention, both nationally and internationally. The Colombian government has taken steps to respond. In March 2014, the government deployed thousands of police and military officers to Buenaventura to provide additional security to residents. In March 2015, the Ministry of Defense reported that Buenaventura is safer now because of the deployment of the armed forces. The Ministry said there have been 11 homicides so far in 2015, compared with 48 in the same period in 2014, a 77 percent decrease, and security posts around the city have been increased to 53,

from 16 in 2011. NGOs reported that despite a reduction in levels of violence, killings continue to take place. Human Rights Watch (HRW) acknowledged the government increased the number of police, military, prosecutors, and criminal investigators in Buenaventura, with some important results, including more than 280 alleged BACRIM members arrested in 2014; a decrease in homicides (from 150 to 96 between April and December of 2013/14; 39 new cases opened for investigations into disappearances since March 2014; 16 dismembered remains have been found since March 2014; arrests in two cases of dismemberment; five arrests in 400 missing-person cases; and the discovery of multiple hidden graves. However, HRW reported that since March 2014, there have been alarming levels of disappearances, sexual violence, child recruitment, forced displacement, and extortion. Between April and September, threats and violence drove 13,682 residents from their homes. Though the surge in prosecutors is positive, HRW reported that only one prosecutor is dedicated full-time to investigating disappearances and has a large caseload and backlog.

Since mid-2014, the Attorney General's Office has been implementing measures to strengthen judicial institutions in Buenaventura. Attorney General Montealegre created two sub-units, one for investigations and another for victims' support. He added 24 permanent staff members, including prosecutors, investigators, and administrative staff to the Buenaventura office; an additional 27 temporary staff were added to assist with current investigations to help reduce backlog. The Attorney General's Office prioritized investigations, with emphasis on grave violations of human rights, dismemberment, and violence against women. He also created an elite corps of 20 high-level officials to support criminal investigations, respond to cases of displacement and forced disappearance, and manage a witness protection program. As a result of these measures, the Attorney General's Office notes that more than 250 suspected BACRIM members have been arrested.

EMBLEMATIC HUMAN RIGHTS CASES

A. Palace of Justice

In November 1985, M-19 guerrillas took over the Palace of Justice, Colombia's Supreme Court building in Bogota, taking 300 hostages including Supreme Court justices. In response, the police and military raided the building and released some of the hostages, but more than 100 people were killed, including 11 of 25 Supreme Court justices.

On February 9 2012, the Inter-American Commission on Human Rights (IACHR) filed an application referring the Palace of Justice case to the Inter-American Court of Human because it considered that the State had not complied with the IACHR's recommendations. On November 14, 2014, the Inter-American Court ruled that the state was partially responsible for the Palace of Justice incident for violating the rights to life, personal integrity, personal liberty, judicial guarantees and judicial protection. The Court found that the State was responsible for the forced disappearances of seven cafeteria employees, two visitors, and an M-19 guerrilla. The Court also determined two people were deprived of their right to life and four others left the courthouse alive, but three were illegally detained and tortured by the armed forces, and one was subjected to cruel and inhumane treatment.

The Court ordered the state to complete an investigation to determine the responsibility of perpetrators, carry out an immediate and effective search for victims' remains, provide medical and psychological care to victims, publicly apologize and acknowledge responsibility, produce an audiovisual documentary of the incident, provide reparations to victims, and submit a final report to the Court.

The government has taken steps to implement this ruling. On December 11, 2014, the Colombian government issued a public statement accepting responsibility for its actions and for failing to act regarding this case. The statement added that the government has undertaken actions to provide reparations to the victims, in the form of their right to the truth, justice, and a guarantee of non-repetition, as well as financial reparations. On December 16, 2014, *Blu Radio* reported that the Attorney General's Office is investigating the remains of 92 people who could have been among those allegedly disappeared during the 1985 Palace of Justice siege.

In October 2014, the Bogotá Superior Tribunal affirmed the conviction of 35 years in prison of retired General Jesús Armando Arias Cabrales, former commander of the Army's 13th Brigade, for his role in forced disappearances during the recovery

of the Palace of Justice. The conviction was affirmed in the disappearance of five victims out of the eleven sought by the prosecution and victims' advocates.

The Colombian government stated in late 2014 that the Inter-American Court judicial process will not affect the Supreme Court's hearing against former Coronel Alfonso Plazas Vega. Plazas Vega was sentenced to 30 years in prison in 2010 for the forced disappearance of cafeteria administrator Carlos Augusto Rodriguez and M-19 guerrilla Irma Franco. The Supreme Court magistrate indicated it will hear arguments on a final appeal, submitted by Inspector General Ordóñez, to annul the conviction of former Coronel Plazas Vega. The Court is currently considering a written argument by the presiding magistrate on the case that proposes to absolve Plazas Vega due to a lack of evidence.

B. Operation Génesis

In February 1997, the AUC paramilitary group and Colombian armed forces carried out an attack on the communities in the Cacarica Basin, murdered community leader Marino Lopez Mena, and displaced several Afro-Colombian residents.

In 2011, the Inter-American Commission on Human Rights (IACHR) filed an application referring the Operation Genesis case to the Inter-American Court of Human Rights citing the Colombian government's failure to adopt the IACHR's recommendations. On November 20, 2013, the Inter-American Court issued a ruling against the Colombian government regarding Operation Génesis. The Court ruled that the State is responsible for the violation of rights to life, personal integrity and not to be forcibly displaced, freedom of movement and residence, collective property, judicial guarantees, and judicial protection.

The Court ordered the Colombian state to publicly recognize its responsibility, continue the investigations and prosecute those responsible, provide appropriate medical treatment to victims, restore the effective use, enjoyment, and possession of the land to Afro-Colombian communities in the Cacarica Basin, provide reparations to victims, and submit a final report to the Court.

The government has taken steps to implement this ruling. On April 15, 2014, President Santos publicly thanked the Inter-American Court for its work on the Operation Genesis case and said the Colombian government is working to implement the reparation measures ordered by the Court. The government set up an interagency working group, led from the Presidency, with the responsibility to

advance and implement the Court's rulings. Santos added that the Colombian government has recognized its responsibility, sometimes by omission but other times through direct actions by state agents, in grave violations of human rights and international humanitarian law during the 50 years of internal armed conflict.

Following the IACHR ruling, the organization Cacarica Communities of Self-Determination, Life, and Dignity (CAVIDA) presented the government with a proposal for collective reparation. Shortly after, the Colombian government held a meeting with CAVIDA and its legal representatives from the Inter-Church Justice and Peace Commission (CIJP). As a result, physical protection measures were implemented, including three motor boats and other measures.

On August 24, 2012, a Colombian court sentenced retired General Rito Alejo del Río to 25 years in prison for homicide in relation to the 1997 murder of Marino López Mena by members of the former paramilitary group United Self-Defense Forces of Colombia (AUC). However, there have been no advances in the two other cases regarding Operation Génesis: one against General Rito Alejo del Río for additional crimes and the other involving paramilitaries that were operating in the Urabá area.

C. Santo Domingo Bombing

On December 13, 1998, bombings by the Colombian Air Force in Santo Domingo resulted in the death of 17 civilians and the wounding of 27 civilians. After the event, the population of Santo Domingo was displaced and in January 1999 residents returned to rebuild their homes.

In November 2012, the Inter-American Court found the Colombian government responsible for violations of human rights law and international humanitarian law in the bombing. In its ruling, the court ordered the government to publicly acknowledge its responsibility for the attack, publish the court's decision, and provide reparations, medical treatment, and rehabilitation for victims and their families.

The government has taken steps to implement this ruling. The Colombian government is currently undergoing a consultation process with victims' representatives in order to agree upon how to organize a public act to acknowledge international responsibility for this case. It also published a summary of the official ruling from an official news source on July 29, 2013; a summary of it was also published in *El Espectador* on October 27, 2013; and the ruling in its

entirety was available for one year on the website of the Presidential Program on Human Rights and International Humanitarian Law. Currently, the Ministry of Health and Social Protection, with assistance from the Ministry of Foreign Affairs, is working together with victims' representatives on the strategy to provide medical and psychosocial support for victims through the national health system. The ruling indicates Colombia must grant and execute reparations to victims and their next of kin, which can be based on reasonable and effective criteria established by the government. Regarding the status of reparations to victims, so far the Colombian government has provided reparations to 111 victims out of a total of 161 victims (17 deceased; 27 injured; 117 next of kin) affected by the bombing. Within one year of the ruling, Colombia was required to provide the Court with a report on the measures taken to comply with the ruling. On February 21, 2014, the Colombian government provided a report to the Inter-American Court.

The Colombian government indicated to us that a domestic judicial process is underway for the Santo Domingo case. A judicial decision was made, but the decision was later appealed. Currently, the Supreme Court of Justice is deciding over the extraordinary cassation appeal to confirm or change the decision made by the judges of the civilian justice system.

D. La Rochela Massacre

On January 18, 1989, 12 judicial officials were murdered while they were investigating the 1987 massacre of the 19 merchants in the Magdalena Medio region.

In March 2006, the Inter-American Commission on Human Rights (IACHR) referred this case to the Inter-American Court not all of the IACHR's recommendations had been complied with. On May 11, 2007, the Inter-American Court found the Colombian state responsible for the massacre, ruling that the government violated the right to life, personal integrity, personal liberty, a fair trial, and judicial protection.

The Court ordered the state to pay reparations to victims and their families, take all measures necessary to investigate the murders and determine the responsibility of the perpetrators, provide guarantees for the security and protection of judicial officials, provide medical and psychological treatment to victims and their next of kin, develop and maintain human rights education programs for the armed forces, and submit a final report to the Court.

The government has taken some steps to implement this ruling. The Court has noted that certain progress has been made in processing the criminal investigations, but more needs to be done. Colombia has developed human rights education programs for the armed forces. The State has partially complied with providing reparations to victims and their families. In June 2014, the Colombian state held a public act of recognition for the victims.

Retired Generals Alfonso Vacca Perilla and Juan Salcedo Lora, as well as former congressman Tiberio Villareal, are still under investigation for the murders. In December 2014, Iván Roberto Duque Gaviria, alias *Ernesto Báez*, testified in court on the La Rochela Massacre – a decision on his reduced sentence was made on May 14, 2015. According to NGOs, in what appeared to be an attempt not to be excluded from the reduced sentence for demobilized paramilitaries who collaborate with the justice system, Ramón Isaza Arango, alias *El Viejo*, admitted his responsibility in the massacre in December. However, his request for release was denied, for not having sufficiently contributed to truth-telling.

E. Pueblo Bello Massacre

In January 1990, paramilitary groups and state agents allegedly carried out the forced disappearance of 37 people and extra-judicially executed six peasants from the village of Pueblo Bello.

In March 2004, the Inter-American Commission on Human Rights (IACHR) referred this case to the Inter-American Court because the State had still not complied fully with its obligation to clarify the facts, prosecute all those responsible effectively, and recover the bodies of the rest of the victims. In January 2006, the Inter-American Court issued a ruling on the Pueblo Bello Massacre that the state violated the rights to life, personal integrity, and personal liberty of the victims. The Court ordered the state to provide reparations to the families of the victims, complete an investigation to determine the responsibility of perpetrators, guarantee non-repetition, find and identify the disappeared victims and return their remains to their next of kin, provide medical and psychological care to the next of kin, publicly apologize and acknowledge responsibility, establish a monument for the incident, and publish a notification of the judgment.

The government has taken steps to implement this ruling. The government and community representatives reached an agreement on the payment of a number of compensation packages. Colombian courts have clarified the facts for seven of the

43 disappeared persons. The government has provided housing and health support and established a memorial designed by the families. In 2009, then Minister of Defense Santos issued a public apology on behalf of the Colombian government. The Victims Unit has advanced in a process of collective reparation to the community. However, more remains to be done.

At least 23 individuals involved in the massacre have been tried and sentenced to prison, mostly paramilitaries. In late 2014, three more paramilitaries were convicted for their role in the massacre, Mario Alberto Alvarez, alias *Macario*, Frank Enrique Rivas Naar, alias *Frank*, and Olivier José Cervantes Naar, alias *Abelito* or *el Negro*. In March 2015, an Antioquia judge sentenced two more former paramilitaries to 60 years in prison for their involvement - Gildardo Enrique Ospina Muñetón, alias *San Tropel*, and Efrén Rafael Ozaga Molina, alias *Villa*. As intellectual authors of the crime, the two were charged for 35 forced aggravated disappearances, eight aggravated homicides, torture, terrorism, and conspiracy to commit a crime. In April 2015, an Antioquia judge sentenced Tulio Mario Arias Jaramillo, alias *Aquileo* to 36 with the same charges.

F. Ituango Massacre / El Aro and La Granja

On June 1996 and October 1997, in districts La Granja and El Aro, paramilitary groups and members of the armed forces allegedly killed unarmed civilians, robbed others, and caused overall panic and the displacement of more than 300 people.

In July 2004, the Inter-American Commission on Human Rights (IACHR) referred this case to the Inter-American Court because the State had still not complied fully with its obligation to clarify the facts, prosecute all those responsible effectively, and provide adequate reparations to victims and their next of kin. In July 2006, the Inter-American Court issued a ruling on the Ituango Massacres that the state violated the right to life, the right not to be required to perform forced or compulsory labor, the right to personal liberty, the right to property, the right to freedom of movement and residence, the right to the measures of protection, the right to humane treatment, and the right to judicial protection for the victims. The Court established that members of the Army's 4th Division, local police, and the Antioquia Governor's office had either actively taken part or had failed to comply with their constitutional duty to protect the civilian population. The Court ordered the state to provide justice, provide treatment to the next of kin, to guarantee safe conditions of those displaced, to publicly acknowledge responsibility, to provide housing to the surviving victims, to erect a plaque in a public place, to provide

training on human rights and international humanitarian law to the Armed Forces, to publish a notification of the judgment, to pay reparations to victims, and to submit a final report to the Court.

The government has taken steps to implement this ruling. In 2009, the Court found that the State fully complied with its obligation to design and instill permanent human rights education programs for the Armed Forces. The Court determined that the State fully complied with its obligation to publish the judgment in a newspaper and the official gazette. Monetary reparations have been awarded in the Ituango Massacres case. On February 20, 2015, Presidential Advisor on Human Rights Rivera extended a message of solidarity and support on behalf of the government to relatives of victims of the Ituango Massacre case, to promote the guarantee of non-repetition, and to praise the work of human rights defenders. The Colombian government unveiled a plaque for the Ituango Massacres in the Palace of Justice. On February 27, 2015, the Government formally acknowledged its responsibility for the 1998 death of human rights defender Jesús María Valle Jaramillo and erected a monument in memory of the incident. The State partially complied with its obligations to implement a housing program and erect a plaque in La Granja and El Aro. Despite this progress, many measures have not been fully implemented yet. The Colombian government still must provide of adequate security conditions for victims and families, provide treatment, and advance judicial investigations.

Paramilitary members Francisco Villalba Hernández, alias *Cristian Barreto* and Ramiro Vanoy Murillo, alias *Cuco Vanoy* were charged for the Ituango Massacres. No members of the armed forces have been convicted. In February 2015, Colombian courts ruled there is evidence to merit an investigation against former president Uribe, who was governor of Antioquia, regarding his possible involvement in incidents that took place in El Aro. Specifically, the tribunal requested investigation into the presence of a helicopter belonging to the Governor's Office at the scene of the crimes. With regard to the La Granja massacre, the Prosecutor opened an investigation against nine individuals (including the late paramilitary Carlos Castaño), but all were acquitted. In 2011, a Major in the Police, José Vicente Castro, was charged with conspiracy to commit a crime, aggravated homicide, and kidnapping for his responsibility in the La Granja Massacre.

G. Mapiripán Massacre

In July 1997, paramilitary members killed at least 49 civilians in the town of Mapiripán, with complicity from the Colombian armed forces. Paramilitaries dismembered bodies and threw them into the Guaviare River, making it difficult to locate and identify victims' remains.

In September 2003, the Inter-American Commission on Human Rights (IACHR) referred this case to the Inter-American Court. In September 2005, the Inter-American Court issued a ruling on the Mapiripán Massacre that the state violated the right to personal liberty, the right to humane treatment, the right to life, the right of movement and residence, the rights of the child, the right to fair trial, and the right to judicial protection. The Court ordered the state to complete an investigation to establish the responsibility of perpetrators, to identify the victims who were killed or disappeared, to provide treatment to the next of kin, to guarantee safe conditions for the next of kin and those displaced, to build a monument in remembrance of the facts, to provide training on human rights and international humanitarian law to the Armed Forces, to publish a notification of the judgment, to pay reparations to victims, and to submit a final report to the Court.

The government has taken steps to implement this ruling. The Colombian government recognized its responsibility for violating the rights to life, integrity, and personal liberty of the victims of the Mapiripán Massacre and publicly apologized. With regard to the State's obligation to ensure the safety of those that wish to return to Mapiripán, although the State created procedures for this to occur, there was either a lack of response from the victims or the victims wished to be relocated to another area. The State complied with its order to publish the judgment in a newspaper and the official gazette. Lastly, the Court recognized that the State had identified some victims and compensated them. It was also discovered that at least 13 false victims have also come forward and subsequently a few have been sentenced for their crime.

As previously reported, former paramilitary members Salvatore Mancuso and Raul Emilio Hazbun Mendoza, alias Pedro Bonito, were sentenced to 26 years in prison for aggravated homicide, kidnapping, and terrorism in relation to Mapiripán. In November 2011, the Supreme Court sentenced retired General Jaime Humberto Uscátegui Ramirez to 37 years in prison for failing to take action to prevent the massacre. In June 2014, the Supreme Court confirmed Uscátegui's sentence. In November 2014, the Inter-American Court accepted a petition Uscátegui submitted in 2003 alleging the Colombian government's responsibility for unwarranted delay and failure to protect fair trial rights in criminal proceedings. The petition also

noted Uscátegui's was held for an excessively long period of time in pre-trial detention, his right to privacy and freedom of expression were infringed, and that the safety and lives of his next of kin were at risk. The Court agreed to review Uscátegui's court process.

In April 2015, the Supreme Court referred an investigation against retired General Rito Alejo del Río for his alleged participation and knowledge of the Mapiripán Massacre to the Attorney General's Office. The alleged crimes are aggravated homicide, aggravated extortion and kidnapping, conspiracy to commit a crime, and terrorism. General del Río is currently serving a 25 year prison sentence from 2012 for the 1997 homicide of community leader Marino López.

H. La Resbalosa – San Jose de Apartadó

In February 2005, members of the AUC attacked the residents of the Peace Community of San Jose de Apartadó in what is now referred to as the Resbalosa massacre. On December 10, 2013, President Santos publicly expressed deep admiration and respect for the Peace Community and apologized to the community on behalf of the government. In a subsequent communiqué, the Community expressed appreciation for the gesture and noted it as an advance in complying with orders issued the Constitutional Court. However, the Community lamented the lack of follow-up and compliance with Court's other orders and the lack of safety in their territory.

The Peace Community of San José de Apartado reported frequent defamatory attacks in late 2014 by high-ranking officers of the 17th Brigade, particularly Brigade commander Colonel Germán Rojas Díaz, in a number of regional and national media outlets. The Peace Community has also denounced the presence of illegal armed groups in the rural areas of San José de Apartadó and notes that community members have been followed. These incidents demonstrate that the Community continues to be exposed to a vulnerable situation.

A Supreme Court review of the final appeal submitted in 2012 by the ten soldiers who were convicted in 2008 is stalled and the case remains inactive. In May 2014, General Luis Alfonso Zapata Uribe and General Hector Jaime Fandiño Rincon were questioned by the Attorney General's Office for their alleged role in the planning and execution of the massacre. There has been no further movement on this case. On April 7, 2015, the Attorney General's Office Analysis and Context Unit apprehended retired Army Captain Lessi Bornarg Sánchez Mejía from the 17th Brigade for his alleged involvement in the La Resbalosa massacre. The Attorney

General will carry out an investigation on Sánchez Mejía's presumed participation and knowledge of the incident.

German Graciano Posso, a Legal Representative of the Peace Community, participated in the fourth victims' delegation to the peace talks in Havana, Cuba. Mr. Graciano suffered the loss of thirteen family members, including his father, two brothers, and other relatives, at the hands of illegal armed groups.

I. Soacha – Falsos Positivos

The Soacha false positive killings are considered emblematic cases, where poor, young men from Bogotá were allegedly offered work, taken to a remote location, shot, and then presented as combat kills. As of December 2014, 18 colonels were alleged to have links to the killings and two of those 18 were 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. As of December 2014, two sentences have been handed down, for Fair Leonardo Porras (Case #2); and for Diego Armando Marin Giraldo (Case #7); Daniel Alexander Martinez (Case #8); and Jaime Stiven Valencia (Case #9).

Since 2011, the United States follows several of the Soacha “false positive” cases that became public in 2008. Below is the most up to date information we have on the 16 emblematic Soacha cases:

Quick Reference of Cases and Their Status:

Case #1: Mario Alexander Arenas Garzon – Awaiting a pre-trial hearing

Case #2: Fair Leonardo Porras – 6 military officials convicted

Case #3: Joaquín Castro Vásquez – In oral hearing stage

Case #4: Elkin Gustavo Verano Hernández – Oral hearing to be restarted in March 19, 2015

Case # 5: Jonathan Orlando Soto Bermudez – In oral hearing stage

Case #6: Julio Cesar Mesa Vargas – In oral hearing stage

Case #7: Diego Armando Marin Giraldo – 4 military officials convicted

Case # 8: Daniel Alexander Martinez – 4 military officials convicted

Case #9: Jaime Steven Valencia Sanabria – 4 military officials convicted

Case #10: Julio Olviedo Monroy – Currently in preliminary investigations

Case #11: Eduardo Garzon Paez – 8 military officials convicted, but currently pending appeal from the Supreme Court of Justice

Case #12: Daniel Andres Pesca Olaya – 8 military officials convicted, but currently pending appeal from the Supreme Court of Justice

Case #13: Jaime Castillo Pena – Awaiting scheduling of an indictment hearing

Case #14: Jader Andres Palacio Bustamente – In oral hearing stage

Case #15: Diego Alberto Tamayo Garcera – In oral hearing stage

Case #16: Victor Fernando Gomez Romero – In oral hearing stage

- Case #1: Mario Alexander Arenas Garzon (Age 33, Unemployed) disappeared on January 2, 2008 and was found dead on February 21, 2008. The military justice system's magistrate's court advanced the investigation and on December 16, 2008, the body was exhumed, and the human remains released to the family. In May 2014, the indictment hearing took place. The case is currently awaiting a pre-trial hearing, which was scheduled for December 22, 2014, but was stalled due to the judicial strike.
- Case #2: Fair Leonardo Porras (Age 23, Construction Worker's Assistant) was lured in with the promise of a job offering and went missing on January 8, 2008. Less than a week later, he was found dead in North Santander. The military unit in Ocaña reported him as a guerrilla killed in combat. In May 2012, a judge convicted six army soldiers (a major, lieutenant, corporal and three enlisted men) guilty of murdering a mentally disabled man and later presenting him as a guerrilla killed in combat. Retired Maj. Marco Wilson Quijano Mariño, Lt. Diego Aldail Vargas Cortes, 2nd Cpl. Manuel Gonzalez Alfonso and enlisted men Richard Contreras Aguilar, Ricardo Garcia Corzo and Carlos Antonio Zapata Roldan were convicted as co-conspirators in the homicide case. In June 2012, four soldiers received sentences for prison terms of 35 years. Army Retired Major Marco Wilson Quijano and Lieutenant Diego Vargas received a sentence of 51-52 years in prison, after having been convicted on charges of both aggravated homicide and aggravated forced disappearance. In her ruling, the judge acquitted the six of conspiracy to commit a crime; the Prosecutor General's Office indicated it would appeal. On June 25, 2014, the sentences were ratified, when the Supreme Court of Justice decided not to accept the extraordinary appeal of the case.
- Case #3: Joaquín Castro Vásquez (Age 27, Welder) disappeared on January 13, 2008 and was found dead January 15, 2008. On June 10, 2009, eleven members of the Army's 15th Infantry Battalion "General Francisco de Paula Santander" of Ocaña (Lieutenant Colonel Alvaro Diego Tamayo Hoyos, Sergeant Rolando Rafael Consuegra Estupinan, First Corporal Yilver Alfonso Ovalle Pineda, and soldiers Lorenzo Aguas Robles, Alexander Suarez Roza,

Tomas Contreras Duarte, Inocencio Abelino Gil Gonzales, Elibardo Portillo Zambrano, Ever Jaime Garzon, Medardo Rios Diaz, and Obdulio Medina Jouro) were detained for their alleged involvement in the disappearance of two welders later presented as killed in combat. In 2010, the hearing was suspended because the defense found a conflict of jurisdiction between the civilian and military criminal courts as of 2010. On January 16, 2012, a pre-trial hearing took place and the process is currently in the oral hearing and evidence gathering stage.

- Case #4: Elkin Gustavo Verano Hernández (Age 25, Welder) disappeared on January 13, 2008 and was killed on January 15, 2008. He is included in the third case with Joaquín Castro Vásquez.
- Case # 5: Jonathan Orlando Soto Bermudez (Age 17, Student) disappeared January 26, 2008 and was found dead January 27, 2008. As of 2010 there was an arraignment hearing. The trial was suspended three times due to the absence of the defenders. The case experienced a conflict of jurisdiction between the civilian and military criminal courts, but it was ultimately assigned to the civilian courts. As of December 2014, this case was in the oral hearing stage.
- Case #6: Julio Cesar Mesa Vargas (Age 24, Constructor) disappeared January 26, 2008 and was found dead January 27, 2008. He is included in the fifth case with Jonathan Orlando Soto Bermudez.
- Case #7: Diego Armando Marin Giraldo (Age 21) disappeared February 6 and was found dead February 8, 2008. In 2010, the case went to trial. On June 28, 2011, the Third Criminal Court of the Specialized Circuit of Bucaramanga sentenced retired Colonel Wilson Javier Castro Pinto and retired Lieutenant Eduard Antonio Villany Realpe for aggravated homicide, aggravated forced disappearance, and embezzlement. Defendants retired Master Sergeant Jesus Eduardo Niampira and professional soldier Guillermo Pacheco Anzola were sentenced to aggravated homicide, aggravated forced disappearance, embezzlement, and misrepresentation and falsifying of public documents.
- Case # 8: Daniel Alexander Martinez (Age 22, Unemployed) is included in the seventh and ninth cases with Diego Armando Marin Giraldo and Jaime Stiven Valencia.

- Case #9: Jaime Steven Valencia Sanabria (Age 16, Student) is included in the seventh and eighth cases with Diego Armando Marin Giraldo and Daniel Alexander Martinez.
- Case #10: Julio Olviedo Monroy (Age 19, Construction Worker) disappeared on March 2, 2008 and was found dead on March 3, 2008. On June 2, 2009, 17 members of the Army's 15th Infantry Battalion "General Francisco de Paula Santander" of Ocaña (Lieutenant Colonel Alvaro Diego Tamayo Hoyos, Sergeant Nestor Jaime Mosquera Blanco, Sergeant Jader Alvarado Sequea, First Corporal Edward Vera Zapata, Second Corporal Wilson Virgilio Suarez Gaitan, Third Corporal Jhon Jairo Castillo Cruz, and Soldiers Miguel Antonio Jerez Plata, Uvaldo Ronderos Poveda, Salvador Renoga Osorio, Juan de Dios Suarez, Moises Barbosa Carrascal, Ciro Alfonso Guitierrez Silva, Jose Gregario Mendoza Pinzon, Jose Eliseo Toscano, Orlando Antonio Pallares Uribe, Mauricio Delgado Zayas, and Rodriguez Duarte Libaner) were detained for their role in the disappearance and homicide of Julian Oviedo Monroy, who was presented as killed in combat. As of 2012, the case remained in preliminary investigations.
- Case #11: Eduardo Garzon Paez (Age 32, Taxi Administrator) was lured to southern Bogotá (Santander) with the promise of a job on March 5, 2008. He was reported missing by his family on March 4, 2008 and his body was identified with nine others in Ocaña in August, 2008. In June 2011, a judge in Cimitarra found eight military officers guilty of aggravated homicide and forced disappearance, misrepresentation and falsifying of public documents: Colonel Wilson Javier Castro Munoz, Lieutenant Eduardo Antonio Villany Realpe, Sergeant Jesus Eduardo Niampira Benavides, and soldiers Jesus Guillermo Pacheco Anzola, Juan Carlos Alvarez, Nelson Ospina Tavel, Benancio Puentes Guapacha, and German Augusto Oliveros. They were convicted to between 28 and 55 years in prison. Defendants of the accused appealed the ruling, requesting acquittal. The representative of the Ministry of Defense also appealed, requesting acquittal for not considering the existence of the crime of embezzlement. The representative of the mother of Eduardo Garzon, appealed the ruling requesting that the soldiers prosecuted Nelson Ospina, Bridges & Germain Benancio Oliveros, be convicted as co-authors rather than accomplices. She also appealed the sentence, requesting a higher level of punishment. The Prosecutor General's Office also appealed the decision in order to change the conviction of Nelson Ospina, Benancio Puentes, and Germán Oliveros to be co-authors rather than accomplices. Currently, this case is pending appeal from the Supreme Court of Justice.

- Case #12: Daniel Andres Pesca Olaya (Age 27, Taxi Driver) is included in the 11th case with Eduardo Garzon Paez. He was lured to southern Bogotá (Santander) with the promise of a job on March 5, 2008. He was reported missing by his family on March 4, 2008 and his body was identified with nine others in Ocaña in August, 2008.
- Case #13: Jaime Castillo Pena (Age 42, Unemployed) disappeared on August 10, 2008 and was found dead August 12, 2008. The case was initially assumed by the military justice system, but was later reassigned to the Attorney General's Office, to the Cucuta Human Rights Unit (#72). This case was brought before the Deputy Attorney General in May 2010 because of delays – there had been no indictment hearing and it remained in the initial investigation stage. Therefore, in August 2010, the Cucuta Human Rights Unit referred the case to a Human Rights Unit (#97) in Bogota. However, the transfer has resulted in additional delays and as of December 2014, an indictment hearing was not scheduled yet.
- Case #14: Jader Andres Palacio Bustamente (Age 22, Construction Worker) disappeared on August 23 and was found dead August 25, 2008. On May 21, 2009, seventeen members of the Army's 15th Infantry Battalion "Cabecillas Espada Uno" (Sergeant Janer Ediel Duque Martinez, Corporal Richard Armando JoJoa Bastidas, First Corporal Manuel Zorrila Agamez, Third Corporal Ricardo Coronado Martinez, and soldiers Nixon Arturo Cubides Cuesta, Mauricio Cuniche Delgadillo, Jose Orlando Gonzales Ceballos, John Anderson Diaz Ortega, Jose Adolfo Fernandez Ramirez, Ricardo Eluid Gonzales Gomez, Ferney Grijalba Flor, Eider Andres Guerrero Andrade, Geiner Guertes Billermo, Pedro Johan Hernandez Malagon, Keyis Alberto Jimenez Escalante, Luis Alirio Lopez, and Juan Ramon Marin Ramirez) were detained for their alleged role in the disappearance and homicide of three people presented as killed in combat. In 2010, the case entered into preliminary investigation and as of December 2014, it is in the oral hearing stage.
- Case #15: Diego Alberto Tamayo Garcera (Age 25, Unemployed) is included in the 14th case with Jader Andres Palacio Bustamente and the 16th case with Victor Fernando Gomez Romero. He disappeared on August 23 and was found dead on August 25, 2008.
- Case #16: Victor Fernando Gomez Romero (Age 23, Unemployed) is included in the 14th case with Jader Andres Palacio Bustamente and the 15th case with

Diego Alberto Tamayo Garcera. He disappeared on August 23 and was found dead on August 25, 2008.

J. Curvaradó and Jiguamiandó

In 1996 and 1997 the Afro-Colombian communities in Curvaradó and Jiguamiandó were forcibly displaced following human rights violations and the paramilitary occupation of the Bajo Atrato river basin. Progress on land restitution to the Afro-descendant communities in the Curvaradó and Jiguamiandó River basins has been slow. For example, the announced eviction of illegal occupiers near Apartadocito planned for November 24, 2014, was cancelled because the safety of the participating institutions could not be guaranteed; no new date has been announced.

In December 2014, A Medellin court sentenced 16 business owners, paramilitaries, and land commissioners to prison for their role in the emblematic Curvaradó and Jiguamiandó case, using paramilitary groups to illegally obtain territory for their businesses. The sentence states the agro-industrial megaprojects, managed by former paramilitary leader Vicente Castaño, were supported by notary officials and staff from INCODER, Colombia's rural development institute and land titling agency. These officials helped to fraudulently legalize the thousands of hectares of land that formerly belonged to Afro-Colombians. The 16 business owners, paramilitaries, and land commissioners were charged for seven to ten years for conspiracy, forced displacement, and invasion of areas of special ecological importance. The judge ordered Colombian agencies, like the Colombian Institute for Rural Development (INCODER), to take action to return the land in Curvaradó and Jiguamiandó to the rightful owners. The court ruling also ordered the businessmen to pay reparations to those displaced. Despite these advances, NGOs report that many illegal occupiers still remain on the land and continue to carry out death threats, attacks, defamation, and intimidation against citizens.

According to human rights NGOs, the situation for land restitution leaders Yomaira Mendoza and Enrique Cabezas is particularly worrying. Mendoza and Cabezas suffered nearly 80 security incidents, including surveillance, being followed, death threats, and attempts to kill them, leading them to seek exile outside of Colombia. The incidents started after they provided testimony to the Attorney General's Office about the involvement of entrepreneurs in illegal land grabs and other human rights violations.

In January 2015, the Attorney General's Office made a request to strip Ignacio Roldón Pérez, alias "Monoleche" of his Justice and Peace Law benefits, after he refused to confess to his participation in the forced displacement and environmental damage in Curvaradó and Jiguamiandó, despite the court finding ample evidence to convict him.

K. Operation Dragón

In 2004, Operation Dragón allegedly engaged in a plot to assassinate leftist politicians and labor leaders in Cali, specifically members of the Cali Municipal Service Workers Trade Union (SINTRAEMCALI). The alleged targets of Operation Dragón include members of the SINTRAEMCALI, Senator and former SINTRAEMCALI leader Alexander Lopez Amaya, human rights defender Berenice Celyta Alayon, as well as other labor leaders, social rights activists, and congressmen. Both Celyta and Maya have been under the GOC's official protection program since 2001.

As previously reported, in 2013, the Attorney General's Office charged retired Lieutenant Colonel Julian Villate Leal, retired Majors Marco Rivera Jaimes and Hugo Alfonso del Milagro Abondano Mikan, and consultant Hubert de Jesus Botello Duarte with conducting illegal surveillance and conspiring to assassinate leftist politicians and labor leaders in Cali in 2004. The trial began in February 17, 2014, in the Criminal Unit of the Cali Specialized Circuit, but as of May 2015 the preliminary hearing had not concluded. Victims' representatives report the defense team continues to employ multiply delay tactics, like changing lawyers, requesting continuances, and requesting the recusal of the prosecutor.