



United States Department of State

Washington, D.C. 20520

SEP 19 2016

The Honorable
Bob Corker, Chairman
Committee on Foreign Relations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I hereby transmit the Deputy Secretary of State's Certification pursuant to section 7045(b)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 (Div. K, P.L. 114-113) regarding Colombia and the accompanying Report and Memorandum of Justification.

Please do not hesitate to contact us if we can be of any further assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julia Frifield".

Julia Frifield
Assistant Secretary
Legislative Affairs

Enclosures:
As stated.

**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, 2016 (Div. K, P.L. 114-113)**

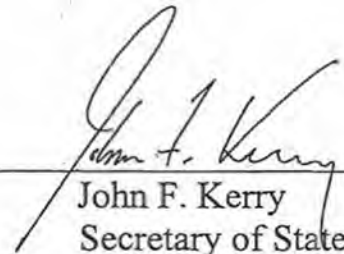
Pursuant to the authority vested in the Secretary of State, including under section 7045(b)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 (Div. K, P.L. 114-113) and Department of State Delegation of Authority 245-1, I hereby certify and report that:

- (1) cases involving members of the Colombian military who have been credibly alleged to have violated human rights, including those in positions with command authority who ordered or covered up such crimes, are subject only to civilian jurisdiction, the Colombian military is cooperating with civilian authorities in such cases, and military officers credibly alleged to have committed gross violations of human rights are removed from positions with command authority until the completion of judicial proceedings and appropriately punished if convicted;
- (2) the Government of Colombia is upholding its international obligations by holding accountable persons responsible for crimes against humanity, war crimes, and other gross violations of human rights, and is not offering amnesty to such persons; and
- (3) the Government of Colombia is continuing to dismantle 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.

This Certification shall be published in the *Federal Register* and, along with the accompanying Report and Memorandum of Justification, shall be transmitted to the appropriate committees of Congress.

SEP 19 2016

Date



John F. Kerry
Secretary of State

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

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LEGISLATIVE CONTEXT AND SCOPE OF REPORT

Section 7045(b)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 (Div. K, P.L. 114-113) (SFOAA) provides that 19 percent of Foreign Military Financing funds appropriated for assistance for Colombia may be obligated only in accordance with the conditions in the Joint Explanatory Statement accompanying the SFOAA. The Joint Explanatory Statement provides three conditions the Secretary of State must certify and report to the Committees on Appropriations have been met before such funds can be obligated.

Criterion 1: Cases involving members of the Colombian military who have been credibly alleged to have violated human rights, including those in positions with command authority who ordered or covered up such crimes, are subject only to civilian jurisdiction, the Colombian military is cooperating with civilian authorities in such cases, and military officers credibly alleged to have committed gross violations of human rights are removed from positions with command authority until the completion of judicial proceedings and appropriately punished if convicted;

Criterion 2: The Government of Colombia is upholding its international obligations by holding accountable 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 continuing to dismantle 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.

This report and memorandum provides the justification for the 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, 2015, to June 1, 2016.

CRITERION (1)

The Joint Explanatory Statement accompanying the FY 2016 SFOAA, as incorporated by reference in section 7045(b)(2), requires a certification that:

(1) “[C]ases involving members of the Colombian military who have been credibly alleged to have violated human rights, including those in positions with command authority who ordered or covered up such crimes, are subject only to civilian jurisdiction, the Colombian military is cooperating with civilian authorities in such cases, and military officers credibly alleged to have committed gross violations of human rights are removed from positions with command authority until the completion of judicial proceedings and appropriately punished if convicted;”

Human Rights Cases Subject to Civilian Court Jurisdiction

Cases involving members of the Colombian military who were credibly alleged to have committed crimes involving violations of human rights, including those in positions with command authority who ordered or covered up such crimes, were subject only to civilian jurisdiction. According to Colombian law, crimes related to violations of human rights committed by the military must be investigated in the civilian justice system, not the military justice system. The Colombian Ministry of Defense first reported in August 2015 its policy was to transfer to civilian jurisdiction any cases in the military justice system in which there was reasonable belief, based on the available evidence, that an armed forces member had committed a crime related to a violation of human rights. During the reporting period, the Ministry of Defense cooperated with civilian authorities in such cases, assisting the Attorney General’s Office with 2,806 proceedings for investigations into alleged human rights violations and with 150 preventive detentions against members of the security forces allegedly involved in human rights violations. The Ministry of Defense further reported in August 2015 that it had not opposed civilian jurisdiction, nor had it taken action to prevent cases from being assigned to the civilian justice system, in cases involving members of the armed forces and police credibly alleged to have committed crimes involving human rights violations, including those in positions with command authority who allegedly ordered or covered up such acts.

Amnesty International (AI) alleged in its 2015/2016 annual report “The State of the World’s Human Rights” that the Colombian military justice system continued to claim jurisdiction over and subsequently close investigations into

alleged human rights violations by members of the security forces, without holding to account those allegedly implicated. However, that report by AI provided no specific examples or citations of cases that met this description. In its 2015 annual report on Colombia, the UN Office of the High Commissioner for Human Rights (OHCHR), which has previously reported on issues related to the exercise of jurisdiction in murder investigations concerning active members of the army, did not document any cases of concern. In its June 2015 report, "On Their Watch," Human Rights Watch (HRW) cited concerns regarding cases associated with the "false positives" scandal, in which members of the armed forces were alleged to have extrajudicially executed civilians and falsely presented the homicides as guerillas killed in combat. HRW reported that, according to Colombian prosecutors, an undetermined number of "false positives" cases from 2002 to 2008 remained in the military justice system. HRW further alleged that military officials were not cooperating with judicial authorities to advance those cases, including by failing to provide evidence and intimidating witnesses by threatening them with prosecution in the military justice system. The Ministry of Defense reported in August 2015 its policy was to cooperate fully with civilian justice authorities and not to use the threat of prosecution in the military justice system to intimidate or influence witnesses who were cooperating in cases pending in the civilian justice system. The HRW report did not provide further information on specific cases, and in follow-up conversations with the Department of State, Human Rights Watch declined to reveal its sources of information, or otherwise substantiate its claims. The Attorney General's Office has not provided the Department with further information on cases involving the military justice system with respect to these allegations.

Law 1765 of July 23, 2015 included reforms with the stated aim of making the military justice system more independent with respect to command authority, professional, and transparent. *Senate Draft Bill 022 of 2014/House Draft Bill 167 of 2014* was approved by Congress and entered into force on July 1, 2015, as *Legislative Act 01 of 2015*, which amended Colombia's constitution. This constitutional amendment sought to address the manner in which international humanitarian law would apply to cases involving alleged misconduct by state security forces in relation to an armed conflict. Human rights organizations expressed concern the amendment constituted an expansion of the jurisdiction of military courts and alleged that this in itself could lead to impunity, and challenged the constitutionality of the amendment in July 2015. In February 2016, Colombia's Constitutional Court conditionally upheld the amendment by ruling that it should be read as requiring Colombian courts to apply international humanitarian law and, in a complementary manner, international human rights law

when investigating and prosecuting cases of alleged misconduct by state security forces in relation to an armed conflict.

The Colombian Supreme Judicial Council (*Consejo Superior de la Judicatura*) is the body empowered to resolve questions of jurisdiction between the civilian and military justice systems. The Council conducts a rigorous review of the evidence in each case to determine the proper jurisdiction, based on established criteria. The Council has been proactive in transferring disputed cases to the civilian justice system. In 2015, it reviewed 224 cases and assigned only one of these cases to the military justice system, because it involved an alleged personal injury resulting from a traffic accident with a police vehicle, not a human rights violation. As of March 20, 2016, the Council was reviewing 36 cases to resolve jurisdictional disputes.

Removal from Positions of Command Authority and Appropriate Punishment if Convicted

During the relevant period, the Attorney General's Office continued to investigate and prosecute cases involving alleged human rights violations by members of the armed forces, including cases associated with the "false positives" scandal. Colombia's independent Inspector General's Office continued to conduct disciplinary administrative proceedings in cases involving alleged misconduct by members of the armed forces. In August 2016, the Ministry of Defense confirmed its policy was to remove from positions of command authority any military officers it knows to be under investigation for alleged gross violations of human rights until the judicial proceedings against such officers have been completed. The Ministry of Defense further confirmed that, as of August 2016, no military officers it knew to be under investigation for alleged gross violations of human rights were serving in positions of command authority. The Ministry also noted it has a "zero tolerance policy toward conduct that violates human rights or infringes international humanitarian law."

In its June 2015 report, HRW alleged that more than 180 battalions and other tactical units attached to 41 brigades had committed false positives killings from 2002 to 2008. According to HRW, dozens of senior Colombian army officers allegedly implicated in the false positives killings had risen through the ranks and were escaping punishment. HRW specifically cited Armed Forces commander General Juan Pablo Rodriguez and then-Army commander General Jaime Lasprilla. General Lasprilla was replaced in July 2015 as commander of the Army. However, the Attorney General's Office confirmed at the time that neither

general was the target of an investigation. In January 2016, the Washington Office on Latin America (WOLA) raised concerns about seven military officers that the Ministry of Defense had proposed for promotion to the rank of general or to attend the High Military Studies Course (CAEM), a prerequisite to the promotion to the rank of general, on the basis that those officers reportedly faced allegations of involvement in, or hindering accountability for, other serious human rights violations.

In April 2015, the former Attorney General stated publicly that his office was investigating 22 generals for alleged involvement in false positives cases. The Attorney General's Office has not publicly disclosed the names of these generals, and has subsequently clarified to the embassy in August 2016 that the number of investigations against generals (including retired generals) involving homicides was actually 15, rather than 22. As of August 2016, the Attorney General's Office stated 12 cases involving generals were in the preliminary investigation phase, and investigations against three generals had been closed. The Ministry of Defense affirmed to the Embassy in August 2016 that the Attorney General had not provided the Ministry with a list of names of officers under investigation for alleged involvement in the false positives. As a matter of policy, the Attorney General's Office does not share with outside parties, including the Ministry of Defense, details of ongoing preliminary investigations.

On March 28, 2016, the Attorney General's Office announced General Henry William Torres Escalante and former Army Commander General (retired) Mario Montoya Uribe would be formally charged for their alleged connections to false positive cases. General Torres Escalante voluntarily presented himself to authorities the same day (March 28), and was arrested and confined on a military installation in Bogotá. On the day of the arrest, the Colombian National Army issued a press release applauding Torres Escalante in presenting himself to justice, as it befitted the military institution "as a guarantor of the rights and freedoms of a democratic state." At the time Torres Escalante was first summoned for questioning, he was the commander of Joint Command No. 2 "Southwest." The Ministry of Defense subsequently transferred Torres Escalante from this position of command authority to the administrative role he held at the time of his arrest, as head of the Historical Memory Center of the Armed Forces. He has now been formally retired from the armed forces. The Attorney General's Office reported one count related to extrajudicial killings was being prepared for formal presentation of charges against Torres Escalante, and four additional counts were in preliminary investigation. Torres Escalante's arrest marked the first instance of an active general in Colombia facing criminal charges related to the false positives

scandal. He was called to trial in August 2016. Former General Montoya reportedly faced charges that could carry a sentence of up to 40 years in prison. His arraignment, originally scheduled for May 31, 2016, was postponed with the approval of the Attorney General's Office due to the presentation of new material evidence in the case. Montoya had not been arraigned as of June 1, 2016. The Attorney General's Office reported as of August 2016, seven cases involving Montoya remained in the preliminary investigative phase. Montoya retired in November 2008.

Those convicted in false positives cases during the relevant period were appropriately punished. For example, the six colonels who have been convicted for false positives cases include: Colonel Luis Fernando Borja Aristizábal, convicted in October 2010 and sentenced to 97 years eight months in prison; Colonel José Pastor Ruiz Mahecha, convicted in September 2013 and sentenced to 19 years six months in prison; Colonel Hernán Mejía Gutiérrez, convicted in September 2013 and sentenced to 19 years in prison; Colonel Wilson Javier Castro Pinto, convicted in March 2014 and sentenced to 55 years in prison; Colonel Robinson Gonzalez del Rio, convicted in January 2016 and sentenced to 30 years in prison; and Colonel Oscar Alberto Acuña Arroyo, convicted in January 2016 and sentenced to 28 years in prison.

CRITERION (2)

The Joint Explanatory Statement accompanying the FY 2016 SFOAA, as incorporated by reference in section 7045(b)(2), requires a certification that:

“[T]he Government of Colombia is upholding its international obligations by holding accountable persons responsible for crimes against humanity, war crimes, and other gross violations of human rights, and is not offering amnesty to such persons;”

Colombia is party to international instruments that obligate it to investigate, prosecute, and punish persons responsible for certain violations of international human rights law and international humanitarian law. During the reporting period, Colombia upheld its international obligations by holding accountable persons it has determined to be responsible for crimes against humanity, other gross violations of human rights, and war crimes, and did not offer amnesty to such persons.

Investigations, Prosecutions, and Disciplinary Administrative Proceedings

The Attorney General's Office, which conducts criminal investigations and prosecutions, and the Inspector General, which separately conducts disciplinary administrative proceedings, continued to hold accountable members of the armed forces. In 2015, the Attorney General's Office Human Rights Unit registered 2,653 investigations into homicides allegedly committed by members of the armed forces. Of those 2,653 homicides, 2,208 were found to be presumed false positives, with 3,185 identified victims and 645 unidentified victims. Through October 2015, the Attorney General's Office Human Rights Unit identified 5,621 state agents (including military, police, and intelligence officials) specifically implicated in false positives cases; 961 had been convicted (891 from the Army; 11 from the Police; 10 from the Navy); and 249 had been absolved. The chart below indicates the number of homicides allegedly committed by state agents over the years, according to the Attorney General's Office.



*Attorney General's Office

Separately, the Inspector General concluded 39 disciplinary administrative proceedings for misconduct related to violations of international humanitarian law in 2015. As of February 29, 2016, the Inspector General's Office reported 799 disciplinary administrative proceedings were underway involving members of the security forces for alleged misconduct, including violations of human rights and violations of international humanitarian law. Eighteen cases were in the initial

inquiry stage; 188 were in the initial investigation stage; and 593 were in the disciplinary investigation stage. These disciplinary administrative proceedings involved charges of homicide, personal injury, forced disappearance, collaboration with illegal armed groups, torture, abuse of authority, threats, and acts of aggression.

The Attorney General's Office implemented organizational strengthening measures during the relevant period designed to enhance its capacity to investigate and prosecute allegations of crimes against humanity, other gross violations of human rights, and war crimes. Despite improvements in investigating and trying abuses, OHCHR's 2015 annual report on Colombia noted that the judiciary continued to have difficulties effectively prosecuting individuals accused of human rights violations due to factors including organizational inefficiencies, an inadequate internal incentives system, and delay tactics exercised by defense attorneys. Starting in July 2015, the Attorney General's Office held eight thematic workshops for specialized prosecutors on: new models of understanding large criminal operations; how to prosecute international crimes, including crimes against humanity; challenges with prosecuting the most responsible perpetrators; sexual crimes and sexual violence in armed conflict; forced displacement as a crime against humanity; international crimes and terrorism; prosecuting cases of illegal recruitment of children in armed groups; and international criminal law. The Attorney General's Office also continued throughout 2015 and 2016 to implement its prioritization system, which was announced in 2012. Through this prioritization plan, the Attorney General's Office has undertaken organizational restructuring, including a reorganization of human capital and available resources, in order to achieve greater speed and efficiency in the prosecution of crimes, including those involving human rights violations.

No Amnesty for Persons Responsible for Crimes against Humanity, War Crimes, and Other Gross Violations of Human Rights

The Colombian government and the Revolutionary Armed Forces of Colombia (FARC) continued peace negotiations during the relevant period. In December 2015, the parties announced a preliminary Agreement on Victims of the Conflict (Victims Agreement), which includes provisions to create an "Integrated System of Truth, Justice, Reparations, and Non-repetition" (SIVJNR). The Victims Agreement provides the SIVJNR would include a Commission for the Clarification of Truth, Co-existence, and Non-repetition (CEVCNR); a new Search Unit for Missing Persons; and a Special Jurisdiction for Peace (SJP). The Victims Agreement, once formally approved as a part of the overall peace negotiations, will

provide a framework for these entities. The Colombian government said that once the parties sign a final peace accord, it would enact implementing legislation to establish how the mechanisms and bodies outlined in the Victims Agreement would operate. The draft Victims Agreement provides that any amnesty or pardon shall not apply to “crimes against humanity, genocide, serious war crimes, hostage-taking or other serious deprivations of liberty, torture, extrajudicial executions, forced disappearance, rape and other forms of sexual violence, child abduction, forced displacement, and recruitment of minors as set forth under the Rome Statute.” The specific conditions of punishment for these crimes, as well as terms for any permissible amnesties for other crimes discussed in the SIVJRNR will be defined in implementing legislation after the parties sign a final peace accord.

CRITERION (3)

The Joint Explanatory Statement accompanying the FY 2016 SFOAA, as incorporated by reference in section 7045(b)(2), requires a certification that:

“[T]he Government of Colombia is continuing to dismantle 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.”

Dismantling Illegal Armed Groups

The Colombian government continued to take steps to dismantle illegal armed groups, including organized criminal groups (*bandas criminales* or BACRIM), protect the rights of human rights defenders and social activists, and respect the rights and territory of indigenous and Afro-Colombian communities. The Colombian government reported child recruitment into illegal armed groups decreased from 2014 to 2015. The Colombian National Information Network registered 43 cases of child recruitment in 2014 and four cases from January to October 2015.

OHCHR noted ongoing action by the Colombian government against illegal armed groups, including arrests of high-level leaders. The Ministry of Defense reported in 2015, the Colombian government captured 1,819 FARC members, 839 FARC members demobilized, and 112 FARC members were killed in operations related to the conflict. In 2015, the Colombian government captured

495 ELN members, 173 ELN members demobilized, and 66 ELN members were killed in the conflict. In 2015, the Colombian government captured 2,856 BACRIM members, and 21 BACRIM members were killed in the course of law enforcement operations. Through February 2016, the Colombian government captured 140 FARC members, 90 FARC members demobilized, and no FARC members were killed. Through February 2016, the Colombian government captured 112 ELN members, 47 ELN members demobilized, and 12 ELN members were killed. Through February 2016, the Colombian government captured 412 BACRIM members, and no BACRIM members were killed in the course of law enforcement operations. In 2015, the Colombian government seized 728 weapons, 91,774 munitions, and 813 communications devices. Through February 2016, the Colombian government seized 176 weapons, 46,809 munitions, and 145 communications devices. The Attorney General's Office reported that in 2015 it filed judicial proceedings against 2,223 BACRIM members, leading to 1,871 arrests and 1,477 convictions.

In February 2016, President Santos stated the fight against organized crime was a priority for the Colombian government and the Ministry of Defense, and that the government would redirect resources from the internal armed conflict to combat illegal armed groups to prevent BACRIM from taking over illicit economic activities from the FARC, such as illegal mining, extortion, and drug trafficking. The National Police revised its strategy to combat criminal groups, including a proposal to create a *Search Bloc* with the objective of capturing high-level targets. The *Search Bloc* was formally launched in March 2016, with 500 core members focused on intelligence, criminal investigation, public safety, anti-kidnapping, counternarcotics, and supporting the *Carabineros*, a rural police unit of the National Police.

In addition, the government implemented measures in cities and rural areas to counteract BACRIM attacks. In February 2015, the armed forces launched Operation Agamemnon to target and dismantle Clan Úsuga (now known as the Gulf Clan, the nation's largest BACRIM). The Ministry of Defense reported through Operation Agamemnon, as of April 2016, the National Police, with the collaboration of the armed forces, captured nearly 789 BACRIM members, seized almost 42 tons of cocaine, destroyed 67 drug laboratories, and seized assets valued at approximately \$69 million. The Colombian government doubled the monetary reward to approximately \$1 million for information leading to the arrest of Dario Antonio Úsuga, alias *Otoñiel*, the leader of the Gulf Clan and the country's most wanted criminal. In addition to a larger security force presence, the government also strengthened social programs throughout the country, including

school accompaniment programs for minors and a cooperation plan with the civilian population, to counter BACRIM.

The Attorney General's Office's approach included a comprehensive judicial strategy to dismantle illegal armed groups, as well as strategies to identify and interdict political connections and sources of funding from illicit activity. To reduce illicit economic activity, the Attorney General's Office carried out intelligence investigations with the cooperation of other government agencies. There were 20 prosecutors dedicated to BACRIM criminal analysis and prosecutions for crimes such as homicide, trafficking of arms, drug trafficking, forced displacement, extortion, and use of minors to commit crimes. Those prosecutors work with 400 officials from the Judicial Police (DIJIN/SIJIN) in seven departments of the country. As part of the National Crime Offensive, led by the Attorney General's Office and the National Police, the Colombian government reported in March 2016 that it had been able to identify the cities and regions in which 2,500 criminal bands operate, who their leadership was, and the criminal activities in which they were involved. The Attorney General's Office's Prioritization Plan said it would focus on La Guajira, Urabá, Bajo Cauca, Antioqueño, Pacífico Sur, Catatumbo, and los Llanos Orientales.

Government Efforts to Protect Social Activists

During the relevant period, the Colombian government continued to work to protect and respect human rights defenders, journalists, labor unionists, political opposition leaders, religious leaders, land restitution leaders, and indigenous and Afro-Colombian persons. In spite of those efforts, threats and attacks against human rights defenders and members of vulnerable groups continued in 2015 and 2016. According to the NGO *Somos Defensores*, in 2015, 63 human rights defenders were killed, 682 faced acts of aggression, and 539 received threats, compared to 55 killed, 626 acts of aggression, and 488 threats in 2014. Of those human rights defenders killed in 2015, 12 were indigenous and nine were leaders belonging to the LGBTI community. Between January and March 2016, *Somos Defensores* registered a total of 113 individual aggressions against human rights defenders, including 81 threats, 19 killings, five homicide attempts, five arbitrary detentions, two cases of information theft, and one disappearance. Figures from the National Union School (*Escuela Nacional Sindical*) indicate that 18 members of trade unions were killed in 2015, compared to 21 in 2014. The NGO reported eight unionists killed through June 30, 2016.

In its 2015 annual report on freedom of expression, the Inter-American Human Rights Commission recognized the Colombian government's efforts toward creating a public policy with enhanced guarantees for freedom of expression. In support of this effort, throughout 2015 the Ministry of the Interior performed diagnostics, in which 20 government agencies, 23 civil society organizations, a collective of media organizations, and eight universities participated. Participants identified problems journalists face in exercising the right of freedom of expression, including: vulnerabilities to the right to life, liberty, integrity, and personal security; arbitrary accusations of libel and slander as a means of pressuring journalists; restrictions to access, coverage, and dissemination of public information; and insufficient attention to gender considerations. The Ministry of Interior will use this information to guide its policies and actions to improve protection and respect for freedom of expression in Colombia.

On June 24, 2015, the Ministry of Interior launched the Program for Guarantees of Women Leaders and Human Rights Defenders, together with women's civil society organizations, international organizations, USAID, and the Constitutional Court. Further, the Colombian government created sub-committees for protection and investigations for cases of aggression against human rights defenders. The Attorney General's Office issued Resolution 1783 of August 31, 2015, which established a six-month long (with an extendable mandate) Special Task Force to prioritize investigations of serious violations against human rights defenders. This group was made up of prosecutors and officials from the National Unit against Organized Crime, the National Unit for Human Rights, the National Directorate for Citizen Security, the Technical Investigation Corps, and the Directorate of Public Policy. The Task Force produced monthly reports to assess perpetrators of the attacks, motives, and the trends of violence against human rights defenders. On March 22, 2016, Interior Minister Cristo announced the creation of a Special Task Force for protection, to guarantee security for social leaders and human rights defenders. The Special Task Force for protection includes the National Police, the Ministry of Defense, the Ministry of Interior, the Attorney General's Office, the National Ombudsman's Office, the Counselor on Human Rights, the National Protection Unit, the United Nations, and civil society representatives. The Attorney General's Office, DIJIN, Interpol, the Police, the Ombudsman's Office, and the National Protection Unit worked together to cross-analyze information from judicial and intelligence agencies.

Throughout the relevant period, the Colombian government held a series of meetings 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 dialogue initiated in 2009, the government continued to meet with human rights defenders to discuss strategies, actions, and investigations in support of advocacy. From June 2015 to December 2015, the Colombian government held four National Guarantees Roundtables in July, August, September, and November. As a result of continued dialogue through the *Mesa de Garantías*, the Colombian government made advances on risk analysis and protection measures based on suggestions from civil society. The Colombian government's 2015 annual report on human rights notes the Presidential Advisor on Human Rights identified a strategy to strengthen protection for at-risk individuals. This strategy would consist of measures including: strengthening the capacity for investigation, prosecution, and punishment for cases of aggressions against at-risk individuals; utilizing the Risk Map which shows the nature, dimensions, and locations of groups affected by threats and aggressions and providing protection measures that are in line with local needs; constructing an Information System for the Protection Program to overcome problems of coordination, management, and accountability; establishing differential measures for women, victims, land restitution leaders, and ethnic groups and developing collective measures for vulnerable groups; and coordinating between the National Protection Unit and other agencies to strengthen the capacity of individuals, groups, and communities.

The government made efforts to use its political influence to protect social activists and human rights defenders. Colombian government officials, including President Santos, the Presidential Advisor on Human Rights, and the Interior Minister, continued to make high-level public statements praising the work of human rights defenders and criticizing threats and attacks against them. In November 2015, the Attorney General's Office denounced homicides against human rights defenders as an act that obstructs the construction of a durable and sustainable peace. To advance investigations and prosecutions for crimes against human rights defenders and civil society leaders, the Attorney General's Office implemented a prioritization strategy, which was presented before the National Guarantees Roundtable. The Colombian government also implemented a communications strategy focused on supporting the work of human rights defenders. On International Human Rights Day in December 2015, the Colombian government launched the website www.tudefiendesmisderechos.com ("you defend my rights") as a virtual space to support the government's destigmatization and support strategy for human rights defenders. The website highlighted the work of defenders and the process behind the Guarantees Roundtables. In March 2016, President Santos requested the Attorney General's Office prioritize investigations

for homicides of human rights defenders, stating the government was committed to pursuing the perpetrators who were threatening and killing human rights defenders and civil society representatives. In April 2016, President Santos ordered a review of the protective measures provided to human rights defenders.

Despite the government's efforts, threats against human rights defenders and other vulnerable individuals continued. There were no reported prosecutions of threat cases related to human rights defenders, labor unionists, or community leaders during the reporting period. In 2015, the Attorney General's Office reported 63 human rights defenders killed with 60 active investigations, 16 arrests, and six convictions.

The National Protection Unit (UNP) established in 2011 and located within the Ministry of Interior continued to protect at-risk citizens and communities. The UNP consolidates all government protection entities' databases and administers a protection program 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.

NGOs remained concerned with perceived shortcomings in the UNP. NGOs highlighted specific cases of human rights defenders who reportedly required protection and did not receive it, or individuals who lost their protection despite still being at risk. They expressed concern about the inability of human rights defenders to travel outside of their home cities with protection, even if travel is for official business, and the sometimes inflexible protection schemes, such as assigning vulnerable individuals bulletproof cars, even if cars are not feasible in certain remote locations.

The UNP faced challenges including internal corruption and budget shortages despite an increased protection caseload. To help address budget constraints, the UNP began working on a decree that would ensure costly protection measures, specifically those relating to transportation, were provided only to those most at-risk. With support from the Transparency Secretariat, a Transparency Roundtable was created within the UNP to study and resolve problems of corruption within the agency and ensure the most efficient use of resources. The UNP continued to work on a technical study to address issues of third-party contractors that provide protection to reduce corruption. Independent technical, financial, and judicial oversight was provided to the agency throughout 2015 to reduce the opportunities for corruption.

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The National Protection Unit provided protection to 9,998 at-risk individuals in 2015, up from 9,638 at-risk individuals in 2014. Since 2012, the UNP specifically provided protection to the following individuals:

Group	2012	2013	2014	2015
Reintegrated persons	0	20	40	60
Former M-19	43	46	41	41
Opposition members and Political Activists	62	114	119	108
Union Leaders	542	672	600	502
Patriotic Union and Communist Party Members	564	572	417	1,507
Afro-Colombian and Indigenous Leaders	179	352	455	420
Current and Former Public Officials	3,454	3,303	4,978	4,864
Journalists	77	116	119	169
Human Rights Defenders	464	621	712	625
Human Rights Witnesses	0	23	8	6
Human Rights Victims	648	1,074	1,531	1,283
Land Restitution Leaders	0	541	561	470
Displaced	0	533	970	413
Others	351	598	0	413
Total	6,384	7,511	9,638	9,998

*UNP

In December 2015, the UNP announced a new evaluation process (the Committee for Risk Evaluation and Measure Recommendation – CERREM) for collective and community protection measures. The CERREM forms part of the “Collective Protection Route” – an interagency initiative to protect the human rights and fundamental freedoms of members of ethnic groups and communities in their territories. The Colombian government said collective protection measures had been provided to community councils in *Alto Mira* and *Renacer Negro*. The UN High Commissioner for Refugees (UNHCR) highlighted the importance of collective CERREM. The UNP and the UNHCR signed a memorandum of understanding covering 2015 to 2019 to continue technical assistance for protection processes.

Respecting the Rights and Territory of Rural, Indigenous, and Afro-Colombian Communities

The Colombian government made efforts to respect the rights and territory of indigenous and Afro-Colombian communities during the relevant period. In spite of efforts to provide necessary protections and compensation to these communities, the Attorney General’s Office reports that members of the

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indigenous population in Colombia have been victimized by abuses, which have included killings, massacres, torture, mass forced displacements, confinement, restriction of mobility, forced disappearance, recruitment into illegal armed groups, individual and collective threats, anti-personnel mines, sexual violence, and theft. The National Indigenous Organization of Colombia recorded 35 killings and 3,481 forced displacements in 2015.

During the relevant period, the Colombian government established dialogues with Afro-Colombian and indigenous communities in order to coordinate protection plans, conflict resolution, legislation and rights, political dialogue, spaces for reconciliation, and ethnological studies. Additionally, through the Mesa Única Nacional de la Cumbre Agraria, Étnica, Campesina, y Popular, or the Agrarian Negotiating Platform, the Colombian government established a dialogue to improve the living conditions of rural and minority communities. The heads of the Ministry of Interior, Agriculture, Finance, and Mining were among the government officials who attended the dialogues. A Subcommittee on Guarantees and Human Rights was created and established in September 2015. In addition, a Permanent Joint Committee for Analysis and Alternative Penalties was created, which prioritized 61 cases for review.

The modernization of the Attorney General's Office has led to changes in the administration of justice, such as prioritization, more contextual investigations, and integral attention to victims with a differential focus with respect to groups that are vulnerable, including ethnic groups. The Attorney General's Office created an Indigenous Affairs Commission in 2014 to incorporate respect for ethnic and cultural diversity into justice-related issues and processes. The Commission focuses on Cesar, Magdalena, and la Guajira, where the Arhuaca community resides, and Chocó, where the Embera, Wounaan, and Tule communities reside.

The Colombian government increased state security presence in traditionally vulnerable regions with large minority populations. For example, the predominantly Afro-Colombian city of Buenaventura (Valle de Cauca) has suffered from high levels of violence, including displacement, forced disappearances, torture, and dismemberments. The Colombian government increased its security presence in Buenaventura to 1,300 officers from the Colombian Navy and 120 Coast Guard officers, who work in partnership with local police in the communities. In addition, under its prioritization plan, the Attorney General's Office took steps in 2015 and 2016 in Buenaventura to increase indictments and convictions in priority cases, including those involving homicides and sexual violence. According to its quadrennial management report covering

2012-2016 ("The Attorney General's Office of the 21st Century: A Path to Modernization") the Attorney General's Office increased its staff in Buenaventura after 2014 from 15 to 26 prosecutors; from 11 to 23 assistant prosecutors; and from 16 to 26 investigators. As a result, indictments almost doubled and convictions more than tripled. According to HRW, atrocities in Buenaventura continued in 2015, however. HRW reports Buenaventura has one of the highest rates of forced displacement in Colombia, with 1,386 residents fleeing their homes between January and September 2015.

In August 2015, the UN Committee on the Elimination of Racial Discrimination (CERD) noted the armed conflict continued to have a disproportionate impact on indigenous and Afro-Colombian communities and noted the lack of effective participation of these communities in the peace process. The U.S. government urged the Colombian government to increase efforts to include Afro-Colombian and indigenous populations in the peace process to ensure community participation in the implementation of the peace accords. Following numerous calls for the increased inclusion of minority populations, ethnic delegations traveled to Havana on June 27, 2016, to discuss the specific needs of their communities and outline mechanisms for their increased participation in the peace process.