

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

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

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

The Colombian government continued to dismantle paramilitary 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 (now demobilized) paramilitary organizations or other criminal groups. Investigations and prosecutions under the JPL process continued, and cooperation between U.S. and Colombian authorities continued to facilitate extradited paramilitary leaders' participation.

The Prosecutor General's Office and other such appropriate investigatory bodies as the Supreme Court in the case of serving legislators, continue to follow up on allegations of criminal activity by members of the Colombian government revealed during the JPL process. Since the previous certification, at least 15 government officials were arrested and 20 were convicted for ties with paramilitary groups, including former Senator Mario Uribe, a second cousin of former President Alvaro Uribe and former president of the Colombian Congress. Uribe was sentenced in February to seven and a half years in prison.

Finally, the Colombian government has taken a bold, historic effort to provide reparations and land restitution to Colombia's victims. On June 10, President Santos signed a Land and Victims' Law that will benefit approximately four million Colombians in the next 10 years with integral assistance and reparations to victims, including victims of the state.

Capture and Detention of Former Paramilitary Leaders

The Colombian government continues to take actions to ensure that former AUC paramilitary leaders are detained and adhere to their obligations under the JPL process.

UNCLASSIFIED

- 48 -

Since 2003, 31,681 former paramilitary members have collectively demobilized. Of these, 4,100 former AUC paramilitary members have been identified as potentially eligible to receive benefits under the JPL process. Of those, the Colombian government reports that 2,736, including extradited paramilitaries in the United States, have given voluntary confessions (*versiones libres*). At the time of demobilization, only three of those who collectively demobilized were incarcerated, while 4,338 currently are incarcerated. Of the high-ranking AUC leaders, 29 are in the JPL process, 26 are incarcerated, 23 were extradited to the United States and have been sentenced or are awaiting sentencing, one is deceased, two are presumed deceased, and four have active arrest warrants against them.

Investigations under the Justice and Peace Law Process

As of March, 57,131 crimes have been confessed in sessions in Colombia and the United States, during which 60,929 victims participated. Victims are invited to participate in the voluntary confession process, listen to the live confessions, and ask questions directly to the defendants. In addition, JPL prosecutors work with the victims, interviewing them with respect to the crimes involved to assist with the identification of evidence, clarification of facts, and verification of information given in testimony. The Prosecutor General's Office reports that of the 57,131 crimes confessed, 48,541 involve murders, including 1,755 massacres, as well as kidnappings, extortions, and forced recruitment. As of March, 3,983 victim remains have been found, 1,401 of which have been returned to their families. A total of 28,432 formal charges have been filed against JPL defendants.

Witnesses in sensitive cases continued to face threats and, in some cases, were killed. For example, four witnesses in a "parapolitical" case in Arboletes (Antioquia) were killed between September 2010 and July 15, while other witnesses left the area out of fear. The witnesses were expected to testify in a case involving a strategy between politicians and members of the AUC's *Elmer Cardenas* Bloc to elect members to congress between 2002 and 2006.

In its 15th quarterly report, the OAS Mission to Support the Peace Process in Colombia (OAS/MAPP) noted with regard to the JPL process that "Colombia has achieved major objectives. Today, the victims have become the key protagonists in the peace process. This would have been impossible without the demobilization process, the subsequent implementation of this law, and the combined efforts of civil society, victims' organizations, the institutions charged with their aid, and the

UNCLASSIFIED

postulados [or *postuladas*, demobilized fighters who apply for benefits under the Justice and Peace Law] who actively participate in the process.”

The OAS/MAPP “recognizes the importance of bringing those seeking benefits under the Justice and Peace Law to trial, the definitive handing down of guilty verdicts, and swift comprehensive redress to the victims.” and notes that it is “urgent that real results be seen with the consolidation and adjustment of the procedure; the streamlining of procedures leading up to trials; the adoption of strategies that correct procedural flaws so that victims can genuinely exercise their rights; and better training for judicial personnel... However, the Mission calls attention to the risk of evaluating the process solely from the standpoint of statistics and the number of rulings handed down, disregarding the value of the degree of truth that has been obtained, along with the significant efforts by the Colombian State to implement the process.”

As part of current institutional reforms, the Colombian government is allowing the mandate of the National Commission for Reparation and Reconciliation (CNRR), including the Historical Memory Group, to expire. As part of Law 1424 passed in December, the Colombian government is working to establish at least a limited version of a truth commission. The recently approved Land and Victims' Law provides for the establishment and institutionalization of formal archives and a Center of Historic Memory, which will be responsible for collecting oral testimony and material documentation concerning violations of international human rights norms and law. The information will be available to researchers, citizens, and interested parties. The center will also promote activities in education and the arts to preserve and enrich understanding of the history of violence in Colombia.

Extradition of Paramilitary Leaders

Cooperation between U.S. and Colombian authorities continued to facilitate extradited paramilitary leaders' participation in the Justice and Peace Law Process. The access plan described in the previous certification, which consolidated defendants into two detention facilities in Miami, Florida, and Northern Neck, Virginia, allowing daily access by Colombian authorities, was recently expanded. The Miami facility will allow access five days per week, an increase from three days per week. The access plan continues to run smoothly, though in August Ramiro Vanoy (aka “Cuco Vanoy”) announced his decision to halt further participation in the JPL process.

UNCLASSIFIED

- 50 -

As of August, many of the 23 former paramilitary leaders extradited to the United States have indicated their interest in continuing their participation in the JPL process. Despite some doubts with respect to these defendants' sincerity, the Prosecutor General's Justice and Peace Unit will be confronting all with respect to their commitment. As of August, the U.S. Department of Justice has facilitated over 400 video depositions and interviews from the extradited paramilitary leaders, including video depositions and interviews for the Colombian Supreme Court. Over 3,000 victims have participated in the live transmissions of these voluntary confessions from the United States with the victims having the opportunity, as they do in sessions in Colombia, to ask questions of the defendants.

- Since the beginning of the Access Program in Northern Neck in September 2010, **Salvatore Mancuso** has participated in 10 interviews and 42 videoconferences. He has cooperated with the Prosecutor General's Office's Human Rights Unit, the Justice and Peace Unit, Superior Tribunals, *Delegados ante el Tribunal de Justicia* and the Supreme Court. He also agreed to allow the CNRR and the OAS/MAPP to interview him.
- Since the beginning of the Access Program in Miami in October 2010, **Vanoy Murillo** has participated in two interviews and 23 videoconferences. He has cooperated with the Prosecutor General's Office's Human Rights Unit, the Justice and Peace Unit, and *Delegados ante el Tribunal de Justicia*. He also agreed to OAS/MAPP interview.
- Since the beginning of the Access Program in Miami in October 2010, **Perez Alzate** has participated in two interviews and 18 videoconferences. He has cooperated with the Prosecutor General's Office's Human Rights Unit (including the Labor Sub-Unit), the Justice and Peace Unit, Superior Tribunals and the Supreme Court.
- Since the beginning of the Access Program in Northern Neck in September 2010, **Mejia Munera** has participated in five interviews and 24 videoconferences. He has cooperated with the Prosecutor General's Office's Human Rights Unit, the Justice and Peace Unit and Superior Tribunals. He also agreed to be interviewed by the OAS/MAPP.

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

Investigators in the Prosecutor General's Office's Justice and Peace Unit are working to uncover and dismantle paramilitary leadership and financial networks.

UNCLASSIFIED

UNCLASSIFIED

- 51 -

As of June, the Unit had a staff of 1,048, including 184 prosecutors, 433 criminal investigators, 717 assistants and administrative personnel, and 135 drivers and bodyguards assigned to offices in Bogota, Medellin, Barranquilla, Cali, Bucaramanga, Monteria, Cucuta, Valledupar, Santa Marta, Cali, Ibague, and Villavicencio. Criminal investigators are located in 43 cities and towns throughout the country. With more than 334,916 registered victims, providing victim assistance is an enormous task. Passage of the Land and Victims' Law will create additional pressure on the state to address victims' needs, and there are questions regarding whether there are sufficient personnel to meet the Unit's mandate. Outstanding issues include clarification of the Unit's objectives, the implementation of the JPL process under the Land and Victims' Law, development of priorities, and more effective use of existing resources.

Funding levels steadily increased in recent years to help meet the unit's objectives (from approximately \$5 million in 2007 to approximately \$14 million in 2010). Since 2005, the U.S. government has provided \$10 million in assistance to the Unit, including training, technical assistance, vehicles, technical equipment for the majority of the confession rooms and victim hearing rooms, forensic assistance, office enhancement and equipment, contract data entry personnel, and database enhancement.

Exclusion from Justice and Peace Law Process

Demobilized paramilitary members participating in the JPL process who do not cooperate fully by providing testimony, confessing crimes, turning over illegally acquired assets, and ceasing their criminal activity may be expelled from the JPL process. Since the last certification, a second paramilitary member has been excluded from the JPL process. In May, the Medellin Tribunal accepted the petition from the Prosecutor General's Office to exclude former paramilitary leader Rodolfo Morales Aguirre (alias "Rogelio") due to his lack of compliance with the requirements. Morales Aguirre did not appeal the decision, and his investigation and prosecution will proceed in the ordinary justice system.

Convictions in Justice and Peace Process

Since the last certification, two additional convictions were achieved in the JPL process for a total of four convictions.

In December 2010, Jorge Ivan Laverde (alias "El Iguano"), chief of the "Fronteras" front of the Catatumbo Bloc, confessed to murdering 100 people and

UNCLASSIFIED

ordering the murder of 4,000 people. He was known for burning his victims in Nazi-style ovens. His conviction included 28 massacres and the homicides of prosecutors Carlos Arturo Pinto and Maria del Rosario Silva Ruiz, Norte de Santander gubernatorial candidate Tirso Velez, and Cucuta mayoral assistant Alfredo Enrique Florez. He received the alternative JPL sentence of eight years in prison. The sentence ordered approximately \$3.5 million in reparations to 170 victims.

In June, Aramis Machado Ortiz (alias "Cabo Machado") was convicted on charges of conspiracy to commit a crime, illegally carrying weapons, and helping AUC members escape prison. In his testimony, Machado confirmed that he had helped "El Iguano" flee a hospital in Cucuta in 2000. He also trained Omar Yesid Lopez Alarcon (alias "Gustavo 18") to hold his breath, enabling Lopez to escape from the Modelo prison in a garbage container in 2001. Machado received the alternative sentence of six years. Because he was arrested in December 2004, he likely will be released later this year.

Reintegration of Demobilized Paramilitary Members

Demobilized paramilitary members of the AUC, FARC, and the National Liberation Army (ELN), as well as members of other illegal armed groups, are eligible to take part in the government's reintegration programs. As of June, 53,022 AUC, FARC, and ELN members have demobilized. As of July, 43,232 demobilized combatants were enrolled in the government's reintegration program, which provides services at the local and national level to help the demobilized become productive members of Colombian society. Of the program's participants, 30,182 paramilitary members demobilized through the collective process.

Once they enter the reintegration process, the demobilized are provided social and economic assistance, including regular psychosocial assistance, educational support, job training, and seed capital for small businesses. The High Counselor for Reintegration (ACR) reports that as of July, 71 percent of participants had benefited from formal education through the program, while 56 percent had received job training.

In its 15th quarterly report, the OAS/MAPP noted that "while problems in providing some economic and community reintegration services, as well as security for the population that is attempting to reintegrate, persist, considerable progress has been made." According to a recent evaluation of the government reintegration program, 73 percent of participants are working, and illiteracy levels

among those participating in the program dropped from 27 percent to less than 0.2 percent. Participants overwhelmingly cited the opportunities provided through the government as their primary motive for demobilizing.

The OAS/MAPP also noted that "economic reintegration of the demobilized population is perhaps the area that has posed the greatest problems over time." In December, President Santos signed a First Employment and Formalization Law that provides tax incentives to companies that hire certain target populations, including the demobilized.

According to the Colombian government, for the first time since the ACR's establishment in 2007, the government is preparing to graduate its first group of participants in the reintegration process. Based on the program's parameters, a demobilized person who has graduated is someone who has completed all social and economic reintegration activities and processes, is stable psychosocially, and who has the skills necessary to rejoin the economy. The government anticipates graduating 1,000 participants of the reintegration program by the end of 2011.

In November 2010, the Constitutional Court ruling struck down a law shielding thousands of demobilized AUC members who were not eligible to participate in the JPL process from prosecution for criminal conspiracy. In response, the OAS/MAPP expressed its concern that juridical uncertainty could lead those who have not committed war crimes or crimes against humanity, to abandon the government's reintegration program and in some cases, return to illegality. In December 2010, the Colombian Congress passed Law 1424, which offers the suspension of investigation or penalty to those whose crime is conspiracy to commit a crime, or other crimes having to do with membership in illegal armed groups, in exchange for truth, justice, and reparations. The law and accompanying regulation require demobilized combatants to appear at the ACR offices by December 28, sign a contract (*Acuerdo de Contribución a la Verdad Histórica*), engage in community service activities, contribute to reparations, and participate actively in the ACR reintegration program. This will apply to demobilized individuals who have not been sentenced for a crime committed after their demobilization. The ACR is traveling across the country to educate the demobilized about the new law, though many remain apprehensive as the Constitutional Court has yet to pronounce itself on the law.

Reparations to Victims

The Land and Victims' Law

In June, President Santos signed a Land and Victims' Law to provide integral reparations and land restitution to approximately four million Colombians in the next ten years, including victims of state violence. Most agree that implementing the law will be a daunting task. The government will have six months to define rules on specific amounts, criteria, and procedures for administrative reparations. When accepting administrative reparation the victims will have to sign a contract that says they will forgo any existing or future judicial proceedings against the state. However, administrative reparations do not relieve victimizers from their responsibility to repay victims and lawsuits against victimizers could continue.

The law establishes a new institutional framework for reparations. The government's *Acción Social* agency will be upgraded to the Administrative Department of Inclusion and Reparation, given independence from the presidency, and provided with its own budget. A special administrative unit within the new administrative department will lead overall attention to victims and will assume the functions of the National Commission for Reparation and Reconciliation at the end of 2012. The law establishes December 10 (International Human Rights Day) as the National Day of Solidarity with Victims.

In anticipation of the Land and Victims' Law, the government began implementing a land restitution and formalization "Shock Plan" in October 2010. By July, the government had delivered 361,539 hectares to 17,583 families, surpassing its goal of delivering 350,000 hectares. Of these, 109,197 hectares were delivered to indigenous communities, 18,119 were delivered to the internally displaced, and 6,630 were delivered to Afro-Colombian communities. Focus areas of the "Shock Plan" included Antioquia, Bolivar, Cesar, Choco, and Magdalena. With the Land and Victims' Law, the government's new goal is to have delivered 1.2 million hectares to 160,000 families at the end of four years.

Reparations under JPL

In accordance with Law 975 of 2005, demobilized paramilitary members taking part in the JPL process are required to turn over all illicitly obtained assets, which will be used to provide judicial reparations to victims. In addition, the Colombian government has begun providing administrative reparations to victims in the JPL process, and is offering counseling and other needed services to them.

The law also includes other forms of holistic reparation, including the search for the disappeared, rehabilitation, and assurances of non-repetition.

In 2009, the government presented a new interagency plan to improve efforts to identify remains of victims of forced disappearances. As of June, the Prosecutor General's Office had returned 1,401 remains to family members. The U.S. government has provided significant funding and assistance to develop the Justice and Peace exhumation teams, DNA capabilities, and a regional identification center in Medellin.

Judicial Reparations

In the previous certification, we reported concerns that the Colombian government has been slow in identifying and confiscating paramilitaries' illegally acquired assets. The voluntary delivery of assets by demobilized paramilitary members has not been significant, and the Prosecutor General's Office has been slow to determine how to address this matter, both with respect to compliance with the JPL and asset seizure. While that remains an issue, some progress has been made during the certification period. Between August 2010 and April 2011, the Colombian government seized 27 rural properties, 14 urban properties, nine vehicles, and one business society belonging to 32 former paramilitary members.

In total, the Colombian government reports it has received 637 properties, 199 vehicles, 18 boats, and five aircraft, among other assets.

In addition to taking control of assets as part of the JPL process, the Prosecutor General's Office has a specialized team working to search and seize assets belonging to JPL participants and third parties not offered by the participants in the course of the JPL process. There are currently 27 such investigations.

Administrative Reparations

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

The CNRR and *Acción Social* work together to implement the administrative reparations fund, which provides monetary compensation to victims of

paramilitary violence. The fund currently allows for up to \$12,108 in compensation (equivalent of 40 "minimum salaries"), depending on the crime that was committed. CNRR takes applications for reparations from victims, investigates the legitimacy of the request, and then makes a determination on the disbursement of administrative reparations. (This process will change with the implementation of the new Land and Victims' Law.)

From 2009 to 2010, the budget for victims' administrative reparations rose to approximately \$280 million. Between August 2010 and April 2011, 10,641 victims received reparations totaling approximately \$100 million.

Criminal Groups

In January, Colombian National Police (CNP) Director General Oscar Naranjo acknowledged that organized crime groups (BACRIM for "*bandas criminales*") pose the greatest threat to public security in Colombia. Estimates of criminal group membership range from 4,000 to 10,000 individuals. The Rastrojos, BACRIM of Urabá, Revolutionary Anti-Subversive Army of Colombia (ERPAC), Los Paisas, Renacer, and others engage in drug trafficking and extortion. They seek control of trafficking routes and territory. They both compete and cooperate with the FARC on the drug trade. Highly adaptable, these groups lack the unified leadership and political agenda of the now demobilized AUC.

As threats and violence against civilians and human rights groups have increased, the Colombian government has stepped up its efforts to dismantle these criminal groups. NGOs continue to allege that BACRIM are a continuation of paramilitaries and that they maintain ties with security forces. CNP Director General Naranjo has vowed to fight corruption within the institution and to have corrupt officers prosecuted in the civilian justice system. Since 2008, the CNP has carried out thousands of disciplinary investigations against its members, and hundreds have been removed from the service and criminally charged. Since the last certification, dozens of police officers have been arrested following counterintelligence investigations of police links to criminal groups.

In its 15th quarterly report, the OAS/MAPP reiterated "its concern about the actions of post-demobilization groups that continue to harm populations in locations such as the Pacific coast, southern Cordoba and Bajo Cauca (Antioquia), the Cordoba coast, Antioquian Uraba, and the eastern plains (especially the department of Meta)," and urged the government "to pay special attention to the

UNCLASSIFIED

- 57 -

vulnerable populations victimized by these groups, and to investigate the actions of the latter.”

In February, the UNHCHR said these criminal groups were to blame for a 40 percent increase in massacres in 2010. At least 179 people were massacred in 38 different incidents in 2010, compared with 139 people in 27 massacres in 2009. The Colombian government defines a massacre as the killing of four or more persons.

In May, the Latin America Working Group Education Fund and Lutheran World Relief released a report, “No Relief in Sight: Land & Violence on Caribbean Coast of Colombia,” based on the groups’ April visit to Cordoba, Sucre, and Barranquilla. The report stressed, “powerful paramilitary successor groups exert control, indeed rule by terror, over both rural and urban areas. Again and again, we heard that ‘*son los mismos*,’ these are the same paramilitaries as before.” CNP figures show that about 15 percent of captured members of criminal groups were demobilized paramilitaries. The report also noted the impact of criminal groups on human rights defenders and rural community leaders, and expressed concern that implementing land restitution in this context would put beneficiaries at grave risk.

Since 2009, the government, through the ACR, has taken steps to prevent child and youth recruitment. Through its programs, the ACR seeks to reinforce community, family, and local government institutions to empower youth and social networks to prevent recruitment.

Efforts to Combat Criminal Groups

The Colombian government has stepped up its efforts to dismantle criminal groups, in response to increasing threats and violence against civilians and human rights groups. The CNP plans to increase the police force from 162,000 personnel in 2011 to 180,000 personnel in 2013. Police leadership report this surge in cadets will result in a greater police presence across the country in the coming years.

In late 2010, the CNP created a specialized anti-BACRIM unit to investigate and dismantle BACRIM leadership and structure. The Embassy supports this new 200-person police group, which forms a new section of the anti-narcotics police and targets major BACRIM groups.

UNCLASSIFIED

UNCLASSIFIED

- 58 -

In late 2010, the Colombian Prosecutor General's Office created an Organized Crime (BACRIM) Unit. The Unit currently is staffed with 23 prosecutors, with plans to add 50 more. The Unit has offices in Bogota, Cali, Medellin, and Monteria, and soon will have one in Barranquilla.

During 2010, the CNP reported 2,674 BACRIM members captured. As of the end of June, more than 1,500 BACRIM members had been captured during 2011.

In February, at the inaugural meeting of Colombia's National Security Council, the government adopted a comprehensive strategy to combat criminal bands. The strategy calls for the CNP to increase shared responsibility for the issue with the military, the Prosecutor General's Office, and the DAS. In announcing the new inter-institutional approach, President Santos lamented that only 12 percent of those captured for their participation in criminal groups are convicted.

This new "D-6 strategy" focuses on six elements: disarticulate, capturing not only leaders, but also the organizations' base members; dismantle, detecting and capturing financial and logistical support structures; deny, detecting support from public officials; dissuade, using task forces; combat homicides, extortion, kidnapping, and expropriation of land; direct, coordinating strategy across the public forces; and diffuse, inspiring citizens to cooperate by providing information about crimes.

Also in February, the Colombian government launched "Operation Troy," a 90-day offensive targeting criminal groups in the Caribbean coast. Four months later, the government launched "Plan Troy Pacific" aiming to disrupt drug trafficking corridors in Narino, Cauca, and Valle del Cauca. As of June, the two operations had deployed an additional 4,400 security forces to target areas, detaining more than 515 criminals and seizing nearly six tons of cocaine. In July, the government announced the decision to expand "Operation Troy" to a third region, the south of Choco.

In May, Defense Minister Rodrigo Rivera unveiled the "General Security and Defense Policy for Prosperity," which includes the ambitious goal of eliminating all illegal armed groups within four years. Rivera noted that the pillars of the strategy – greater institutional command and control, improved intelligence, heightened coordination among security agencies, strategic protection of the

UNCLASSIFIED

UNCLASSIFIED

- 59 -

population, strategic implementation of force, and respect for human rights – would help dismantle criminal groups.

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

1. Harrison Esparza Meza, aka "HH"
 - Leader of Los Urabenos in Magdalena Medio region
 - Captured in September 2010
2. Carlos Everto Higueta
 - Military leader of Los Urabenos
 - Captured in October 2010
3. Cesar Augusto Torres Lujan, aka "Mono Vides"
 - Leader of Los Paisas in Bajo Cauca
 - Killed in confrontation with the police in October 2010
4. Arnulfo Sanchez Gonzales, aka "Pablo"
 - Leader of the Alta Guajira BACRIM and former AUC commander
 - Captured in November 2010
 - Sentenced in May to 26 years in prison for his involvement in the massacre of five civilians in the villages of Bahia Portete and Bahia Honda in April 2004, in which five people were killed and hundreds were displaced.
5. Harold Humberto Rojas Pineros, "Loco Harold"
 - Second in command of the Popular Anti-Terrorist Revolutionary Army (ERPAC)
 - Captured in December 2010
6. Pedro Guerrero Castillo, aka "El Cuchillo"
 - Leader of ERPAC
 - Killed in December 2010
7. Fredy Ricardo Santos Ramirez, aka "Brayan"
 - Financial leader of ERPAC
 - Captured in February 2011

UNCLASSIFIED

UNCLASSIFIED

- 60 -

8. Hilber Nover Urdinola Perea, aka "Don H"
 - Leader of Los Machos
 - Captured in April 2011

9. Ever Santos Molina Mejia, aka "Calabre"
 - Leader of ERPAC's hitmen
 - Captured in April 2011

10. Jose Alexander Vargas Velasco, aka "El Politico"
 - Led ERPAC's efforts to coerce local authorities
 - Captured in April 2011

11. Giovanni Waldir Ustariz Martinez, aka "Juan Jose" or "El Indio"
 - Leader of Los Urabenos in the Caribbean region
 - Captured in April 2011

12. Erlin Javier Arroyo Mosquera, aka "Pocholo"
 - Leader of Renacer
 - Captured in April 2011

13. Juan Carlos Duarte, aka "Chiqui"
 - BACRIM leader in San Andres
 - Captured in April 2011

14. Gustavo Alvarez Tellez, aka "Tavo"
 - Second in command of the Los Paisas faction led by "Valenciano"
 - Captured in May 2011

15. Oscar Mauricio Galvis Agudelo, aka "Pantera"
 - Second in command of the Los Paisas faction led by "Sebastian"
 - Captured in May 2011

16. Jesus David Hernandez, aka "Chaparro"
 - Second in command and commander of assassins of the Los Paisas faction led by "Sebastian"
 - Captured in May 2011
 - Sentenced in July to more than 30 years in jail on homicide and other charges.

UNCLASSIFIED

17. Rodrigo Antonio Oquendo Urrego, aka "Rigo"
 - Leader of Los Urabenos in the Guajira department
 - Captured in June 2011

18. Martha Eugenia Mojica, aka "La Guajira"
 - Finance chief of Los Urabenos in Cordoba department
 - Captured in June 2011

19. Jesus Maria Mosquera, aka "Sangre"
 - Military leader of Los Paisas
 - Captured in June 2011

Integrated Center of Intelligence against Criminal Groups

The Colombian government has two mechanisms for the coordination, execution, and verification of efforts against illegal armed groups, one through the CNP, and the other through the Vice President's Office. The first mechanism, called the Integrated Center of Intelligence Against Criminal Groups (CI2) and run under the leadership of the CNP, has two tasks, to develop both national and regional strategies for combating illegal armed groups. The CI2 is an interagency group that coordinates the exchange and evaluation of information on criminal groups with the goal of identifying the heads of their organizations, orienting actions against their structures, and thwarting the growth of these groups. The CI2 is made up of the armed forces, Ministry of Defense, DAS, INPEC, ACR, *Accion Social*, the financial analysis unit of the Ministry of Treasury, the Prosecutor General's Office, the Joint Intelligence Agency, and the following units within the CNP: *Carabineros* division, criminal investigative division, the intelligence division, and the anti-kidnapping and anti-extortion division. The CI2 also has technical, anticorruption, and judicial working groups. It is closely monitoring for reports of illicit BACRIM influence in the run up to the October local elections.

The CI2's regional and national strategies fall under the framework of the PNCT. The CNP have jurisdiction over combating these groups, and the Armed Forces only intervene when the CNP formally request assistance, or in situations where the military happens to encounter the groups and must use force to protect the civilian population.

Inter-Institutional Committee to Combat Criminal Bands and Networks

The second mechanism that the Colombian government uses to confront illegal armed groups is the Inter-Institutional Committee to Combat Criminal Bands and Networks, which operates under the direction of the Vice President's Office. Formed originally in Cauca in the Bajo Cauca region in 2007, the Colombian government formally established the committee by presidential decree in July 2010. The following agencies participate in the Inter-institutional Committees: the Prosecutor General's Office, Ministry of Defense, Ministry of Interior and Justice (MOIJ), Inspector General's Office, DAS, Ombudsman's Office, president of the Administrative Chamber of the High Council of the Judiciary, and top levels of the CNP and armed forces.

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

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

Mobile Police Squadrons ("Carabineros")

With U.S. government support, the Colombian government has set up rural mobile police squadrons known as "Carabineros" that are trained and equipped to enhance police coverage in rural areas. The primary aim of the *Carabineros* squadrons is to "support rural service monitoring at the departmental level" on missions to improve police presence in the Colombian countryside with emphasis on population centers, production areas, roads and generally strategic points of the national territory. There are currently 52 *Carabineros* squadrons composed of 120 police officers per squadron. The *Carabineros* have had some success against BACRIM, but lack personnel resources commensurate to their responsibilities in the rural countryside. Thirty *Carabineros* squadrons now conduct security for manual eradication operations and others are assigned to securing critical lines of communication in towns that are under threat.

Efforts to Fight Corruption in the Security Forces

CNP Director General Naranjo has vowed to be "implacable" against corruption in the institution, and Prosecutor General Morales has pledged to investigate members of the security forces for links with criminal groups.

This year, the CNP started 4,964 disciplinary investigations (for a variety of misconduct), which led to the removal of 343 police officers, suspension of 375, and imposition of penalties on 587. According to independent think tank New Rainbow Corporation, 60 members of the public forces were arrested in the first six months of 2011 for their ties to criminal groups.

In October 2010, after an 18-month joint investigation by the navy and the Prosecutor General's Office, authorities arrested 10 individuals, including six sailors from the Colombian Navy, for drug trafficking in connection with Los Rastrojos along the southern Pacific coast. Authorities estimated that the ring trafficked three tons of cocaine per month from the coast. Among those arrested were the head of Los Rastrojos in Narino, Iller Numar Trujillo Diaz, alias "Apache IV," and the six sailors, comprised of three non-commissioned officers, two professional sailors, and one marine. Investigators hypothesized that these sailors assisted Los Rastrojos' illegal activities by sharing information related to military operations in Narino in exchange for money, as well as providing Los Rastrojos with navy uniforms. The sailors were charged with conspiracy. The trial was ongoing as of July 15.

In June, seven police officers, two non-commissioned officers of the navy, and two employees of the Prosecutor General's Office were among 39 individuals detained in a joint operation of the navy and the Prosecutor General's Office for collaborating with Los Rastrojos in Choco.

Twenty-three police officers also were arrested in June for links with criminal groups. Fifteen were arrested in Bogota, San Andres, Bucaramanga, and Cali for helping Los Rastrojos and Los Paisas transport cocaine to Central America. Eight were arrested in Bogota for possession of half of a 500-kilo shipment of cocaine belonging to ERPAC BACRIM leader, "El Cuchillo," who was killed in December 2010. In July, 25 Bogota police officers were fired for allegedly tipping off drug dealers about an impending police operation.

UNCLASSIFIED

- 64 -

In July, 25 Bogota police officers, including a major, were fired for providing information to drug dealers who had been reported by residents, undermining counternarcotics operations in the city.

Also in July, a local Los Rastrojos chief, Angel de Jesus Pacheco Chanci (aka "Sebastian") was killed by his bodyguards, Hector David Escarpeta Suarez (aka "El Negro") and Luis Alberto Paternina Alvarez (aka "Guadana"). Press reports that during proceedings against "El Negro" and "Guadana," the prosecutor presented information on payments made to members of the CNP and employees of the Prosecutor General's Office and the DAS. The judge, in turn, called for an investigation of the public employees allegedly on Los Rastrojos' payroll. The CNP Commander in Antioquia, Coronel Jose Gerardo Acevedo Ossa, stated publicly that he would open both a disciplinary and a criminal investigation upon receiving from the Prosecutor General's Office the names of those allegedly collaborating with Los Rastrojos. On August 4, three military and seven police officers were arrested for alleged ties with Los Rastrojos in Antioquia.

UNCLASSIFIED

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

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

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

Government Efforts Regarding Human Rights Defenders

Over the certification period, the Colombian government significantly improved respect for and recognition of human rights defenders, journalists, trade unionists, political opposition and religious leaders, and indigenous and Afro-Colombian communities.

On several occasions, Colombian government officials at the highest levels, including President Santos and Vice President Garzon, have praised the work of human rights defenders and condemned threats and attacks against them. There has been frequent dialogue between the Santos administration and human rights organizations. From August 2010 to April 2011, the *Mesa Nacional de Garantias*, a central forum for dialogue, met seven times. These meetings included the Vice President, Prosecutor General, and ministers of interior and justice, social protection, and defense.

On June 13, Afro-Colombian and indigenous NGOs suspended their participation in the dialogue, citing the government's failure to fulfill its promises to protect human rights defenders and community leaders. The suspension came six days after Afro-Colombian land leader Ana Fabricia Cordoba was fatally shot in Medellin. In a press release explaining the suspension, NGO *Somos Defensores* said that, since 2011 to date, approximately 20 human rights defenders had been killed and 100 threatened. On July 7, NGOs agreed to return to the table to continue to dialogue with the government through the *Mesa Nacional de Garantias*. NGOs and the MOIJ continue to work on a draft decree that will provide the framework for a revised protection program in the Ministry.

UNCLASSIFIED

- 66 -

In addition to the national roundtable, the MOIJ's human rights directorate held 13 territorial audiences to engage with local communities about the situation of human rights defenders in Antioquia, Atlantico, Arauca, Bogota, Cauca, Narino, Norte de Santander, Putumayo, Risaralda, Santander (two), Sucre, and Valle del Cauca.

In October 2010, President Santos announced the creation of two new presidential programs to oversee the government's engagement with indigenous and Afro-Colombian communities, and named Gabriel Muyuy and Oscar Gamboa to fill these posts, respectively.

In November 2010, Vice President Garzon signed a Joint Human Rights Declaration with the G-24, UNDP, UNHCHR, OAS, the Inspector General's Office, the Human Rights Ombudsman, the Congressional Human Rights Committee, and numerous civil society representatives. The declaration announced a national human rights conference to take place in December. The government later changed the conference date to December 2012 to allow more time for consultations. The conference will be the culmination of a process of consultations in each of Colombia's 32 departments that will inform the development of a national human rights policy and a commission to oversee the policy's implementation.

In December 2010, President Santos signed a law that stiffens penalties for crimes against human rights defenders and journalists, increasing the murder sentence to 30 years. Some human rights groups have commented that efficient application of penalties, as opposed to stiffer penalties, is needed.

Despite these important steps, NGOs reported that threats and attacks against human rights defenders continued. The NGO *Somos Defensores* reported that during the first three months of the year, 96 human rights defenders and 64 NGOs were victims of attacks. *Somos Defensores* also reported 68 threats and nine homicides in the same period. In 2010, *Somos Defensores* reported 174 attacks against human rights defenders: 61 percent (109) were threats and 18 percent (32) were homicides. *Somos Defensores* reported that in 46 percent of cases in 2010, the perpetrators were "paramilitaries." The perpetrators were unknown in 37 percent of the cases. Security forces allegedly were responsible for 10 percent of the cases.

UNCLASSIFIED

UNCLASSIFIED

- 67 -

Below is a discussion of thematic issues that affect the respect for the vulnerable populations listed in the criteria, followed by the Colombian government's efforts with regard to each of these groups.

Protection Issues

The MOIJ continued to provide protection to vulnerable populations through its protection program. This protection includes communications equipment, bodyguards, armored cars, reinforced doors or windows, and relocation assistance, among other provisions. The type and scope of protection provided through the program varies according to the individual or group's threat level as assessed by the CNP. For individuals with very high threat levels, individual protection personnel are provided and accompany them when they travel. Those with lower assessed threat levels may only receive protection at their place of work as a part of a collective protective scheme.

The MOIJ increased the protection program's 2011 budget by \$11 million to \$82 million, covering approximately 11,800 individuals as of May. In 2010, one quarter (\$17 million) of the program's funding went to provide protection for trade unionists, who comprised 1,450 of the program's participants. Between January and May, the program spent \$8 million on protection for 1,650 trade unionists. The next highest funding level within the program in 2010 (\$12.8 million) went to protect 685 human rights defenders in NGOs, and the third highest funding level (\$8.7 million) went to protect 1,524 members of political opposition parties. Between January and May, the number of human rights defenders in the program increased from 685 to 1,150, and the number of mayors included increased from 353 to 2,042. Many local government leaders are seeking additional security in advance of local elections scheduled for October.

Despite the Colombian government's efforts to protect vulnerable groups, NGOs and international organizations continue to express concern that these efforts are insufficient. In March, two human rights organizations, the Alvear Restrepo Lawyers' Collective (CAJAR) and *Corporación Sembrar*, gave up their protection schemes in protest, alleging that the lack of action to investigate and prosecute continuing threats against them calls into question the government's political will to protect human rights defenders. They also allege that some of these threats have come from state sectors, intelligence entities, or the military. (CAJAR was a target in the DAS scandal; both organizations have presented judicial cases against high-level military officers.)

UNCLASSIFIED

UNCLASSIFIED

- 68 -

NGOs and international organizations also noted that the government's 13 different protection programs (MOIJ's being the largest) provide vastly different protection to different populations and do not appropriately respond to risks or the living and working conditions of those in the programs. They noted that risk assessments take too long and often are inaccurate because they fail to take into consideration the full political context. There have been cases of vulnerable individuals who were murdered while they waited for the result of a risk assessment, or who were deemed to be at an "ordinary" level of risk (that is, the level of risk faced by the average Colombian). Hernando Perez, a land leader who was killed in September 2010, had a risk assessment pending since May 2010. In March, the UNHCHR issued a statement suggesting that the government consider thoroughly revising its protection programs to guarantee the lives and security of human rights defenders, those in the justice sector, and other vulnerable groups. In particular, UNHCHR called for solid and timely risk analyses that consider all risk factors.

In response to these concerns, in June, the Colombian government announced plans to integrate all protection programs to better serve its beneficiaries. Under the current proposal, the protection programs will be integrated under a new Special Protection Unit charged with implementing the protection and prevention policies and programs (related to the rights to life, liberty, integrity, and security) in coordination with the MOIJ's human rights office, which will monitor implementation and impact. The unit will house a new administrative division, which will be responsible for conducting risk assessments and managing the team of bodyguards, including those hired directly and through private security companies. The structure of the unit will be decentralized, ensuring a more timely response at the local level to protection requests. The announcement to overhaul the protection program came shortly after the murder of displaced Afro-Colombian leader Ana Fabricia Cordoba in Medellin. Many, including Vice President Garzon, described her murder as "preventable," though on more than one occasion Cordoba refused to cooperate with the police for a risk assessment. Cordoba alleged the police were behind the murder of her son.

In the meantime, MOIJ has accelerated administrative processes to implement all pending approved protection measures to existing beneficiaries and to eliminate the backlog of new requests. As of July 15, the government was in the final stages of making adjustments to regulatory decree 1740, which governs current protection programs, to include the modification of the procedures to conduct the risk assessments legally required in order to provide protection measures. The government was also revising the means by which protection is

UNCLASSIFIED

made available. These revised procedures and protection methods were being designed to provide appropriate protection more quickly than has been the case in the past.

Last year's certification reported on MOIJ's privatization of some protection programs to cope with the program's rapid expansion and eliminate the role of the DAS. We also reported concerns by some beneficiaries that by privatizing the program the government was shirking its responsibility to protect human rights defenders. According to MOIJ, those protection schemes that were privatized during the past two years fully meet the recommendations made by the IACHR that: 1) private security companies be regulated by public authorities; 2) private security companies maintain adequate mechanisms for the oversight of their activities; and 3) public authorities ensure the fulfillment of all personnel selection and training requirements. MOIJ affirms that regardless of whether the provider of protection is public or private, the government continues to assume direct responsibility for the protection program, consistent with its obligations to guarantee the security of human rights defenders. While views vary among beneficiaries, some remain concerned that the privatization of protection schemes could lead to corruption and the increased vulnerability of human rights defenders. MOIJ continues to engage with beneficiaries on a regular basis to discuss protection issues.

DAS Investigation and Intelligence Reform

The DAS is the Colombian civilian intelligence service, which has historically operated as a dependency of the Office of the President. The Prosecutor General's Office continues the investigation into former DAS officials that began in 2009. The investigation centers on illegal wiretapping of politicians, judges, NGOs, human rights activists, and journalists. DAS's illegal surveillance also allegedly targeted prominent foreign nationals such as the 2003 winner of the Nobel Peace Prize, Iran's Shirin Ebadi, and Human Rights Watch's director for the Americas, Jose Miguel Vivanco. In addition, DAS officials face allegations of participation in illegal operations aimed to discredit opponents of the Colombian government. The Prosecutor General's Office estimates that the DAS illegally recorded at least 330 people, including nearly every member of the Supreme Court.

As of December 2010, the government had held 900 internal disciplinary hearings and dismissed over 150 former DAS officials. Of those dismissed, four were arrested and sentenced, and nine others were sanctioned. Investigations are ongoing against the remaining individuals.

UNCLASSIFIED

- 70 -

As a result of these investigations, two former DAS directors have been barred from holding public office for 20 years. As of July 15, former DAS director Jorge Noguera (2002 – 2005) remained incarcerated as the criminal trial proceeded for his alleged ties to paramilitary groups and for his role in creating the intelligence unit that illegally collected information on NGOs, opposition politicians, and journalists. Former DAS director Maria del Pilar Hurtado (2007 – 2008) was granted political asylum in Panama while the Prosecutor General was in the process of filing illegal wiretapping charges against her. In May, a Colombian judge issued an arrest warrant against her and the Prosecutor General's Office requested that Interpol issue a Red Notice for Hurtado's arrest. The Panamanian government stated publicly on numerous occasions that it would not extradite Hurtado to Colombia. Andres Penate, another former DAS director (2005 – 2007), was also investigated for failing to advise the authorities of illegal surveillance and subsequently barred from public office for eight months.

In May 2010, the Prosecutor General's Office summoned Bernardo Moreno, former secretary of the presidency and one of former President Uribe's top advisors, for testimony in the DAS cases. The Inspector General sanctioned Moreno in October 2010 for his conduct in the DAS scandal, and barred him from holding public office for 18 years. In July, a Bogota Superior Tribunal judge ordered the preventive detention of Moreno following a petition by the victims, supported by the Prosecutor General's Office, which alleged Moreno attempted to interfere with the investigation.

On October 5, 2010, former President Uribe made statements in which he claimed never to have suggested any illegal activities to Moreno, but assumed "judicial and political responsibility" for Moreno's actions. On October 12, 2010, the Colombian House of Representatives began an investigation into former President Uribe's role in DAS during his time in office. Uribe has pressed for his testimony before the Accusations Commission to be open to the public, and his hearings are scheduled to be televised. His hearing scheduled for June was postponed because not all of the commission members were present. By early August, four representatives had resigned from their role in the Commission.

On May 4, President Santos signed a law giving him broad authority to reorganize the executive branch of government. One of the main goals of this reorganization is to dismantle the DAS. It also will allow the president to separate several large ministries into smaller ones. As of June, the Government of Colombia was in the process of drafting decrees to implement the government

UNCLASSIFIED