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reorganization law. The government has six months from the time of the president's signature to issue the executive decrees.

In July, the Prosecutor General's Office asked the Supreme Court to impose the maximum sentence, 12 years, to six former DAS employees: Martha Leal, former deputy director of operations; Jacqueline Sandoval Salazar, former director of counterintelligence; Jorge Armando Rubiano Jimenez, former member of the counterintelligence division; Hugo Daney Ortiz, former deputy director of operations; Jose Alexander Velasquez, former coordinator of the counterintelligence division's verification group; and Enrique Alberto Ariza Rivas, former director of intelligence. They are charged with aggravated conspiracy, illegal violation of communications, improper authorization of transmission equipment, and abuse of authority.

NGO Concerns over Intelligence Practices

NGOs continued to accuse Colombian intelligence entities of spying on human rights defenders, making threats, and breaking into their homes to steal information. In April, unknown assailants attempted to break into the apartment of Zoraida Hernandez, president of *Corporación Sembrar* and spokeswoman for the NGO MOVICE (*Movimiento Nacional de Víctimas de Crímenes de Estado*). In May, a break-in occurred at the home of Danilo Rueda, a human rights lawyer with the *Comisión Intereclesial de Justicia y Paz*. The thieves stole two USB drives containing information documenting alleged military human rights abuses. In April, Rueda had been followed home by suspicious individuals who rang the doorbell of his home and left when no one responded.

Another reported case involved Rafael Barrios Mendivil and his U.S. citizen wife Kimberly Ann Stanton, both of CAJAR. In May, Stanton received a phone call that played back a recording of a private conversation she had with Barrios inside a vehicle provided by the MOIJ protection program. A May 19 press release from CAJAR indicated that an investigation by the Prosecutor General's Office's CTI revealed that a microphone was found in the vehicle assigned to them by the protection program. In a May 25 press release, the government countered that there was no out of the ordinary electronic equipment in the vehicle. They claimed that the cable in question was part of an external sound system that was standard equipment issued in most official vehicles, and that this device did not have recording ability. Stanton and Barrios have asked the authorities to investigate, identify, and sanction those responsible. As of June 1, the case remained open.

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Intelligence Reform

The Santos administration has proposed a new Intelligence Reform Law that is a crucial step in implementing intelligence reform in Colombia. The new Intelligence Reform Law was approved by congress June 15 and is pending review in the Constitutional Court. The law is a reintroduction of a 2009 law found unconstitutional by Colombia's Constitutional Court on a procedural basis; it was presented as ordinary law when it should have been presented as statutory law.

The law creates a new intelligence agency intended to replace the DAS once it has been dismantled. This new intelligence agency will have more external guidance and oversight than the DAS. The overarching objective of the law is to balance the legitimate need of state intelligence to uphold national security while protecting civil liberties. The legislation defines intelligence and counterintelligence activities and prohibits actions that do not directly relate to crime or national security threats. Intelligence collection must be guided by the requirements formulated by an annual National Intelligence Plan led by the National Security Council; a Joint Intelligence Committee will coordinate the work of intelligence agencies. The bill contains several provisions to monitor intelligence activity such as internal controls requiring any intelligence operation to correspond with an authorized order, an annual report regarding internal controls, and external oversight conducted by a Congressional Intelligence Commission. It also aims to protect those intelligence officers who are acting in compliance with the law so that they can accomplish their work without risk of judicial or disciplinary action. The law makes it clear that the focus of data collection by officers is strictly limited to people who have distinct ties to illegal activity. People will not be entered into the database on account of their race, gender, ideologies, or political associations.

On June 29, the U.S. embassy, in conjunction with several U.S. and Colombian organizations, hosted a conference on intelligence reform. The conference brought together representatives from the military, congress, intelligence and security specialists, and human rights experts. Some speakers addressed challenges that the new law may present, such as the classification of documents and how intelligence information is obtained. Other speakers noted that these and other challenges could be overcome by subsequent legislation and stiff penalties for violations.

Vulnerable Populations: Journalists

The Colombian constitution guarantees freedom of the press and the government is respectful of the rights of journalists. The government recognizes that journalists have been the targets of threats and violence, and has continued to provide them with protection. As of May 2011, 230 journalists were receiving government protection, an increase from 175 in 2010. The Colombian government reported one homicide and 14 threats against journalists in Colombia between August 2010 and April 2011.

During the certification period, the Committee to Protect Journalists (CPJ) and Reporters without Borders reported various threats and attacks against journalists. In late June, freelance journalist Luis Eduardo Gomez was gunned down by unknown assailants in Arboletes (Antioquia). Gomez had reported on local corruption and was a witness of the Prosecutor General's Office in a "parapolitical" case. He did not report receiving any threats. In late May, Mario Esteban Lopez Ortega was abducted in Ipiales (Narino). Lopez was beaten, doused with gasoline, and abandoned when his assailants noticed police presence nearby. Lopez told CPJ that he believes the attack was related to his criticism of local authorities and his coverage of drug trafficking in Ipiales. He reported receiving anonymous telephone death threats. Journalists and their organizations were the targets of various threats by illegal armed groups, including the Aguilas Negras and Los Urabenos.

In a global report on sexual violence and journalists released in June, CPJ profiled the case of Jineth Bedoya. In 2000, while approaching the Modelo prison in Bogota where she intended to interview an imprisoned paramilitary, Bedoya was abducted. She was beaten and raped by multiple attackers and left 75 kilometers away near Villavicencio (Meta). In May, Bedoya brought her case to the IACHR. The Prosecutor General's Office also called on new witnesses to testify in her case in May.

In its 2011 impunity index, the CPJ noted Colombia "continued a years-long pattern of improvement... as deadly anti-press violence has slowed and authorities have had some success in prosecuting journalist murders."

In November 2010, President Santos delivered a speech to the Inter-American Press Association's General Assembly in Merida, Mexico, reaffirming his commitment to press freedom, "a commitment that I have maintained throughout my public life and my life as a journalist." He noted that murders of

journalists fell by 90 percent in 2010 when one journalist was killed, and remarked that "One is one too many for us. Our expectation is that not a single journalist dies."

Vulnerable Populations: Political Opposition/Leaders

The Colombian government is respectful of the rights of members of the political opposition and provides protection to mayors, representatives, and council members from opposition parties, members of the Patriotic Union (UP) and the Colombian Communist Party (PCC). As of May, local government counselors comprised the largest population (nearly 30 percent) covered under the MOIJ protection program; mayors were the second-largest population with 17 percent. The government also expended significant resources towards protecting local government officials and members of opposition parties. Between January and May, the MOIJ spent \$4.1 million to provide protection to 636 UP and PCC members. As of May, 3,493 council members, 2,042 mayors, 343 government employees, and 231 local human rights ombudsmen received protection, among others.

As reported in the previous certification, attacks against political opposition parties and individuals decreased 65 percent from 2002 to 2009. The 2010 national elections were considered the most secure and violence-free in decades. The Colombian government will attempt to repeat this success during this year's municipal and departmental elections in October; however, the threat of violence is higher for local elections due to the ability of illegal armed groups to influence them more easily and due to the large number of candidates. According to the NGO Electoral Observation Mission (MOE), between March and July, 20 candidates were killed, 32 threatened, and four abducted. Election-related violence has been particularly high in Antioquia. In February, Defense Minister Rodrigo Rivera announced that 280,000 police and military would be assigned to protect the elections. The Defense Ministry has stood up an intelligence center to conduct risk analysis and plan the operation. A July 14 report from the government's Integrated Center for Electoral Intelligence stated that 84 municipalities face exceptional risk, 92 faced high risk, 120 municipalities were at medium risk, and 317 were low risk.

In addition to protection administered through the MOIJ protection program, the CNP provides security to former public officials including governors, council members, deputies, mayors, and others; 1,162 police officers are dedicated to this task.

Members of the political opposition allegedly also were targets in the DAS illegal wiretapping scandal. The Colombian government continues to investigate the extent of DAS crimes and prosecute those involved.

Vulnerable Populations: Religious Leaders

The Colombian government respects the rights of religious leaders and protects freedom of religion. The constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. Since 2010, the MOIJ has approved 708 applications for special public recognition of a religious entity for a total of 1,650 approved religious entities; an estimated 90 percent of the approvals were for evangelical churches. According to the MOIJ, 1,036 applications failed to meet constitutionally established requirements and thus were not approved.

Religious leaders have been victims of violence by illegal armed groups including: the FARC, ELN, AUC paramilitary members who refused to demobilize, and such new criminal groups as the Aguilas Negras and Los Rastrojos. In general, the motive for crimes against religious leaders is not based on their religious beliefs, but rather their involvement in human rights work, advocacy on behalf of the displaced or other vulnerable groups, and involvement in land claims made by these vulnerable groups.

The Colombian government has taken steps to provide protection to religious leaders. Violence against religious leaders has decreased sharply over the past 10 years, as has overall violence in Colombia. The Colombian government reported no homicides of religious leaders in Colombia in 2010. However, the Catholic Church reported three priests killed. These killings are believed to have been perpetrated by the FARC because of the priests' humanitarian work. The NGO *Justapaz* also reported killings of two pastors who worked as community leaders.

Vulnerable Populations: Trade Unionists

During the certification period, the Colombian government took important steps to improve the enforcement of labor rights and to combat violence against trade unionists. President Santos and Vice President Garzon, a long-time labor leader, have established a regular dialogue with labor unions and championed a series of initiatives. On April 6, the Colombian Congress approved the creation of

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a separate Ministry of Labor, which will give cabinet-level attention to critical labor issues such as inspection programs, pensions, gender equality, and better salaries and working conditions. On April 7, Presidents Obama and Santos agreed on the U.S.-Colombia Labor Action Plan related to the Free Trade Agreement, to protect internationally recognized labor rights, prevent violence against labor leaders, and prosecute the perpetrators of such violence. In addition, on May 26, the Colombian government signed a Tripartite Labor Accord with the business community, the General Labor Confederation (CGT), and the Colombian Pensioners' Confederation to advance labor rights. The accord reinforces many of the commitments of the Labor Action Plan. It also includes a decree on public sector collective bargaining rights, reparations for unionist victims through the Justice and Peace Law, and attention to International Labor Organization (ILO) cases covering labor violence and impunity. Two other major confederations, the United Workers' Confederation (CUT) and Colombian Workers' Confederation, did not sign the accord, but President Santos encouraged them to consider joining the agreement in the future.

Each year, the government establishes a uniform minimum wage through tripartite negotiations among representatives of business, organized labor, and the government. In 2011, the government implemented a four percent increase in the minimum wage.

Despite a significant reduction in the number of homicides in recent years, many NGOs still consider Colombia one of the most dangerous places for trade unionists. Recognizing the threats trade unionists face, the government dedicated 22 percent of the resources in the MOIJ's protection program to their protection. In addition, under the Labor Action Plan, the Colombian government committed to undertake an analysis of closed cases of homicides of union members and activists, and to work with human rights groups and unions to develop a program to address the backlog of unionist homicide cases.

Respect for Labor Rights

Under the Labor Action Plan, the Colombian government committed to take a series of measures, within defined time frames, to improve protection of internationally recognized labor rights, prevention of violence against labor leaders, and prosecution of the perpetrators of such violence. Specific Colombian government achievements to date include:

- Broadened significantly access to protection programs for labor activists and organizers under threat of violence;

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- Reformed the teacher relocation program to remove a disincentive for teachers who believe they are under threat to apply;
- Improved procedures to secure more effective prosecution of labor violence cases;
- Secured legislation to establish criminal penalties, including imprisonment, for employers that undermine the right to organize and bargain collectively or threaten workers who exercise their labor rights;
- Enacted reforms to prevent and penalize the abuse of cooperatives as a way for companies to keep workers from becoming official employees and enjoying labor rights;
- Established as priority sectors for labor inspections palm oil, sugar, mines, ports, and flowers, sectors in which a large proportion of the workforce are vulnerable populations, including Afro-Colombians and indigenous groups, and in which significant worker rights issues have been raised;
- Began the hiring process of 100 new labor inspectors as part of a commitment to double the labor inspectorate by hiring 480 new labor inspectors over the next four years; and
- Launched a public outreach campaign to promote awareness of labor rights and of the newly available remedies and complaint mechanisms available to workers.

On June 2, after two months of negotiations and meetings, the Colombian government signed a series of 22 agreements with the largest teachers' union, the Colombian Federation of Educators (FECODE). The agreements cover issues such as protection (including relocation for threatened teachers), the right to association, benefits, and training. FECODE highlighted the agreement's inclusion of a tripartite dialogue on compensation, hiring, and other issues in a Unified Teachers' Statute as an important victory. FECODE is an affiliate of the CUT labor confederation.

Labor groups report that cooperatives remain largely unregulated and continue to be used by employers to deny basic worker rights. President Santos

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has made this a top priority and the Colombian government has submitted several initiatives to reduce informality and address concerns of violations by associated workers' cooperatives (CTAs), including the First Jobs Law enacted at the end of 2010. The government aims to formalize at least 500,000 jobs by 2014. In addition, a recent change to this law accelerated the effective date from July 2013 to June 2011 of new legal provisions, including significant fines to prohibit and sanction the misuse of cooperatives and other employment relationships that undermine workers' rights. The law also provides a sanction mechanism for public officials that enter into a third-party contracting agreement with a company that does not adhere to labor law.

To this end, department and grocery store chain Carrefour Colombia, the tenth largest company in Colombia, directly hired on May 19 its 600 grocery and retail baggers who were formerly employed through CTAs, becoming the first multinational in Colombia to do so. On June 1, the Exito Group in Colombia, retail and supermarket chains including the Exito and Carrulla brands, followed suit by announcing it would directly hire 6,250 people in 2011 with full benefits. The new direct hires are workers from CTAs and other indirect employment relationships, including 2,500 grocery baggers. In July, Fabricato, Colombia's largest textile company, announced the direct hiring of 2,700 workers formerly employed through CTAs. The firm has plans to directly hire an additional 1,600 cooperative workers, after which all 7,000 Fabricato employees will be direct hires. This labor advance was achieved in a collective bargaining agreement put forward by the company's largest union, a CGT affiliate. The conversion was to take place over a period of two years, but the company decided to speed up the timeline significantly in light of the Labor Action Plan.

The ILO also noted concerns with a Colombian law that allows employers and non-union workers to create a "collective pact" when a union represents less than one-third of the employees in a workplace. Under ILO Convention 98 on the Right to Organize and Bargain Collectively, which Colombia has ratified, collective pacts should only be possible in the absence of trade union organizations. The Government of Colombia enacted legislative reforms to clarify that it is illegal to use collective pacts to undermine the right to organize and bargain collectively by extending better conditions to non-union workers in such pacts and is conducting an outreach campaign on this issue.

The government and all three major labor confederations agreed on the text of a decree that will explicitly grant collective bargaining rights in the public sector. These rights include: the ability to submit a formal and binding petition to

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collectively bargain; protection from firing for union founders; and paid time for union leaders to do union work. Labor unions have noted that the decree represents a marked change in tone on labor from previous administrations. President Santos is expected to sign the decree soon.

The Government of Colombia has ratified all eight of the core ILO conventions, and has worked to comply with international labor standards. Under its commitments in the Labor Action Plan for the Free Trade Agreement, Colombia will work with the ILO to strengthen the presence and expand the capacity and role of the ILO in Colombia. By September 15, the Santos administration will present a formal request to the ILO for cooperation, advice, and technical assistance to help in the implementation of the measures outlined in the Labor Action Plan and to help foster the tripartite process. Colombia will work with the U.S. government to identify the necessary resources and sources of support.

At the invitation of the government, an ILO high-level tripartite delegation visited Colombia February 14 – 18 to research progress on collective bargaining and freedom of association in Colombia. They met with Colombian government representatives, union leaders, and the business sector. Their report mentioned the Santos administration's openness, transparency, and willingness to address labor issues; and recognized that Colombia has an opportunity to implement substantive labor changes. In the delegation's assessment, this opportunity stems from political will and strong economic growth. The delegation noted that violence and impunity remain ongoing challenges, while noting that improvements have been made in investigating these cases.

Violence against Trade Unionists

In a 2010 report, the ILO Committee of Experts recognized Colombia's efforts to combat violence in general and noted a decrease in violent acts against trade unionists. The ILO also commended Colombia for strengthening criminal penalties and prison sentences for perpetrators of violence against union members.

Due to the improving security situation in Colombia and the government's efforts to address violence against trade unionists, homicides of trade unionists have declined over 80 percent in the last decade. A May government report on Labor and Human Rights cited 37 unionist homicides in 2010, of which 21 victims were unionized teachers. The report confirmed 11 unionist homicides through April of this year. According to National Labor School (ENS) data homicides have decreased significantly from 193 in 2001 to 51 in 2010, and to 17 in 2011 as of June.

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Despite the decrease in violence over the past decade, worrisome events occur, especially for teachers in certain geographic regions and unions. According to the ENS, as of June, four members of the Cordoba Teacher's Association have been killed in 2011, for a total of 11 since January 1, 2010. The most recent victim was Alejandro Jose Penata Lopez, who, according to the International Trade Union Confederation, disappeared June 20 after leaving the school where he worked, and was later found dead. The case is currently under investigation by the local authorities. Another union severely affected in recent months has been the Risaralda Educator's Union (SER). According to the ENS, three SER members have been killed since January 1. Of 17 homicides registered by ENS through June, 52 percent were teachers.

More funding is allocated through the MOIJ protection program for trade unionists (25 percent in 2010) than for any other group under the program. As of May, the MOIJ protection program was providing protection to 1,650 unionists or 13.9 percent of the individuals enrolled in the program. Consistent with its Action Plan commitments, the Colombian government has expanded eligibility for Colombia's protection program to include not only labor leaders, but also labor activists, persons seeking to form a union, and former unionists who are under threat because of their past activities.

ENS and unions have acknowledged the downward trend in murders, but argue other forms of anti-union violence, death threats, assaults, forced disappearances, and displacements, are on the rise. In July, ENS reported to the Embassy 396 threats to union members in 2010. To address this concern, as part of criminal code reform, the Santos administration secured from the Colombian Congress in May 2011 strengthened and clarified criminal penalties that apply in cases of threats violating the rights of association and assembly.

Improving Prosecutions in Cases of Violence against Union Members

The Colombian government continues to take seriously crimes of violence and threats against labor union members. The Prosecutor General's Office's Labor Sub-Unit currently employs 18 prosecutors, 30 CTI investigators and 102 CNP investigators. For 2012, the Prosecutor General's Office has requested the funds to hire an additional 14 prosecutors and 56 CTI investigators.

As of August, the Prosecutor General's Office reports that the Sub-Unit is handling 1,427 cases, of which 632 are under investigation, 754 have formal charges, and 391 have convictions. 725 are murder cases. Of these, 387 are

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under investigation, 573 have formal charges, and 325 have convictions. Since the Sub-Unit's establishment, at least 523 individuals have been convicted, of whom 400 are former AUC paramilitaries.

Since 2008, three specialized judges have been assigned exclusively to hear labor violence cases. Vice President Garzon is in preliminary discussions with the courts to assign approximately 30 judges to focus exclusively on a range of human rights and labor issues. Exceeding its Labor Action Plan commitment of assigning 95 additional police investigators exclusively to the investigation of criminal cases involving union members and labor activists, the Colombian government assigned 100 additional full-time judicial police investigators.

During the certification period, there have been important developments in some emblematic labor violence cases. For example, in January, four individuals were sentenced to 23 – 36 years in prison as co-authors of the August 2010 murder of Sintraempagues leader Luis German Restrepo Maldonado in a Medellin restaurant.

More recently, in June, Carlos Andres Benjumea Escobar, wanted for the murder of unionist Jairo Alcides Giraldo in November 2007, was captured in Cali. Giraldo was president of Sinaltrafruit, a union representing workers in the produce company Grajales, S.A. The case is being handled by a prosecutor in Cali assigned to a special unit reserved for the investigation of ILO cases. In July, demobilized AUC member Ricardo Lopez Lora (alias "La Marrana" or "Rober") accepted responsibility for the kidnapping and disappearance of Ramon Alberio Beltran Gil. Beltran was a member of the agricultural union Sintrainagro, which was vulnerable to violence in the 1980s and 1990s. He was kidnapped on April 16, 1997 and his killing was ordered by Carlos Castano Gil, who believed he was collaborating with leftist guerillas.

According to a March press release issued by the Ministry of Social Protection, for the 37 unionist homicides registered by the Colombian government in 2010, 10 individuals had been captured and/or processed. Two of these individuals, Wilmar Jair Bautista Macias and John Jairo Poveda Morales, are accused in the June 2010 murder of oil industry *Unión Sindical Obrera* (USO) member Nelson Camacho Gonzalez. The USO alleges the murder took place as a result of collective negotiation conflicts.

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Vulnerable Populations: Displaced Persons

Despite government efforts to stem displacement, civilians continue to be displaced due to a number of causes related to the presence of illegal armed groups, including: threats, murders, clashes between Colombian armed forces and illegal armed groups, territorial disputes between illegal armed groups seeking to control drug trafficking routes, illegal mining activities, and the potential forced recruitment of children. A study by Luis Jorge Garay Salamanca noted that internally displaced persons (IDPs) who registered with the government after 2005 report that displacements caused by illegal armed groups are due in large part to the FARC (32.2 percent of displacements) and "paramilitary" groups (22.6 percent). Once displaced, IDPs often move to urban areas to escape rural violence and look for employment.

In recent years, the Colombian government and NGOs have documented increased intra-urban displacement resulting from confrontations and threats from members of urban illegal armed groups, particularly in Medellin, Cali, and Buenaventura. According to the annual human rights report for Medellin, published by the local Ombudsman's (*Personeria*) Human Rights Office, the number of intra-urban IDPs in Medellin has increased dramatically in recent years. Of the 26,919 people who declared themselves victims of forced displacement in Medellin between January 1 and October 31, 2010, 30 percent were displaced from other urban areas. In Medellin, 1,378 were displaced compared with 207 in 2008. Most IDPs reported moving because of threats.

The actual number of IDPs in Colombia continues to be contentious, and government estimates often conflict with those of NGOs. The government's *Acción Social* agency is responsible for coordinating IDP assistance and for registering IDPs for government services. According to *Accion Social*, there are approximately 3.7 million IDPs in Colombia. The NGO Consultancy for Human Rights and Displacement (CODHES) estimates that this figure is more than 5.2 million. The discrepancy in figures is a result of different methodologies.

According to government data, new displacement declined nearly 50 percent from 2008 to 2009, with approximately 300,000 IDPs in 2008 and 169,000 in 2009. In 2010, the government reported approximately 112,000 IDPs. Most displacements are taking place in remote areas with low population density. Fewer mass displacement events have contributed to a reduction in new mass displacements in recent years. However, as of April, *Accion Social* had already registered 21 mass displacements (more than 50 persons at one time) affecting

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more than 10,000 people. The most affected departments in the first quarter of 2011 were Cordoba, Choco, Antioquia, Narino, and Cauca. Similarly, the UN Office for the Coordination of Humanitarian Affairs reported 59 mass displacements between January and June 2011, affecting more than 17,500 people.

Vulnerable ethnic groups, especially Afro-Colombian and indigenous communities, are disproportionately affected by displacement. The Colombian government estimates that 2.5 percent of all IDPs are of indigenous ethnicity and 8.8 percent are of Afro-Colombian ethnicity. The NGO Association of Internally Displaced Afro-Colombians (AFRODES) estimates the actual percentage of Afro-Colombians to be much higher, around 25 percent. AFRODES reports that up to 76 percent of IDPs registering for government services do not answer questions regarding ethnicity, leading to the statistical underrepresentation of these groups.

CODHES estimates that around 70,010 Afro-Colombians were displaced in 2010, out of 280,041. Despite overall declining trends, displacement in areas where many Afro-Colombians and indigenous live has intensified. Those areas include the Pacific coast of Narino, the Narino mountains, northern Valle del Cauca, the mountains of Cauca, and southern Choco, northern Tolima, and Arauca.

Women and children also are disproportionately affected by displacement. The Salamanca study notes approximately 39 percent of unregistered IDPs have a woman as head of household. Of those, 75 percent are women without a spouse and 51 percent have children under 18. Almost all IDPs are impoverished, and many are indigent.

The severe rains in 2010 and early 2011 have also led to displacement. More than 3 million people were affected, and hundreds of thousands were forced to evacuate their communities. Flooding and torrential rains have been particularly hard on already displaced communities. The poorly constructed homes often inhabited by IDPs are more likely to be destroyed by rising water or heavy rains, and the lack of infrastructure in slum areas makes them especially prone to mudslides.

Murders and Threats against IDP Leaders

During the certification period, there was a spike in murders of IDP leaders. The spike coincides with the government's push to implement a comprehensive land restitution and reform policy. In the first half of 2011, at least 12 IDP leaders were murdered. The victims include:

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1. Ana Hernandez, Antioquia, killed in February.
2. Zoraida Acevedo, Norte de Santander, killed in March.
3. Hernan Pinto, Cundinamarca, killed in March.
4. Bernardo Rios Londono, Antioquia, killed in March.
5. David de Jesus Goez, Antioquia, killed in March.
6. Ever Verbel, Sucre, killed in March.
7. Andres Alvarez Orozco, Antioquia, killed in April.
8. Hugo Ulcue, Cauca, killed in April.
9. Martha Gaibao, Cordoba, killed in April.
10. Nayibis Maria Centeno de la Cruz, Cesar, killed in April.
11. Ana Fabricia Cordoba, Antioquia, killed in June.
12. Antonio Mendoza Morales, Sucre, killed in June.

As of May, 768 IDP leaders were included in the MOIJ's protection program.

Government Focus on IDPs

Since 2008, Colombia's Constitutional Court has issued several decrees on the obligations of the government to protect several vulnerable groups against displacement. Governmental obligations include comprehensive assistance to IDPs and report on the measures taken to address the problem. These decrees have targeted the most vulnerable IDP populations: indigenous people (Decree 004 of 2009), Afro-Colombians (Decree 005 of 2009), women (Decree 092 of 2008), youth (Decree 251 of 2008), and the disabled (Decree 006 of 2009).

During the certification period, *Acción Social* continued to make great effort to comply with these decrees. In recent years, the Colombian government has dedicated more resources to address displacement, increasing its annual budget from \$67 million in 2003 to \$800 million in 2011. Funding is directed to emergency humanitarian aid, health, education, housing, land, and income generation. IDPs' demand for services continues to exceed government resources.

In 2010, the government presented a proposal to prioritize IDP groups according to needs and vulnerability, as well as "graduation" criteria that would make better use of government's resources. The Constitutional Court has not yet issued its ruling on the constitutionality of the plan.

The Prosecutor General's Office created a new Displaced and Disappeared Persons Unit in December 2010. The Unit's 22 prosecutors, 44 prosecutorial and judicial assistants, and 85 investigators from the national judicial police are

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responsible for investigating and prosecuting more than 18,000 suspected forced disappearances and forced displacements.

The PNCT continues to be an effort to improve security conditions and increase state presence in strategic areas by coordinating efforts among the military, police, and economic and social development ministries and agencies. For more information on the PNCT, see Section 7046(b)(1)(B)(v).

The National Human Rights Ombudsman's Office (*Defensoria*) continues to run the Early Warning System (SAT) to monitor and issue warnings on potential human rights violations, including forced displacement. Alerts are issued after reports are sent to the ad hoc Inter-Institutional Committee for Early Warnings (CIAT). While generally praising the SAT, NGOs have raised concerns about the effectiveness of the SAT and CIAT. Specifically, some complain that the CIAT is too heavily influenced by the military and other entities that are hesitant to issue warnings. Other complaints include the lack of accountability for government entities that fail to act in response to threats, and the secretive content of the risk analysis reports, which are often lengthy and detailed documents not released publicly in their entirety. The Ombudsman's Office has indicated it is hesitant to release the full risk assessments for fear they may put certain populations or communities at even greater risk. The Colombian government, with USAID assistance, is working to improve the SAT's performance.

The Land and Victims' Law, signed by President Santos in June, makes reparations and land restitution available to IDPs. This landmark law will benefit about 460,000 eligible displaced families. If their land is uninhabitable, their compensation will be in the form of equivalent lands in another part of the country. If land restitution does not fully compensate for the loss of land, they will receive a monetary award. The law creates a special expedited judicial framework that places the burden of proof on the party opposing the victim's claim. A budget of \$2.1 billion has been set for 2011.

Vulnerable Populations: Indigenous Groups

The Colombian government respects the rights of members of indigenous communities, and, in consultation with the communities, continues to develop gradually tailored programs to address unique indigenous concerns. The government recognizes 87 indigenous communities living in 5,382 groupings, and estimates the indigenous population at 1.4 million, approximately 3 percent of the

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Colombian population. Indigenous groups and NGOs estimate the indigenous population at approximately 5 – 8 percent of the population.

In October 2010, President Santos announced the creation of a new presidential advisor to oversee the government's engagement with indigenous communities, and named Gabriel Muyuy to fill that post. Muyuy is a former Senator from the Inga indigenous community in Putumayo.

The Colombian government recognizes collective land ownership (reserves) for distinct indigenous communities and has established 807 titled reserves that cover approximately 31 million hectares (29.84 percent of the Colombian national territory). These reserves are non-transferable and are located in 27 of the 32 Colombian departments. The departments with the highest indigenous populations are Vaupes (66 percent), Guainia (65 percent), La Guajira (45 percent), Vichada (44 percent), Amazonas (43 percent), Cauca (21 percent), and Putumayo (21 percent).

Through its land restitution and formalization "Shock Plan," between October 2010 and July 2011 the Colombian government delivered 109,197 hectares of land to indigenous communities.

As reported in last year's certification, indigenous groups continue to face challenges regarding land tenure and displacement resulting from the negative impact of encroachment, without adequate previous consultation, by multi-national and national energy, mining, lumber, palm oil, and cattle companies as well as government infrastructure projects. However, during the certification period, several Constitutional Court verdicts strengthened and reinforced the requirement for prior consultation (*consulta previa*) with ethnic communities. The Court ordered a halt to mining and concession granting in several regions and suspended major infrastructure projects unless and until affected ethnic communities are properly consulted.

These communities also remain vulnerable to violence. The FARC, ELN, and other illegal armed groups use many areas on or near indigenous reserves for criminal purposes, which endanger the indigenous population in the area, requiring the armed forces to maintain a presence.

The Colombian government continues to recognize the January 2009 Constitutional Court ruling which states that indigenous peoples in Colombia "are at risk of cultural or physical extermination by the armed conflict, and have been

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the victims of extremely grave violations of their individual and collective fundamental rights and international humanitarian law.” Some indigenous communities, particularly in Choco, Cauca, Arauca, and Narino, still are confined on their lands due to illegal armed group activity. While the government continues to develop safeguards as mandated by the Court, more is needed to provide guarantees for all indigenous communities. The National Indigenous Organization of Colombia (ONIC) specifies 34 indigenous communities of particular concern. Of these, only the Nakuk Maku is covered by the court’s ruling for a protection plan (*Plan de Salvaguarda*).

Violence against Members of Indigenous Groups

Indigenous communities still are disproportionately affected by violence. The government recognizes this unique situation and has prioritized outreach, dialogue, and protection of indigenous populations.

The government reported 12 homicides of indigenous leaders between August 2010 and May 2011. From January through June, the government reported 55 indigenous people killed; a 34 percent increase over the same period in 2010. According to ONIC, 122 indigenous people were killed in 2010, including unreported cases and indigenous people buried as unidentified, an increase from the 114 members killed in 2009. Ten indigenous people disappeared, and 1,146 were displaced in 2010, a significant decline from the 6,201 people displaced in 2009. On August 7, ONIC reported 34 killings and six disappearances of indigenous people since the beginning of the Santos administration.

In July, indigenous groups reported that 73 indigenous persons were injured in a FARC attack in Toribio (Cauca), when a bus loaded with explosives was detonated in the town center.

In its 2010 report, the UNHCHR noted that the presence of armed actors on indigenous lands “has led to selective murders, disappearances, confinement, forced displacement, and indiscriminate attacks through the use of anti-personnel mines. The victims include women and girls, who are also subjected to acts of sexual violence.” The report also noted, “the judicial efforts to address violations against indigenous peoples, such as the conviction of the killers of Edwin Legarda and the massacre of 12 indigenous Awa people in August 2009.” The report added, “the State must reinforce the protection measures to avoid further such killings.” In March, the Superior Tribunal of Popayan confirmed the conviction and sentencing to 40 years in prison of five members of the army’s Jose Hilario Lopez Battalion for the homicide of Edwin Legarda, husband of indigenous leader

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Ayda Quilcue. On October 7, three men from the criminal band "The Cockroaches," which has ties to the FARC, were found guilty and sentenced to 52 years in prison for the August 2009 massacre of 12 Awa members.

Last year's certification reported that the MOIJ provided protection to 283 members of indigenous communities, and that through a joint agreement between the MOIJ and the CRIC, the government trained 20 indigenous members to serve as bodyguards for CRIC leadership. We have not been able to obtain updated information on MOIJ protection for members of indigenous communities for this certification period.

Since 2009, in partnership with the Embassy, the CNP has provided scholarships to facilitate the entry of qualified indigenous and Afro-Colombian candidates from the Choco, Cauca, Valle del Cauca, La Guajira, Narino and Amazonas departments. To date, 550 individuals have received scholarships, and 400 more are scheduled to receive scholarships in 2012. Upon completion of their training, the selectees are required to return to their department of origin for two years to help improve the diversity, responsiveness and perception of the CNP in parts of the country where the state has long been absent. After this period of mandatory service, police personnel are eligible for reassignment elsewhere. However, many opt to stay in their home departments. The program currently has strategic partnerships with police academies in Yuto (Choco), Toluca (Narino), Leticia (Amazonas), and Uribia (La Guajira). Each academy follows the standard police training curriculum, but maintains a special focus on accommodating local communities.

The Awa

The Awa community continues to suffer attacks and struggle with challenging security concerns. On November 4, 2010, an unknown assailant killed three men and a pregnant woman from the Awa indigenous group on the highway between Junin and Tumaco. The Prosecutor General's Office is investigating the case. Vice President Garzon condemned the attack and asked judicial authorities to use "all mechanisms" to protect the indigenous population. In a statement, the Awa implored the FARC and the ELN to leave their territory and requested protection from the Colombian Army in accordance with international humanitarian law.

The Colombian government estimates 999 Awa (234 families) have been displaced. Under the Project to Protect the Lands and Patrimony of Displaced Population, the government provided training to the Awa community on the scope,

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implications, and effects of the various regional resolutions that impact the community. The Colombian government provided community housing and training to Awa in Barbacoas and Ricaurte. The MOIJ provided the Awa community with radios, mobile phones, transport subsidies, and support for the construction of bulletproof offices for Awa community-based organizations Unipa and Camawari. Additionally, 33 members of the Awa community receive MOIJ protection.

The scheduled launch of the consultation process for the protection plan for the Awa was April 2010, but it was postponed several times. After the Santos administration took office, Awa leaders and the new Vice Minister of Interior met in September 2010 and agreed to set a new date to launch the consultation process for the protection plan. As of July, the Awa have presented the MOIJ with a draft protection plan, which they and the ministry expect to finalize soon.

The Nukak Maku

Principally located in the Department of Guaviare, approximately 600 Nukak remain, of whom approximately 112 are internally displaced, as reported in the previous certification.

The Nukak may be the last completely nomadic indigenous people in the Americas for whom it is natural to subsist by transiting from place to place. Competition for natural resources, however, has led to confrontations with local communities. The government reports that on two occasions, it has attempted to relocate the Nukak in the jungles of Guaviare, but the Nukak were subsequently expelled by guerrillas.

The Colombian government has three strategies to assist the Nukak. The first strategy entails emergency humanitarian assistance to the two Nukak groups (Wayari Muno and Meu Muno) in Aguabonita and Villa Leonor; the second deals with assisting and accompanying the voluntary movements of the Nukak; and the third strategy seeks to create the necessary law enforcement conditions to permit the return of the Nukak to their ancestral territories.

The Presidential Program for Human Rights and the Office for Indigenous Issues, Minorities and Roma within the MOIJ works regularly with the inter-institutional roundtables to coordinate government assistance to the Nukak. The program has also contracted three experts in indigenous issues, two of whom specialize in the Nukak, to develop an action plan for assistance to the Nukak peoples. The plan was approved by the Vice Minister of Interior and the

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Municipal Indigenous Roundtable in April 2010. The action plan requires various government entities to conduct a baseline study in preparation for the development of the Nukak protection plan (*Plan de Salvaguarda*). The action plan already has resulted in the construction of five health posts in the Nukak villages of Cano Maku, Mocuare, Tomachipan, Araguato, and Charlton in Guaviare. Baseline studies for the protection plan are underway.

In addition, the government continues to provide medical and psychosocial assistance to the Nukak through mobile units of the Colombian Institute for Family Wellbeing (ICBF).

The government reports setting up provisional solutions to provide potable water for the displaced Nukak Maku community in San Jose del Guaviare. The government expanded the delivery of food rations to that community, and worked with the UN Food and Agriculture Organization to establish a children's nutritional recuperation center. Government agencies, in coordination with the Nukak, developed food security projects that take into account the Nukak's traditional foods and maintain flexibility in accordance with the Nukak's mobility.

Approximately 101 Nukak children are attending public school in the following rural areas of Guaviare: 21 in Tomachipan, 29 in Aguabonita, 40 in Charras, and 11 in La Paz. The Nukak have made clear they only want their children to learn enough reading and writing to communicate with non-indigenous, and teachers are making arrangements to comply with this request.

Members of the armed forces in the Guaviare department complete pre-departure training regarding the social and cultural characteristics of the Nukak as well as their situation of vulnerability and risk. The government reports the armed forces are maintaining its commitment to avoid interaction with this indigenous community to prevent potential stigmatization by illegal armed groups.

In 2009, reports surfaced of three cases of alleged sexual abuse by members of the army against Nukak girls ages five, 13, and 15, in San Jose del Guaviare. The Colombian government noted that, while such cases may be common, the absence of formal complaints due to fear of reprisals prevented the prosecution and punishment of those responsible. The government reported it made special efforts to find those responsible for the three cases. In August 2009, the army launched a disciplinary investigation that concluded in September, and transferred the case to the regional Inspector General. In the case of the five-year-old, the suspect was identified after the Ombudsman interviewed the girl's mother, and the case

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transferred to the Prosecutor General's Office, where the investigation continues. In the case of the teenage girls, it has not been possible to identify the perpetrator(s).

In response, the 22nd Jungle Brigade has taken measures to prevent recurrence of any similar action. Working with the ICBF, the Brigade has provided training to strengthen its members' understanding of the vulnerability of indigenous communities. The ICBF also implemented a communications campaign to encourage the Nukak to prevent children from wandering alone close to military checkpoints. While these efforts are positive, it is important that the government continue to improve its ability to bring those responsible to justice.

Government Outreach to Indigenous Groups

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

On October 2, 2010, Vice President Garzon met with the CRIC. He announced three agreements: a roundtable of indigenous groups from Cauca; the creation of a commission of verification of agreements in which the MOIJ and the CRIC will prepare a report on the government's fulfillment of agreements with indigenous groups in Cauca; and an inter-institutional roundtable that the CRIC will establish with the Regional Indigenous Council.

During October 4 - 7, 2010, the government convened the *Mesa Permanente de Concertación*, where the government and indigenous leaders agreed on the process for prior consultation for legislative initiatives that affect indigenous communities. In addition, the government committed to properly consulting communities, as required by law, in advance of any major extractive or infrastructure projects that affect them. Finally, the *Mesa* raised the possibility of a census of the 102 indigenous peoples in the country, to better direct social services.

On October 12, 2010, President Santos attended the second National Congress of the Embera community and expressed the national government's "interest and will to advance policies to protect and promote indigenous peoples and their quality of life."

The government continues to engage with indigenous communities to develop plans to fulfill Constitutional Court Order 004 of 2009. To date, the government reports it has completed 76 percent of the activities referenced in the plans to guarantee rights, 100 percent in elaborating proposals for the protection plans, 68 percent with the socialization of the order and the assessment, 56 percent with institutional coordination of established lines of action, and 21 percent in coordinating and formalizing the protection plans.

The Colombian government has developed and implemented 13 action plans for indigenous communities in Arauca, Valle, Casanare, Cesar, Risaralda, Guaviare, Cordoba, Guajira, Choco, Guainia, Meta, Vichada, and Vaupes. These 13 action plans were developed following the recommendations of UN Special Rapporteur for Indigenous Communities Rodolfo Stavenhagen in 2006. The action plans require government institutions and national level agencies to take specific steps towards the eventual formulation of the protection plans as ordered by the Constitutional Court in Auto 004 of 2009.

According to ONIC, the Colombian government has drafted five protection plans to date for the Cofan, Quichua, Awa, Totoroes, and Misak. As of July, these plans had not yet been implemented.

Vulnerable Populations: Afro-Colombian Communities

Afro-Colombians remain one of the country's most vulnerable populations and have suffered disproportionately from the internal conflict. During the certification period, the Colombian government took steps to improve the security and well-being of Afro-Colombians.

According to the 2005 national census, approximately 4.5 million persons, or 10 percent of the population, described themselves as of African descent. Human rights groups and Afro-Colombian organizations estimate that Afro-Colombians comprise up to 20 – 25 percent of the population. According to the Colombian Institute for Rural Development (INCODER), Afro-Colombians have 161 community councils governing their communities.

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Choco, the department with the highest percentage of Afro-Colombian residents, had the lowest per capita level of social investment and ranked last in terms of education, health, and infrastructure. It also continued to experience some of the country's worst political violence, as illegal armed groups and guerrillas struggled for control of the department's drug- and weapons-smuggling corridor.

In October 2010, President Santos announced the creation of a new presidential program to oversee the government's engagement with Afro-Colombian communities and named Oscar Gamboa to fill that post. In addition, the government for the first time developed a chapter on Afro-Colombian issues in the National Development Plan (PND), in consultation with Afro-Colombian communities.

Land, a very important issue for Afro-Colombian communities, has been a priority for the Colombian government during the certification period. The recently signed Land and Victims' Law, which will provide reparations and land restitution to millions of Colombians, will benefit Afro-Colombians, who make up a large proportion of overall victims. Afro-Colombian groups expressed disappointment that the Land and Victims' Law did not address issues that are particular to them. The government had promised them to address those issues via decree. In July, the government and Afro-Colombian groups began the prior consultation process for the development of this decree.

Through its land restitution and formalization "Shock Plan," between October 2010 and July 2011 the Colombian government delivered 6,630 hectares of land to Afro-Colombian communities. The government also has taken serious steps to resolve emblematic land dispute cases in Afro-Colombian territories.

Violence against Afro-Colombians

As reported in the previous certification, illegal armed groups continue to exploit many areas with high Afro-Colombian populations for criminal purposes, endangering the local residents. Conflicts between the armed forces and illegal armed groups in these areas, as well as conflicts between illegal armed groups, have led to a high rate of Afro-Colombian displacement.

Members of Afro-Colombian communities and organizations representing them reported receiving various threats. In October 2010, AFRODES and the Washington Office on Latin America received an e-mail death threat signed by the Aguilas Negras, a BACRIM organization. Shortly after, the Colombian government issued a statement condemning the threat and calling judicial

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authorities to open an investigation. Similar threats were made against organizations defending the rights of Afro-Colombians and their leaders. The victims claim these threats have not been properly investigated by authorities.

In an alarming trend, IDP leaders, many of whom are Afro-Colombians, have increasingly been the target of murders, including Ana Fabricia Cordoba, murdered in June in Medellin (Antioquia), and Oscar Maussa, murdered in November 2010 in San Juan de Nepomuceno (Bolívar). Human rights groups called on the government to develop a comprehensive plan to protect those fighting for land restitution and those who will benefit from the government's land restitution efforts. The government is in the process of developing such a plan.

In May, the FARC abducted and massacred five members of the same Afro-Colombian family in Lower Naya River (Valle del Cauca). The Early Warning System had issued a risk assessment in December 2010 describing the risk the FARC and other armed groups fighting for control of drug trafficking routes present in the Bajo Naya.

Afro-Colombian communities in some areas are wary of the armed forces and allege that lack of action against illegal armed groups reflects collusion. For example, in Curvarado, some community members reported the constant presence of "paramilitaries," despite the presence of army units and police stations.

In partnership with the U.S. Embassy, since 2009, the CNP has provided scholarships to facilitate the entry of qualified indigenous and Afro-Colombian candidates from the Choco, Cauca, Valle del Cauca, La Guajira, Narino, and Amazonas departments. To date, 550 individuals have received scholarships, and 400 more are scheduled to receive scholarships in 2012. Upon completion of their training, the selectees are required to return to their department of origin for two years to help improve the diversity, responsiveness, and perception of the CNP in parts of the country where the state has long been absent. After this period of mandatory service, police personnel are eligible for reassignment elsewhere. However, many opt to stay in their home departments. The program currently has strategic partnerships with police academies in Yuto (Choco), Toluca (Narino), Leticia (Amazonas), and Uribia (La Guajira). Each academy follows the standard police training curriculum, but maintains a special focus on accommodating local communities.

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