

Congress of the United States
Washington, DC 20515

April 18, 2013

The Honorable John F. Kerry
Secretary of State
U.S. Department of State
2201 "C" Street NW
Washington, D.C. 20520

Dear Secretary Kerry:

We write to express our support for peace, development and human rights in Colombia, and to encourage you to implement a U.S. policy that emphasizes these priorities. With fifty years of conflict, over 5 million internally displaced persons, hundreds of thousands of victims of unspeakable violence, and generations knowing only war, Colombians deserve a chance for peace.

We recognize that the road to peace is never direct or easy. We appreciate the statements made by the State Department in support of the Colombian peace process and ask in the months ahead that you encourage the Colombian government and Revolutionary Armed Forces of Colombia (FARC) negotiating teams to stay the course. As the conflict continues affecting the civilian population, especially vulnerable rural, indigenous and Afro-Colombian communities, we ask you to call for a commitment from both sides to respect international humanitarian law. It would be positive if peace talks were opened, on an appropriate timeline, with Colombia's remaining guerrilla group, the National Liberation Army (ELN), in order to bring all armed conflict to a definitive end.

We ask the State Department to advocate for the inclusion of both victims of violence and civil society in the peace process and its implementation, including by Afro-Colombian and indigenous communities and women. Colombian victims' associations and other civil society organizations are asking for a voice in the peace process that will shape the world in which they live. Without their engagement, both the design and implementation of measures to advance reconciliation, truth, justice and reparations – and to address the severe inequality and lack of justice that gave rise to the conflict – are less likely to be successful.

Four specific situations require answers as peace is being negotiated. The families of the kidnapped need to know what happened to their family members, and if any remaining victims are in captivity, they must be immediately released. The families of the disappeared need to know what happened to their relatives, who was responsible for their fate, and where their bodies are located, so that remains can be returned to them for burial, and they can at last find peace. Illegal armed groups should reveal how many child soldiers are in their ranks, and then collaborate fully with their demobilization so that they may receive the treatment and social services they urgently require. And the guerrillas must stop laying anti-personnel mines, which kill or maim hundreds of non-combatants every year, and provide information for their location and removal.

Further, justice for gross human rights violations by the state's own security forces must not be bargained away at the negotiating table. For example, the cases of more than 3,000 victims of extrajudicial executions allegedly committed by members of Colombia's armed forces must be effectively prosecuted in civilian courts. The Santos Administration pledged that these and any future cases of extrajudicial executions, as well as sexual violence and other grave human rights crimes, will be investigated and prosecuted in civilian courts, despite recent controversial constitutional reforms that increase the power of military courts. The State Department should monitor closely to ensure that extrajudicial execution cases and other cases of grave abuses are not

transferred to, or initiated in, military courts. The U.S. provided training and resources to Colombia's military during 2004 through 2008 when most of the extrajudicial executions known as "false-positives" took place, and we therefore bear a special responsibility to ensure that the Colombian government fulfills its promise to deliver timely justice for these crimes.

In addition to ensuring justice for atrocities committed by state security forces, paramilitaries and guerrillas, Colombia's human rights and non-governmental organizations have called for an independent truth commission that reveals responsibility for violence by all actors. Transitional justice and benefits for perpetrators of human rights crimes need to include measures that reveal the full truth about those who implemented, ordered, financed, aided, abetted, benefitted from or tolerated violations of human rights and international humanitarian law.

The United States can help support the peace process by offering an aid package designed for peace, reorienting aid that for the last dozen years has supported a government at war. A new aid package should be tailored to support eventual accords, but would likely feature increased support for implementing President Santos's signature Land Restitution and Victims' Law, especially for safe, sustainable land restitution for internally displaced persons (IDPs); titling for indigenous and Afro-Colombian communities and landless farmers, including women; a strengthened Ombudsman's Office (*Defensoría*) to help protect the rural population; and support for regional "peace and development" programs that are designed in close consultation with communities. It should include substantial investment in livelihoods for IDPs who choose to remain in urban areas so that they can rebuild their lives, as well as support for the full range of durable solutions to improve the situation of Colombian refugees in neighboring countries. We are also deeply concerned about the rise of urban violence and urban displacement in Colombia's major cities, especially among vulnerable populations and against community and youth leaders; we encourage aid that supports community-based solutions to protect the population in these areas.

Such an aid package would also include expanded de-mining programs; reintegration of demobilized guerrilla fighters, with social services for child soldiers and appropriate programs for female ex-combatants; and protection for ex-combatants. It should include technical support for exhumations and legal aid for families of the disappeared; an expanded human rights program with a strong civil society component; support to strengthen the justice system; and economic and political support for investigating and dismantling paramilitary structures, including for the Supreme Court's parapolitics investigations. Crucial elements will be support for an independent peace accord verification mechanism with significant civil society participation and for an independent Truth Commission, should one be established, along with efforts to recover historical memory. Fortunately, the current U.S. aid program in Colombia already supports a number of initiatives along these lines, and funds for Colombia should be restructured to provide more robust support for these vital priorities.

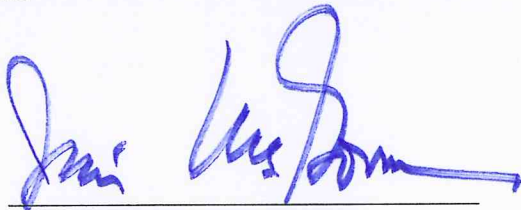
The U.S. can also support peace by paying attention to protection issues during and after negotiations. The U.S. should encourage the Colombian government to develop more effective protection programs for human rights defenders, local peace leaders and union members, returned communities and other communities at risk. The key to effective protection is designing programs in consultation with beneficiaries and accompanied by vigorous investigations and prosecutions of aggressions against them. Dismantling paramilitary and guerrilla successor groups is imperative. The experience with paramilitary demobilization has shown us that unless the structures that support illegal armed actors are eliminated, armed actors will persist or reappear, embedding themselves in organized crime and wreaking violence on communities. Protection for demobilized guerrillas who choose to enter the political process will also be of paramount importance. Colombia's peace process is haunted by the murders of thousands of Patriotic Union party members in the late 1980s, and this history must not be repeated.

Finally, counterdrug policy is a key agenda item at the peace table. Prioritizing rural development designed with small farmers' participation, rather than continuing aerial fumigation, is a likely outcome of

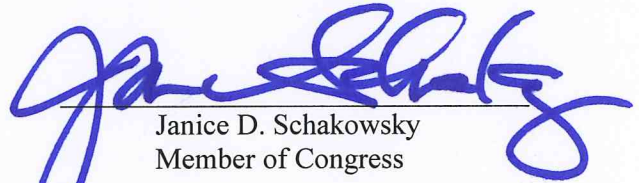
negotiations. While the U.S. has a legitimate interest in stemming the negative impact of illegal drugs on our society, we encourage you to give space to Colombians to work out strategies that will best serve them in addressing this challenge. We encourage the State Department to respond flexibly to the outcome of negotiations on this topic, making adjustments to U.S. international narcotics control assistance to Colombia as needed.

Mr. Secretary, we look forward to working with you to help Colombia reach a just and lasting peace, and to consolidate the rule of law and respect for human rights in a post-conflict setting. We urge your serious consideration of these recommendations and we look forward to your response and further dialogue on these priorities.

Sincerely,



James P. McGovern
Member of Congress



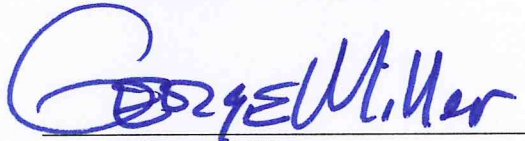
Janice D. Schakowsky
Member of Congress



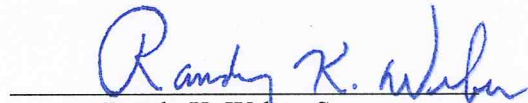
Sam Farr
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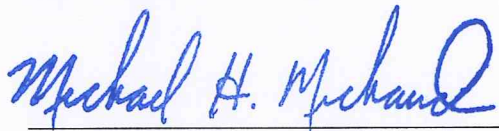
Randy K. Weber, Sr.
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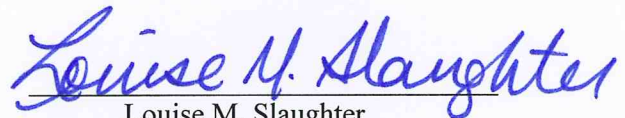
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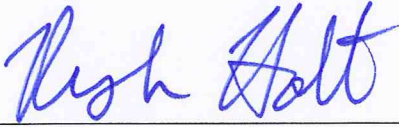
Mark Pocan
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Lucille Roybal-Allard

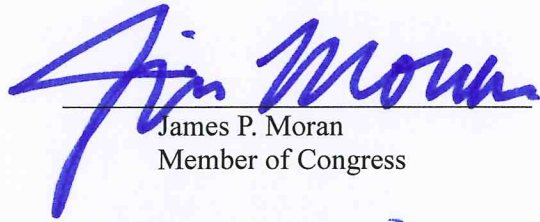
Lucille Roybal-Allard
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Wm. Lacy Clay m.c.

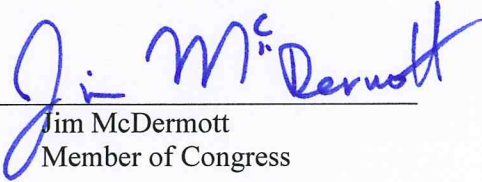
Wm. Lacy Clay
Member of Congress



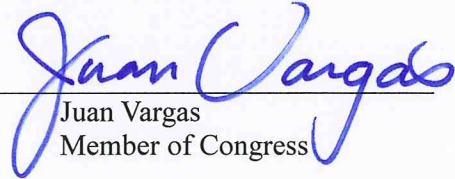
Rush Holt
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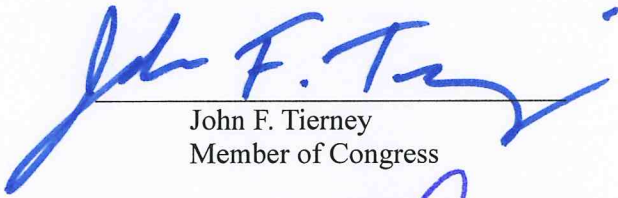
James P. Moran
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Jim McDermott
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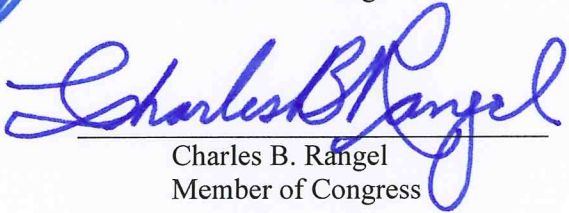
Juan Vargas
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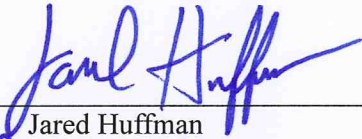
John F. Tierney
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Matthew A. Cartwright
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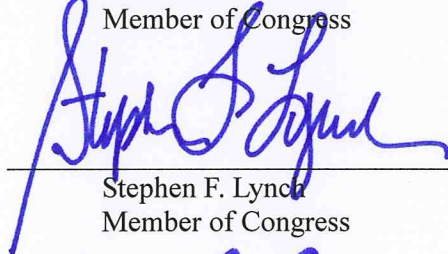
Charles B. Rangel
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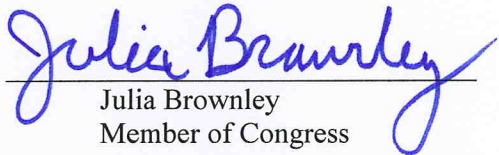
Jared Huffman
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Mike Quigley
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Stephen F. Lynch
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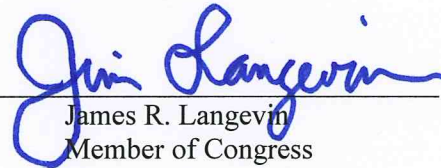
Julia Brownley
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David E. Price
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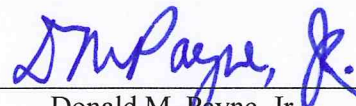
Earl Blumenauer
Member of Congress



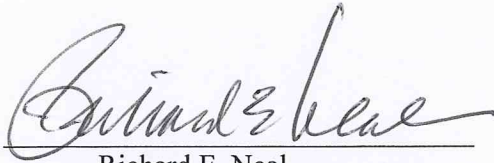
James R. Langevin
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Bill Foster
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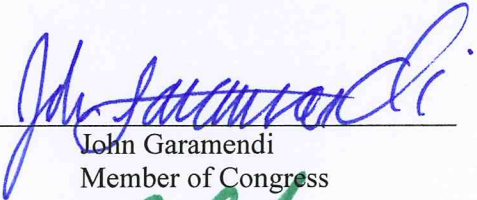
Donald M. Payne, Jr.
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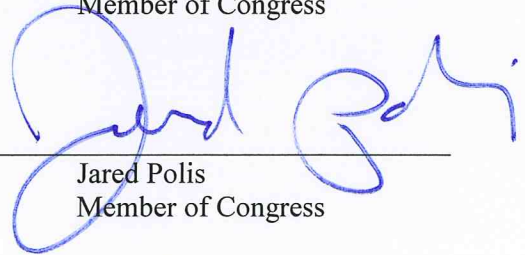
Richard E. Neal
Member of Congress



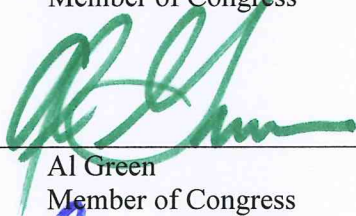
Paul D. Tonko
Member of Congress



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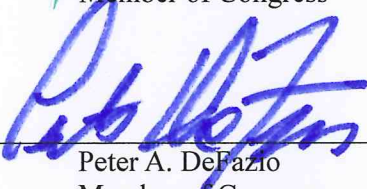
Jared Polis
Member of Congress



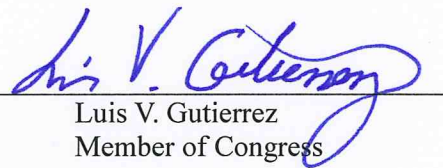
Al Green
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Jackie Speier
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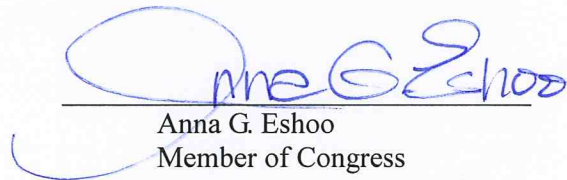
Peter A. DeFazio
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Luis V. Gutierrez
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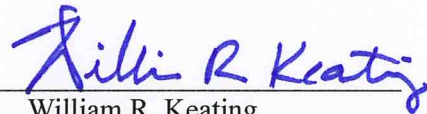
Chaka Fattah
Member of Congress



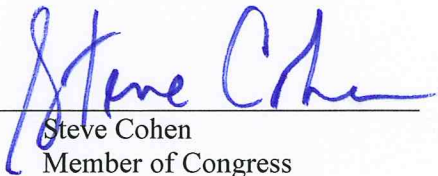
Anna G. Eshoo
Member of Congress



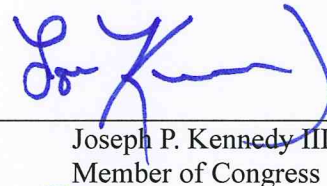
Dina Titus
Member of Congress



William R. Keating
Member of Congress



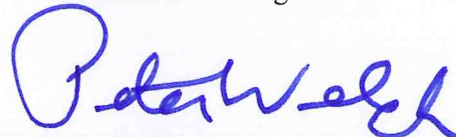
Steve Cohen
Member of Congress




Joseph P. Kennedy III
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Niki Tsongas
Member of Congress



Peter Welch
Member of Congress



Timothy H. Bishop
Member of Congress



Sander M. Levin
Member of Congress

cc: Roberta Jacobson, Assistant Secretary of State for Western Hemisphere Affairs
Uzra Zeya, Acting Assistant Secretary of State for Democracy, Human Rights and Labor
William Brownfield, Assistant Secretary of State for International Narcotics Control and Law Enforcement
Rajiv Shah, Administrator, U.S. Agency for International Development
Mark Feierstein, Assistant Administrator, Bureau for Latin America and the Caribbean, USAID