

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

**Table of Contents**

<b>LEGISLATIVE CONTEXT AND SCOPE OF REPORT .....</b>	<b>3</b>
<b>EXECUTIVE OVERVIEW .....</b>	<b>3</b>
The Security Situation in Colombia.....	4
Extrajudicial Killings.....	6
Defense Reform .....	7
Paramilitary Demobilization and Reintegration .....	7
Combating New Illegal Groups .....	8
DAS Scandal.....	8
Prosecuting Crimes Against Labor Union Members .....	9
UN Universal Periodic Review on Human Rights .....	10
USG Consultation with NGOs.....	10
U.S. Support for Improvements in Human Rights.....	10
<b>SECTION 7046(b)(1)(B)(i) .....</b>	<b>12</b>
Investigating and Prosecuting Human Rights Violations .....	12
Status of Selected Human Rights Cases/Issues .....	14
Investigations by Prosecutor General’s Office into Alleged Extrajudicial Killings.....	20
UN Special Rapporteur’s Findings .....	21
Status of Selected Extrajudicial Killing Cases/Issues.....	22
Investigations into and Cooperation on Soacha Murders .....	24
Cooperation from Ministry of Defense on Extrajudicial Killings .....	27
Orders and Training on Human Rights.....	31
Military Cooperation with Judicial Authorities .....	31
<b>SECTION 7046(b)(1)(B)(ii) .....</b>	<b>34</b>
Orders on Severing Links with and Combating Illegal Groups.....	34
Combating Illegal Armed Groups.....	35
<b>SECTION 7046(b)(1)(B)(iii).....</b>	<b>36</b>
Capture and Detention of Paramilitary Leaders.....	36
Efforts to Protect Victims .....	38
Dismantling Paramilitary Leadership and Financial Networks .....	38
Seizure of Paramilitary Assets and Reparations to Victims .....	41

UNCLASSIFIED

- 2 -

Combating Emerging Criminal Groups .....	44
<b>SECTION 7046(b)(1)(B)(iv) .....</b>	<b>49</b>
Security Situation for Indigenous Groups.....	50
UN Special Rapporteur Report .....	51
Violence Against Members of Indigenous Groups.....	52
Relations Between the Armed Forces and Indigenous Communities.....	58
Government Outreach to Indigenous Groups .....	62
Protecting the Nukak Makú .....	64
Protecting the Awá.....	66
Training for the Armed Forces on Rights of Indigenous Persons .....	68
Protests and the Return of Land to Indigenous Groups .....	70
Security Situation for Afro-Colombian Communities.....	73
Afro-Colombian Land Disputes.....	73
Violence Against Afro-Colombians .....	75
Relations with and Outreach to Afro-Colombian Communities.....	76
Training on Rights of Afro-Colombians.....	79
Distinguishing Between Civilians and Armed Actors .....	80
<b>SECTION 7046(b)(2) .....</b>	<b>82</b>
CCAI and La Macarena: Proof of Concept.....	82
National Consolidation Plan .....	83
National Coordination Plan.....	83
Building Infrastructure, Connecting Isolated Communities .....	84
<b>Annex A: Arrests/Detentions by the Prosecutor General’s Office.....</b>	<b>85</b>
<b>Annex B: Indictments by the Prosecutor General’s Office.....</b>	<b>91</b>
<b>Annex C: Continuation of Proceedings by the Prosecutor General’s Office .....</b>	<b>98</b>
<b>Annex D: Resolution of Cases by the Prosecutor General’s Office .....</b>	<b>105</b>
<b>Annex E: Proceedings by the Inspector General’s Office.....</b>	<b>109</b>
<b>Annex F: Continuation of Proceedings by Inspector General’s Office .....</b>	<b>116</b>
<b>Annex G: Resolution of Cases by Inspector General’s Office .....</b>	<b>124</b>
<b>Annex H: Progress on 15 Measures to Improve the Human Rights Performance of Colombian Armed Forces.....</b>	<b>132</b>
<b>Annex I: Status of Soacha Murder Cases .....</b>	<b>138</b>
<b>Annex J: Government Officials Involved in Para-Political Scandal.....</b>	<b>144</b>
<b>Annex K: Military Orders and Training on Human Rights.....</b>	<b>149</b>

## **LEGISLATIVE CONTEXT AND SCOPE OF REPORT**

Section 7046(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Div. H, P.L.111-6) (“FY 2009 SFOAA”) establishes conditions under which assistance using funds appropriated under the FY 2009 SFOAA may be made available for the Colombian Armed Forces. In particular, Section 7046 (b)(1)(A) allows that up to 70 percent of funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (b)(1)(B). Paragraph (b)(1)(B) provides that up to 15 percent of such funds may be obligated after the Secretary of State makes a certification with respect to certain conditions related to human rights and paramilitary groups. The balance of funds appropriated under the FY 2009 SFOAA may be obligated after July 31, 2009, if the Secretary of State certifies before such funds are obligated that the conditions described in paragraph (b)(1)(B) are met and additionally, as laid out in paragraph (b)(2), certifies that the Colombian government is conducting vigorous operations to strengthen civilian institutions and respect for internationally recognized human rights in areas under the influence of paramilitary organizations or successor armed groups and guerrilla organizations.

This memorandum provides the justification for the Secretary of State’s determination that the criteria stated in Sections 7046(b)(1) and (2) of the FY 2009 FOAA have been met and meets the attendant reporting requirements in those sections. It contains information available as of July 31, 2009.

## **EXECUTIVE OVERVIEW**

Colombia remains a country in transition. While the security situation in the country has vastly improved in the last decade, fighting between the Armed Forces and illegal armed groups continues to harm the country’s citizens, especially its most vulnerable groups: the displaced, indigenous, and Afro-Colombians. Years of reforms and training, as well as key changes in leadership, are leading to progress by the Armed Forces in increasing their respect for and understanding of human rights. Rules of Engagement (ROEs) now exist to ensure that international humanitarian law is followed in combat situations. However, revelations of extrajudicial killings in Soacha and a preliminary report by the UN Special Rapporteur for Extrajudicial Killings indicate that far-reaching reforms have not fully taken hold. To its credit, the Colombian government has responded firmly to these revelations, issuing a zero-tolerance policy for abuses and has implemented reforms to prevent similar crimes in the future. The Prosecutor General’s Office continues to investigate more than 75 members of the Armed Forces linked to the killings. The government still has much to do, but these are signs that it recognizes the severity of the problem and is working to address it.

Nonetheless, hundreds more cases of extrajudicial killings and other human rights

UNCLASSIFIED

- 4 -

abuses are awaiting resolution, but the Prosecutor General's Office lacks the financial resources and personnel to do so quickly. In fact, NGOs have criticized the impunity that results from the backlog of cases, and some worry that the departure of Prosecutor General Mario Iguaran as of July 31, 2009, will cause further delays. In 2008, the Colombian government increased the budget and personnel levels of the Office, which was a step in the right direction and an indicator of the government's commitment to ending impunity, but more trained investigators and prosecutors are needed to address its overwhelming case loads. To help address this need, the United States, through the Department of Justice, is providing training and equipment to the Human Rights Unit within the Prosecutor's General's Office along with other sections of the Office.

Despite the challenges it faces, the Prosecutor General's Office made several important advances in human rights cases during the certification period, which this report defines as June 16, 2008, to July 31, 2009, including:

- Arresting four retired generals for collusion with paramilitary forces;
- Reopening its case against retired General Rito Alejo del Río for his alleged crimes during "Operación Genesis;"
- Reopening the La Rochela case – including investigations against three retired generals – and indicting ten members of the 17<sup>th</sup> Brigade for the January 18, 1989, massacre in which 12 investigators were killed in Simacota (Santander);
- Charging five members of the Army's 2<sup>nd</sup> Artillery "La Popa" Battalion, including its commander, with collusion with paramilitary forces and the homicide of 20 individuals between June and October 2002;
- Charging ten soldiers from the 17<sup>th</sup> Brigade in the February 20-21, 2005, massacre of eight people in San José de Apartadó (Antioquia); and,
- Obtaining 30-year sentences against seven soldiers for the January 12, 2006, homicide of Edilberto Vasquez Cardona, a member of the San José de Apartadó Peace Community.

The Security Situation in Colombia

The security situation in Colombia continues to improve, but violence by illegal armed groups, emerging criminal groups and displacement continue to be concerns. Overall, homicides and kidnappings have declined dramatically since peaking in 2002. Homicides have decreased 44 percent since 2002, and in 2008, there were 16,140 homicides in Colombia, a reduction of six percent compared to 2007 levels. Between January 1 and April 30, 2009,<sup>1</sup> the Colombian government reports that there were 5,270

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<sup>1</sup> Time period available as of June 15, 2009.

UNCLASSIFIED

UNCLASSIFIED

- 5 -

homicides in Colombia, a reduction of five percent compared to the same period in 2008.

Homicides of labor unionists rose during the certification period, though overall they have declined by 80 percent since 2002. In 2008, the government reported that there were 39 homicides of labor unionists in Colombia, a 50 percent increase over the 26 reported in 2007.<sup>2</sup> Between January 1 and April 30, 2009,<sup>3</sup> the Colombian government report that there were 11 homicides of labor unionists in Colombia.<sup>4</sup>

Kidnappings have decreased 84 percent since 2002, and in 2008, the Colombian government reported that there were 437 kidnappings in Colombia, a reduction of 16 percent compared to 2007 levels. Between January 1 and April 30, 2009,<sup>5</sup> it reported there were 92 kidnappings; a decrease of 46 percent compared to the same time period in 2008.

Determining the size and scope of new displacements of Colombian citizens due to fighting between the Armed Forces and illegal armed groups continues to be contentious. The NGO Consultancy for Human Rights and Displacement (CODHES) reported a 24 percent increase for 2008, while the Colombian government reported much lower figures.<sup>6</sup> The Colombian government said registrations of internally displaced persons (IDPs) showed only a slight increase for the year. The government attributed the small rise in registrations to the 2008 Constitutional Court order to include IDPs from previous years in the official registry, better awareness and coverage of IDP programs, and growing fraud from economic migrants seeking the enhanced government benefits now provided to IDPs.

CODHES reported a 24.5 percent increase in displaced persons for 2008 (380,863 total), attributing this increase to government efforts to expand security, competition

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<sup>2</sup> The National Labor College (ENS), a labor rights NGO, reported that 46 labor unionists were killed in 2008. ENS and government figures differ because of methodological concepts of trade union membership.

<sup>3</sup> Time period available as of June 15, 2009.

<sup>4</sup> Figures from Colombian government's Ministry of Social Protection.

<sup>5</sup> Time period available as of June 15, 2009.

<sup>6</sup> One reason CODHES and government figures differ is the different methodologies used by CODHES and the government's Social Action agency (Acción Social). CODHES creates its estimates using data collected from the press; reports by the government, NGOs, international organizations, academics, the Catholic Church; and field visits. These figures include persons fleeing drug eradication efforts and poor economic conditions resulting from the conflict. Accion Social data includes only those displaced by the Revolutionary Armed Forces of Colombia (FARC), National Liberation Army (ELN), paramilitaries, armed groups, and by some new criminal groups.

UNCLASSIFIED

UNCLASSIFIED

- 6 -

among illegal armed groups, attacks by the Revolutionary Armed Forces of Colombia (FARC), and government aerial coca eradication. In its annual report, the International Committee of the Red Cross (ICRC) reported a ten percent rise in the number of IDPs it assisted in 2008, citing threats from new criminal groups as a contributing factor to this increase. The ICRC reported that indigenous and Afro-Colombian communities have been particularly affected since fighting between the Colombian Armed Forces and illegal armed groups has shifted toward more remote mountainous and jungle areas and the Pacific coast. In 2008, 22 percent of the families assisted by ICRC belonged to ethnic minority groups.

The government continues to take steps to protect at-risk individuals and groups, including members of human rights groups, labor union members, and victims of abuses. In 2008, the government provided protection to 12,161 people. In 2008, the MOI&J's \$45 million Protection Program provided protection to 10,716 people. Thirty percent of the program's 2008 funding went to protect 2,462 labor union members, ten percent went to protect 1,003 NGO members, and the remainder went to protect other vulnerable groups. In addition, the Prosecutor General's Office provided protection for 1,445 people, including witnesses in criminal cases.

Extrajudicial Killings

Reports of extrajudicial killings continued during the certification period, including revelations that members of the Armed Forces were involved in the January 2008 murders of 13 youths from the Soacha neighborhood outside of Bogotá. The Minister of Defense responded strongly to this revelation, immediately dismissing 51 members of the Armed Forces for their alleged involvement in the crimes. In addition, the Prosecutor General's Office is investigating 75 members of the Armed Forces in connection with the crimes. The Ministry of Defense has cooperated with the Prosecutor General's Office in these investigations, providing information and assistance when requested. Despite progress in prosecutions, families of victims claim that they are increasingly vulnerable. In June 2009, Fernando Escobar, Human Rights Ombudsman for the Soacha area, reported that family members have received threats warning them not to pursue cases against the Armed Forces.

UN Special Rapporteur on Extrajudicial Executions, Philip Alston, found that "significant elements within the military" had engaged in extrajudicial killings in a "systematic way," but credited the Colombian government's efforts to address extrajudicial killings. While rejecting the assertion that cases of extrajudicial killings were isolated incidents committed by a few "bad apples," he also noted that they did not reflect Colombian government policy.

UNCLASSIFIED

## UNCLASSIFIED

- 7 -

Overall, investigations into cases of extrajudicial killings are proceeding slowly. While some advances have been made in more recent cases, older cases continue to languish. The Prosecutor General's Office reports that its caseload dropped dramatically in 2008, tracking a similar decline in cases reported by the Office of the United Nations High Commissioner for Human Rights (UNHCHR), and most international and non-governmental organizations agree that numbers of extrajudicial killings have fallen substantially in 2009. However, it is unclear whether this reduction is an indicator that directives, training and disciplinary actions adopted by the Ministry of Defense are working. Some NGOs believe there may simply be a lag in reporting of cases, and that 2009 cases will be reported more as the year progresses.

### Defense Reform

Colombia's Armed Forces continues to take steps to improve respect for human rights within its ranks. The Ministry of Defense's leadership, both civilian and military, has made clear that it will not tolerate human rights abuses by the Armed Forces. However, ensuring this culture of respect at all levels of the Armed Forces remains a challenge, particularly due to the resistance of some commanders to important reforms. Though reports of extrajudicial killings have diminished dramatically in 2009, the Colombian government will need to strengthen adherence to its policies and implementation of its rules to ensure that progress is irreversible.

In addition to the dismissals in the Soacha case, the Ministry of Defense issued 15 measures aimed at improving the human rights performance of the Armed Forces. These reforms included opening a new human rights school, establishing a new human rights department, increasing the number of operational legal advisors, issuing new ROEs, and appointing additional independent inspector delegates. The Ministry of Defense also instituted new training mechanisms and strengthened commander accountability.

### Paramilitary Demobilization and Reintegration

The demobilization of over 30,000 paramilitary members between 2005 and 2006 was an important step for Colombia. However, Colombia now faces the challenge of delivering justice with respect to the crimes committed by these individuals. The Colombian government also continues to vigorously investigate and prosecute the parapolitical scandal, with 86 members of Congress, 34 mayors and 15 governors linked to crimes. These tasks continue to overwhelm the understaffed and underfunded civilian judicial system, though the government increased funding and personnel levels for the Prosecutor General's Office in 2008, and the United States is providing assistance to the Justice and Peace Unit within the Prosecutor General's Office to aid in the investigation and prosecution of crimes committed by former paramilitary members.

UNCLASSIFIED

Combating New Illegal Groups

As several international organizations and NGOs have reported, some members of paramilitary organizations who refused to demobilize, as well as some previously demobilized paramilitaries, have joined narcotraffickers to form new criminal bands. These bands lack the leadership and political structure/goals of the now-demobilized paramilitary groups, but nonetheless are a threat to Colombia's civilian population. UN Special Rapporteur Alston voiced concern over the high rate of killings by illegal armed groups. He criticized the government's failure to confront the "resurgence" of former paramilitaries in illegal groups, arguing that the phenomenon should not simply be addressed as criminal activity.

During the certification, several threats were reported, allegedly made by these new groups. For example, in mid-February 2009, fliers calling for "social cleansing" of drug dealers and users, prostitutes, and criminals began appearing in Medellín. In March 2009, the fliers began appearing in 20 other cities throughout Colombia. The Colombian government is taking action to investigate these threats and to provide protection as warranted, but the presence of the groups is troubling. President Uribe publicly offered a reward for information on the fliers, and urged citizens to tear them up. Colombian National Police (CNP) Commander General Naranjo promised protection to any individual directly threatened.

The Colombian government has undertaken a concerted effort to capture leaders and members of illegal armed groups, some of whom are paramilitary members who refused to demobilize. One of the biggest developments during the certification period was the April 15, 2009, capture of illegal armed group leader and narcotrafficker Daniel Rendón Herrera (former paramilitary leader alias "Don Mario"), for whom the government had been offering a reward of five million Colombian pesos (approximately \$2,500<sup>7</sup>).

DAS Scandal

Allegations of illegal domestic wiretapping and surveillance by Colombia's Department of Administrative Security (DAS) are troubling. NGOs and the Colombian media charge that these activities were used to intimidate human rights groups, journalists, opposition leaders, Supreme Court Justices, and members of Congress. Some members of these groups charge that the wiretapping and surveillance included their family members and that such practices continue.

The Colombian government has denied official sponsorship of the alleged crimes,

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<sup>7</sup> At conversion rate of 1 USD = 2,000 COP

UNCLASSIFIED

- 9 -

and offered a reward for the capture of rogue DAS officials it claims were behind the illegal activities. The Prosecutor General's Office continues to investigate the allegations, and it is unclear at this time to what level of the Colombian government any orders can be traced. The conclusion of Prosecutor General Iguaran's term in office on July 31, 2009, worries human rights groups, who fear this may delay the investigation.

The importance that the Prosecutor General's Office has placed on prosecuting these crimes is a positive step for Colombia. This investigation will likely be an ongoing concern in Colombia for some time. In fact, media reports allege that illegal wiretapping and surveillance by the DAS continues to date. It is vital that the Office conduct a rigorous and thorough investigation in order to determine the extent of these abuses and hold all actors accountable.

Prosecuting Crimes Against Labor Union Members

The Colombian government continues to take seriously crimes of violence and threats against labor union members. From October 1, 2007, to May 20, 2009,<sup>8</sup> the Labor Sub-Unit within the Prosecutor General's Office was working on 1,304 cases of violence involving 1,546 members of labor unions, 61 of which fall under the new oral accusatory system. Out of these cases, 617 are homicides (824 victims) and 289 are threats. Of the 1,304 cases, 610 are in the preliminary investigation stage (suspect unknown), 245 are in the instruction phase (suspect known), and in 355 the suspect has been identified and placed in preventative detention. Charges were filed in 124 cases, 142 cases were pending the formulation of charges for an anticipated sentence, and 153 convictions were issued, in which 193 people were sentenced. Of these convictions, 13 were under the new oral accusatory system. Convictions in labor-related cases have increased dramatically in the last decade, with 36 percent of the convictions reached in that time period occurring in 2008 and 2009.

Regarding the 187 priority cases chosen by Colombia's three largest labor unions, as of May 2009,<sup>9</sup> the Labor Sub-Unit continued to work on 185 of the cases (in 2008, two of the priority cases were removed because they were found not to be union-related). Of the 185, 94 were in the preliminary investigation stage, 62 were in the instruction phase, convictions had been reached in 18 cases, 7 cases were in the trial stage, and 3 were closed due to lack of evidence or bureaucratic reasons. In total, in the 185 cases, 53 sentences had been handed down (8 against individuals participating in the Justice and Peace Process, or JPP, with 69 people being convicted of crimes.

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<sup>8</sup> Time period available as of June 15, 2009. The Labor Sub-Unit began its work in October 2007.

<sup>9</sup> Time period available as of June 15, 2009.

UNCLASSIFIED

### UN Universal Periodic Review on Human Rights

In December 2008, Colombia underwent a Universal Periodic Review by the United Nations' Human Rights Council, voluntarily conducting consultations with human rights groups and taking responsibility for human rights abuses by the country's Armed Forces. On December 10, 2008, Vice President Santos called human rights violations by the military "a shame" for the nation. Furthermore, he acknowledged Colombia "still [had a] ways to go and there remain errors [it] need[s] to correct." Following this, Santos outlined 69 voluntary commitments that the government would undertake to address human rights concerns in Colombia, drawing praise from participants for the sincerity of Colombia's engagement in the process. On March 20, 2009, the UN Human Rights Council adopted the results of the December 2008, UN Universal Periodic Review process on Colombia. The Colombian government voluntarily accepted over 50 of the 64 recommendations proposed by countries participating in the review.<sup>10</sup>

### USG Consultation with NGOs

The United States government takes seriously all reports of human rights abuses and is committed to continued engagement with Colombian government to achieve further progress in improving the human rights performance of its Armed Forces, severing military-paramilitary ties, and ensuring effective investigation and prosecution of human rights violations. To this end, the State Department, both in Washington and through the U.S. Embassy in Bogotá, consults regularly with NGOs and civil society groups regarding Colombia's human rights performance. In developing its examination and analysis of Colombia's human rights situation, the State Department carefully considers their views, observations, and experience, as well as information in reports from international organizations and groups such as the Office of the High Commissioner for Human Rights in Bogotá, the OAS, and the ICRC. As part of this, Deputy Secretary of State James Steinberg had a productive dialogue with human rights NGOs in Washington on September 3, 2009.

### U.S. Support for Improvements in Human Rights

The United States will continue to push for improvements in Colombia's human rights situation and to underscore the importance that the USG places on this issue. To aid in this effort, the United States will undertake a range of steps, including:

- Encourage the Ministry of Defense to revive an informal consultation mechanism on human rights, to include ambassadors from the United States, Canada, and the European Union, along with representatives from international organizations such as UNHCHR;

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<sup>10</sup> For more information, see <http://www.derechoshumanos.gov.co/epu>

UNCLASSIFIED

- 11 -

- Through the Department of Justice (DOJ), identify ways to increase the capacity of the Prosecutor General's Office;
- Foster a constructive dialogue between the Colombian government and civil society groups, emphasizing the need for improved relations despite differences in viewpoints and the importance of building protections for civil society, the base upon which long-term security in Colombia depends;
- Support investigations by the Supreme Court and Prosecutor General's Office into the DAS; and
- Reinforce the U.S. view that that DAS surveillance activities are troubling and unacceptable, and encourage a thorough Colombian government investigation.

The following is a discussion of the Colombian government and Armed Forces' compliance with each of the conditions for certification contained in Sections 7046(b)(1) and (2).

UNCLASSIFIED

**SECTION 7046(b)(1)(B)(i)**

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

**“The Government of Colombia is suspending, and investigating and prosecuting, in the civilian justice system, those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of internationally recognized human rights, including extra-judicial killings, or to have aided or abetted or benefited from paramilitary organizations or successor armed groups, and the Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities in such cases.”**

The Colombian government continued to suspend, investigate and prosecute – in the civilian judicial system – those members of the Armed Forces credibly alleged to have committed violations of human rights or to have aided, abetted or benefited from paramilitary organizations or successor armed groups. The Armed Forces continues to cooperate with civilian judicial authorities in this regard.

**Investigating and Prosecuting Human Rights Violations**

The civilian Prosecutor General’s Office (Fiscalía), which is independent of the Colombian executive branch, is responsible for investigating and prosecuting military personnel who have allegedly committed human rights violations or colluded with illegal armed groups. The Inspector General’s Office (Procuraduría) is responsible for conducting disciplinary proceedings against members of the Armed Forces who have allegedly committed crimes or other infractions.

Under the old criminal procedure code (Law 600), the Colombian prosecutor has judicial authority to detain persons suspected of committing a crime in order to investigate whether the person is actually responsible for the crime. Under the new criminal procedure code, similar to U.S. procedures, the prosecutor must request an arrest warrant from a judge in order to detain someone. If the suspect is arrested in the act of committing the crime, the prosecutor must present the person detained before a judge within 36 hours of the arrest. In that hearing, the prosecutor must articulate a basis to keep the person detained pending trial. The determining factors with respect to which code applies are the date and location of the alleged offense, and whether the new code was in effect in the jurisdiction on the date of the crime. In either case, once the detention order is issued, if the suspect is a member of the Armed Forces, the Prosecutor General’s Office requests that the suspect be suspended, and the Inspector General’s Office then begins disciplinary action (see Annexes E through G). While the case is adjudicated, the Armed Forces either hold that individual in custody at a military facility

or turn him over to civilian authorities.

On average, cases processed under the new criminal code (oral accusatory system) move much more rapidly than cases that continue to proceed under the old code (written inquisitorial system). Under the old system, homicides were resolved in an average of 462 days and drug trafficking cases took an average of 329 days. Under the new system, homicides take an average of 111 days, and drug trafficking cases take 33 days.

During the certification period, both the Prosecutor General's Office and Inspector General's Office took action on alleged cases of human rights violations and collusion with criminal groups. In the past, NGOs have noted that while low-ranking officers may be held accountable in cases of human rights violations, commanding officers are rarely prosecuted. As listed in Annexes A through D, between June 16, 2008, and June 15, 2009,<sup>11</sup> the Colombian government reported that among those detained by the Prosecutor General's Office were one colonel, three lieutenant colonels and two majors. The Prosecutor General's Office indicted at least one general, two colonels, five lieutenant colonels, and two majors. In addition, the Prosecutor General's Office continued case proceedings against at least four colonels, one lieutenant colonel and four majors. During the certification period, no members of the Armed Forces above the rank of major were sentenced for human rights-related crimes.<sup>12</sup>

From June 16, 2008, to June 15, 2009,<sup>13</sup> the Prosecutor General's Office detained 138 individuals in cases where military personnel allegedly committed gross human rights violations or collaborated with paramilitary groups (the Colombian government did not release a complete list of the 138 detained so the list in Annex A lists only 80 individuals detained in 11 cases). During the certification period, the Office indicted at least 102 military personnel (resoluciones de acusación) involved in 11 cases of alleged human rights violations, and continued judicial proceedings against 78 members of the Armed Forces in 29 cases listed in previous memoranda of justification for violations of human rights and collaboration with paramilitary groups. The Office also concluded case proceedings against at least 34 members of the Armed Forces in nine cases for violations of human rights and for collaborating with paramilitary groups. (For detailed lists of cases, see Annexes A-D)

For its part, as listed in Annexes E through G, the Colombian government reported

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<sup>11</sup> Time frame available as of July 31, 2009.

<sup>12</sup> Counts and assertions based on information received from the Prosecutor General's Office as of July 31, 2009.

<sup>13</sup> Time frame available as of July 31, 2009.

UNCLASSIFIED

- 14 -

that the Inspector General's Office opened disciplinary proceedings against one member of the Armed Forces above the rank of major, a colonel.<sup>14</sup> In terms of actions taken against individuals at or above the rank of major, the Inspector General also continued case proceedings against two colonels, four lieutenant colonels, and six majors; and concluded case proceedings against two colonels, two lieutenant colonels, and three majors.

From June 16, 2008, to June 15, 2009,<sup>15</sup> the Inspector General's Office opened 18 disciplinary processes against 92 members of the Armed Forces for alleged violations of human rights and collaboration with paramilitary groups. During the period, the Office continued disciplinary proceedings against 138 members of the Armed Forces involved in 19 cases listed in previous certifications for violations of human rights and collaborating with paramilitary groups, and concluded case proceedings against 70 members of the Armed Forces involved in 25 cases of violations of human rights and/or collaborating with paramilitary groups. In concluding these cases, the Inspector General's Office suspended 13 members of the Colombian Armed Forces, removed 44 from duty and barred them from public service for a period of time, and absolved 14 of charges. (For detailed lists of cases, see Annexes E-G)

**Status of Selected Human Rights Cases/Issues**

Between June 16, 2008, and July 31, 2009, there were advances in several prominent human rights cases, some resulting in the conviction and sentencing of military personnel. In others, however, there was little progress.

*Pueblo Bello Massacre*

On March 5, 2009, then Minister of Defense Juan Manuel Santos hosted a public event at the Ministry's headquarters to accept responsibility and apologize for the paramilitary killings of 43 peasants in Pueblo Bello, Urabá (Antioquia) on January 14, 1990. The Inter-American Commission on Human Rights (IACHR) ordered the public apology as part of symbolic reparations.

*Palace of Justice*

On February 12, 2009, the High Judicial Council (Consejo Superior de Judicatura) denied retired General Alfonso Plaza Vega's petition to be tried in a military court for his alleged role in the forced disappearance of 11 people during the recapture of the Palace of Justice on November 7, 1985. At the time a colonel, Vega commanded the operation that

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<sup>14</sup> Counts and assertions based on information received from the Inspector General's Office as of July 31, 2009.

<sup>15</sup> Time frame available as of July 31, 2009.

UNCLASSIFIED

UNCLASSIFIED

- 15 -

retook the Palace from terrorist group M-19. Army General (retired) Ivan Ramírez Quintero (former commander of the Army's 1<sup>st</sup> Division) remained incarcerated at the Engineering Battalion in Bogotá for his alleged role in the case.

Wilson Duarte Ramon

On January 29, 2009, the Special Court of Arauca ordered the police of Saravena (Arauca) to apologize publicly and pay reparations to the family of Wilson Duarte Ramon, who was tortured and killed by the police on March 26 and 27, 2002. The police unit must also implement and publicly post a human rights protection strategy. On July 26, 2007, seven defendants were convicted for involvement in this crime.

Maria Santamaria Galeano

In Antioquia, on January 22, 2009, the local Human Rights Unit within the Prosecutor General's Office charged five soldiers – at the time members of the 4<sup>th</sup> Brigade in Medellin – with the May 28, 2005, death of Maria Santamaria Galeano.

Edilberto Vásquez Cardona

On March 26, 2009, the 2<sup>nd</sup> Penal Court for the Circuit of Apartadó, sentenced seven Army soldiers each to 30 years in prison for homicide of a protected person in the disappearance and death of Edilberto Vásquez Cardona, a member of the San José de Apartadó Peace Community, on January 12, 2006. (See Annex C for a listing of the soldiers.)

San José de Apartadó: La Resbalosa

On January 26, 2009, the Prosecutor General's Office formally charged ten soldiers from the Army's 47<sup>th</sup> Infantry Battalion ("General Francisco de Paula Vélez") assigned to the 17<sup>th</sup> Brigade with homicide of a protected person, barbaric acts, and aggravated criminal conspiracy for their participation in the February 20-21, 2005, massacre of eight people in San José de Apartadó (Antioquia). (See Annex B for a listing of the soldiers.) On October 28, 2008, Captain Guillermo Armando Gordillo Sánchez formally accepted the charges against him of criminal conspiracy, homicide of a protected person, and barbaric acts for his participation in the massacre. The Prosecutor General's Office has found in its investigations that members of the Army's 47<sup>th</sup> Infantry Battalion colluded with former AUC leader Diego Murillo Bejarano's (Don Berna) "Héroes de Tolová" bloc to combat the FARC in the area. Confessions by Don Berna, who was extradited to the United States in May 2008, and other former AUC members facilitated the prosecution. Don Berna accepted responsibility for the murders on May 7, 2008, in testimony given as part of the Justice and Peace Process (JPP). Paramilitary leader Éver Veloza García (alias "HH") also gave a declaration on the case on June 20, 2008. At least 10 other paramilitary members from the AUC's Héroes de Tolová Bloc

UNCLASSIFIED

UNCLASSIFIED

- 16 -

have also been linked to the case and proceedings continue against those individuals. The Prosecutor General's Office noted that refusal by the peace community to cooperate in the investigation had slowed progress in the case. Threats against witnesses, and attempted violence against members of the Prosecutor General's Office working on the case have also hindered the investigation.

Gordillo Sanchez' testimony was the first official admission by military personnel that elements of that 17<sup>th</sup> Brigade participated in the murder in collusion with the Don Berna's Héroes de Tolová Bloc of the AUC. Following his November 15, 2007, capture, Gordillo Sanchez testified that 100 members of the military (including members of the Bolívar and Anzoategui Companies of the Vélez Infantry Battalion and the Alacrán Company of the 33<sup>rd</sup> Battalion) and 50 members of the AUC's Heroes de Tolová Bloc were patrolling together. Gordillo stated that General Hector Jaime Fandino (former commander of the 17<sup>th</sup> Brigade), Lieutenant Colonel Orlando Espinosa Beltran (Commander of the Vélez Battalion), and Major José Fernando Castaño (second in operational command of the Battalion) "must have known" about the military's joint patrols with the paramilitary group. On July 30, 2008, the Prosecutor General's Office issued a processal break in the case (ruptura procesal) so that the Office could continue its investigation against Army General Héctor Fandino who commanded the troops at the time. Fandino publicly said he is ready to cooperate with the justice system and has nothing to hide.

*La Rochela Massacre*

Following six complaints by the IACHR, on May 11, 2007, the Prosecutor General's Office reopened its case into the January 18, 1989, La Rochela massacre. In this incident, 12 investigators were killed in Simacota (Santander) while investigating the October 1987 murders of 19 merchants, reportedly by the "Los Masetos" paramilitary forces of Magdalena Medio. In reopening the case, the Office called in three retired generals for questioning:

1. Army General (retired) Farouk Yanine Díaz (on June 6, 2008)
2. Army General (retired) Juan Salcedo Lora (on June 9, 2009)
3. Army General (retired) Alfonso Vacca Perilla (on June 9, 2009)

On January 29, 2009, 10 members of the Army's 33<sup>rd</sup> counter guerrilla battalion, assigned to the 17<sup>th</sup> Brigade, were indicted in the case. Six of these had been preventatively detained on April 9, 2008, and the remaining four were preventatively detained on August 29, 2008. This followed the February 2007 linkage of 69 members of the battalion to the case. (See Annexes A and B for lists of those soldiers preventatively detained and indicted) Previously, on July 30, 2008, Army Captain Guillermo Armando Gordillo Sánchez pled guilty to homicide of a protected person, terrorism, and criminal

UNCLASSIFIED

UNCLASSIFIED

- 17 -

conspiracy in the case.

Twelve paramilitary members have been linked to the case and proceedings continue against those individuals. Paramilitary leader Alonso de Jesus Baquero Agudelo, alias “Vladimir,” was convicted in 1990 for the killings which took place under his command. He was sentenced to 30 years in prison and is participating in the JPP, providing key testimony concerning the criminal acts related to La Rochela.

Though former Santander Congressman Tiberio Villarreal Ramos denies any involvement in the murders, in early June 2009, the Prosecutor General’s Office called him back in for questioning. In 1996 and 1997, the Prosecutor General’s office had opened an investigation into and then dismissed charges against Villarreal.

*La Gabarra Massacre*

On August 19, 2008, Army Colonel Víctor Hugo Matamoros Rodríguez was detained for his alleged involvement in the August 21, 1999, murders of 26 people in La Gabarra (Norte de Santander). Three other members of the Army have also been linked to the crime, and preventative detention orders have been issued for two; one indicted in 2000. The one that was indicted, Army Major Luís Hernando Campuzano, was sentenced to 40 years in prison on September 15, 2007. This was the culmination of a six-year investigation by the Prosecutor General’s Office into Campuzano’s connection with one of Colombian’s most notorious murders, which the Office pursued despite a previous acquittal of the charges. Fifteen former paramilitaries have been linked to the crime and are under investigation, including Salvatore Mancuso Gómez.

*General Rito Alejo del Río and “Operation Genesis”*

On September 12, 2008, a preventative detention order was issued for Army General (retired) Rito Alejo del Río, and the Prosecutor General’s office indicted him on December 26, 2008, as the material author in the aggravated homicide of Marino Lopez Mena.

On February 24, 1997, the “Elmer Cardenas” paramilitary bloc entered the town of Bijao, municipality of Riosucio (Department of Chocó) and intimidated and attacked the residents in what came to be known as “Operation Genesis.” During the operation, Marino Lopez Mena, was allegedly beheaded. In early 2009, two former paramilitary members – Luis Muentes Mendoza (alias, “Vicente” or “El Calvo”) and Diego Luis Hinestrosa Moreno (alias, “El Abuelo”) – pled guilty for their involvement in “Operation Genesis.” At least four other paramilitary members allegedly involved in the incident are still under investigation.

UNCLASSIFIED

UNCLASSIFIED

- 18 -

In addition, in March 2009, the Supreme Court reopened its case into del Río's alleged collaboration with paramilitaries in the Uraba region of Antioquia from 1995-1997. This followed former paramilitary leaders Salvatore Mancuso, Ever Velosa (H.H.), and Diego Rivera naming him as collaborating with paramilitary forces in their JPP testimonies. Del Río is detained at the Infantry School in Bogotá. According to media reporting, there have been over 150 allegations that he was responsible for murders and disappearances in Urabá (Antioquia), his former area of command.

*Four Generals Investigated for Collusion with Paramilitary Groups*

In 2008, the Prosecutor General's Office authorized the opening of investigations into four former Army generals for alleged collusion with the now demobilized United Self-Defense Forces of Colombia (AUC). Carlos Alberto Ospina (former commander of the Armed Forces), Julio Eduardo Charry (former Army commander in the Uraba region), Ivan Ramírez Quintero (former commander of the Army's 1<sup>st</sup> Division), and Rito Alejo del Río (former commander of the 17<sup>th</sup> Brigade) were all accused of having connections to the AUC and reportedly named in testimony ("versiones libres") by former AUC leaders, including Salvatore Mancuso and Francisco Villalba. Mancuso testified that Del Río met with now deceased AUC leader Carlos Castaño in Córdoba in 1996 and 1997, and collaborated with Castaño against the FARC. Mancuso claimed that Freddy Rendon (El Aleman) and he met with Ivan Ramírez and Julio Charry. Villalba testified that Ospina provided support from the 4<sup>th</sup> Brigade in the October 1997 murders of 19 people at El Aro.

The four retired generals are incarcerated, pending the results of the investigation, and have denied involvement with the AUC. As former generals, their cases would be heard by the Supreme Court. As previously noted, Del Río is incarcerated at the Infantry School in Bogotá. Ramírez is incarcerated at the Engineering Battalion in Bogotá in connection with the 1985 Palace of Justice investigation.

*Mapiripán*

There was no movement on the Mapiripán case during the certification period. However, the Prosecutor General's Office continued to appeal the acquittal of Army General (retired) Jaime Humberto Uscátegui Ramírez. On November 28, 2007, he was acquitted of all charges except falsifying documents, for which he was sentenced to 41 months time served, for his involvement in the July 15, 1997, murder of at least 36 civilians in Mapiripán (Meta). On that date, a group consisting of 20 men from the ACCU (Autodefensas Campesinas de Cordoba y Urabá) arrived in the town of Mapiripán (Meta) where they committed violent acts against residents and blocked transportation and communication. The judge in the case previously convicted Lieutenant Colonel Orozco Castro for his involvement in the massacre. Orozco, who revealed the military's

UNCLASSIFIED

UNCLASSIFIED

- 19 -

ties to the murders, is not serving his sentence since he now resides in the United States after receiving refugee status due to credible threats against his life. On October 23, 2007, three AUC members (Leonardo Montoya Pubiano, Francisco Enrique Gómez Vergaño, and Arnoldo Vergara Trespacios) were sentenced to 40 years each for their involvement in the case.

Operación Dragón

On October 8, 2008, the Prosecutor General's Office opened a hearing for two lieutenant colonels, a major, and three civilians (no names given), on charges of alleged aggravated criminal conspiracy and violation of the rights of assembly and association for their involvement in "Operación Dragón." The inquiry process began November 19, 2008, and is ongoing. "Operación Dragón" involved an alleged plot in 2004 to assassinate leftist politicians and labor leaders in Cali. Berenice Celeyta Alayón, a labor union leader, and Colombian Senator Alexander Lopez Maya, former president of SINTRAEMCALI, allege that they were targeted for their work in support of SINTRAEMCALI, a local labor union's campaign against the privatization of the Cali Municipal Corporation (EMCALI), Colombia's third largest public utility company.

Orlando Valencia

There was no movement during the certification period in the investigations of two policemen for their alleged role in the October 15, 2005, disappearance and homicide of Afro-Colombian leader Orlando Valencia. Valencia was killed in Belén de Bajirá (Chocó) by paramilitary forces, allegedly with collusion by the Colombian National Police. The trial of the two members of the police, a captain (Edwin Harbey Arroyo Cuervo) and a now retired sub-lieutenant (no name provided), for their alleged involvement in the homicide and links to paramilitary groups began on February 27, 2007 (investigation opened October 9, 2006). The Prosecutor General's Office reported that in 2007, José Montalvo Cuitive, a palm oil farmer, was sentenced to 22 years in prison for his alleged role in the homicide.

As was reported in previous certifications, witnesses, including community leader Enrique Petro, testified in the case May 15-17, 2007, in Medellín, and asked the Prosecutor General's Office for increased security, including armored cars, cell phones, horses, and police protection. The government provided police protection and phones, but Petro has stated he needs additional security. On July 12, 2007, the Prosecutor General's Office linked two members of the AUC Bloque Elmer Cardenas to the case and shortly thereafter, the Colombian National Police arrested one of them (Horacio Restrepo Urrego). On September 18, 2007, two witnesses in the case, Miguel and Uco Alberto Hoyos, were wounded by gunfire outside their homes. They were put under police protection at a hospital in Apartadó. On October 14, 2008, unknown assailants killed

UNCLASSIFIED

UNCLASSIFIED

- 20 -

Uco Alberto Hoyos, who was in the Ministry of Interior and Justice's (MOI&J) protection program at the time. Miguel Hoyos remains in the witness protection. The government has resolved to improve police presence in Belén de Bajirá.

On October 23, 2006, the Prosecutor General's Office charged former AUC member Hermes José Muñoz González, alias "Diomedes," for his alleged role in the aggravated homicide of Valencia. In January 2008, he was sentenced to 28 years and 9 months in prison for aggravated homicide and criminal conspiracy. Gonzalez remains in detention in Bellavista prison in Medellín while he appeals his conviction. After reviewing new evidence, the Prosecutor General's Office arrested AUC member Julio César Silva Borja, aliases "El Enano" and "El Indio," on September 6, 2006. He was detained after a September 15, 2006, preventative detention order and remains in custody at Itagúí prison.

**Investigations by Prosecutor General's Office into Alleged Extrajudicial Killings**

Investigations into cases of extrajudicial killings are proceeding slowly. While some advances have been made in more recent cases, older cases continue to languish. Numbers of extrajudicial killings vary by organization because of the different standards applied to data collection and analysis. Between 2002 and 2009, the Colombian government's Presidential Human Rights Program counts 551 complaints of cases of homicides allegedly attributed to members of the Armed Forces, also known as extrajudicial killings. For its part, the Center for Investigation and Popular Education (CINEP), a Jesuit-run Colombian think tank, reports 1,142 total cases of extrajudicial killings between 2002 and 2008, including 646 "false positive" cases where the Armed Forces allegedly murdered civilians and presented them as "killed in combat."

As of May 15, 2009,<sup>16</sup> the Extrajudicial Killings Sub-Unit within the Prosecutor General's Office had been assigned 1,056 cases (involving 1,708 victims), all of them extrajudicial killings allegedly committed by members of the Armed Forces between 1985 and 2009. Of these, 1,019 cases remained under investigation, 21 were in the trial phase, and convictions had been reached in the remaining 16 (83 people convicted). Of the 1,056 cases, 42 percent occurred in the departments of Antioquia and Meta. Members of the Army accounted for 94 percent of the 1,150 members of the Armed Forces implicated in the cases.

The Prosecutor General's Office reports that its caseload dropped dramatically in 2008, tracking a similar decline in cases reported by the Office of the United Nations High Commissioner for Human Rights (UNHCHR). The Prosecutor General's Office is

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<sup>16</sup> Time frame available as of July 31, 2009.

UNCLASSIFIED

handling 112 cases from 2008, down from a peak of 397 cases from 2007, and as of May 15, 2009,<sup>17</sup> one case from 2009. Most international and non-governmental organizations agree that numbers of extrajudicial killings have fallen substantially in 2009. However, it is unclear whether this reduction is an indicator that directives, training and disciplinary actions adopted by the Ministry of Defense are working. Some NGOs believe there may simply be a lag in reporting of cases, and that 2009 cases will begin to be reported as the year progresses.

In October 2008, specific allegations emerged that in January of that year members of the Armed Forces had, in a concerted way, lured 13 victims away from their homes with the promise of employment, killed them and then presented them as “killed in combat.” Known as the Soacha murders, this case is addressed in detail in the section below entitled “Investigations into and Cooperation on Soacha Murders.”

### **UN Special Rapporteur’s Findings**

In his initial findings, released June 18, 2009, the UN Special Rapporteur on Extrajudicial Executions, Philip Alston, credited the Colombian government’s efforts to address extrajudicial killings. He noted that allegations of extrajudicial killings have fallen sharply over the last six to nine months, and called for increased government efforts to investigate past crimes. Alston rejected the assertion that cases of extrajudicial killings were isolated incidents committed by a few “bad apples,” but also said they did not reflect Colombian government policy. Still, he called for the military to eliminate “all forms” of incentives for combat kills and for prompt and thorough investigation into the crimes.

Alston found that “significant elements within the military” had engaged in extrajudicial killings in a “systematic way.” In these cases, similar to the Soacha murders, victims are lured to a distant location, generally under the pretext of an employment opportunity, murdered, and then reported as killed in combat. He cited cases in the departments of Antioquia, Arauca, Valle de Cauca, Casanare, Cesar, Cordoba, Huila, Meta, Norte de Santander, Putumayo, Santander, Sucre, and Vichada. Emphasizing the importance of investigating and prosecuting those responsible for extrajudicial killings, he urged Colombian authorities to choose a credible, independent figure to replace outgoing Prosecutor General Iguaran.

Alston applauded government efforts to confront extrajudicial killings, citing disciplinary sanctions, the Suarez Commission’s investigation into the Soacha murders, and policy reforms aimed at eliminating the use of “body count” as a measure for

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<sup>17</sup> Time frame available as of July 31, 2009.

UNCLASSIFIED

- 22 -

evaluating performance. He described these actions as encouraging, but stressed that impunity for past cases must be addressed. Alston called on the Colombian government to dedicate additional resources to the Human Rights Unit within the Prosecutor General's Office to give it the capacity to investigate past cases. He condemned military judges who obstruct the transfer of human rights cases to the civilian justice system and said in many extrajudicial killing investigations witnesses and their families are often threatened or harassed.

**Status of Selected Extrajudicial Killing Cases/Issues**

Below is the status of investigations of several cases/issues involving alleged extrajudicial killings, both by the Prosecutor General's Office and the Inspector General's Office. In addition, many of the cases listed in Annexes A through G appear to be cases of extrajudicial killings as well, and their status is listed there.

**La Popa Battalion**

On April 14, 2009, five members of the Army's 2<sup>nd</sup> Artillery "La Popa" Battalion (10<sup>th</sup> Armored Brigade in the department of César), including its commander, Army Colonel Hernán Mejía Gutiérrez, were indicted for colluding with paramilitaries in the homicide of 20 individuals in June and October 2002. (See Annex B for a listing of the soldiers.) Three other members of the Armed Forces are under investigation in connection with the case. Between January 2002 and December 2003, Mejía Gutiérrez and Army Lieutenant Colonel Ruiz Mahecha met with heads of the AUC forces, including Rodrigo Tovar Pupo, (alias "Jorge 40") and David Hernandez (alias "Jorge 39"). On June 22, 2002, Carlos Alberto Pumarejo Lopesiera and Edwar Caceres Prado were killed and reported as combat deaths. Additionally, on October 26, 2002, 18 AUC members were killed in El Socorro in the municipality of Bosconia (César) by their own men as part of an internal purge and later reported by Colonel Mejía's battalion as FARC members killed in combat.

An investigation into the actions of La Popa Battalion was initiated after retired military officer Eduin Manuel Guzman Cardenas claimed to a military court on January 19, 2007, that Colonel Hernán Mejía Gutiérrez had ties to the paramilitary commanders. He also alleged that while he held the position as commander, he witnessed several combat deaths of supposed subversives. Based on the manner in which they had been killed, it appears they were executions of civilians, rather than deaths attributed to crossfire between hostile parties. Criminal proceedings were begun in 2007.

On January 22, 2009, the Ministry of Defense forcibly retired 11 members of the La Popa Battalion of the 10<sup>th</sup> Armored Brigade from the César Department, citing command and control problems. These problems were identified in an investigation by

UNCLASSIFIED

UNCLASSIFIED

- 23 -

Army Inspector General Carlos Arturo Suarez, the results of which were then turned over to the Prosecutor General's Office. Suarez headed the special commission that investigated the Soacha murders and led to the dismissal of 27 military personnel. Throughout 2007 and 2008, the Prosecutor General's Office opened 25 investigations into 150 possible extrajudicial killings in César.

*Edilberto Vasquez Cardona*

On May 26, 2009, seven soldiers were sentenced to 30 years in prison for their roles in the 2006 murder of Edilberto Vasquez Cardona, who was killed and presented as a FARC member killed in combat. Vasquez was a member of the Arenas Altas "humanitarian zone," which is part of the San José de Apartadó Peace Community in Urabá (Prosecutor General's Office Case Number 3131).

*Gaula of Córdoba*

On March 10, 2009, the Prosecutor General's Office ordered the preventative detention of retired Army Major Julio César Parga Rivas, former commander of the Anti-Kidnapping Unit ("Gaula") of Córdoba, with the murder of five civilians who were later reported as combat deaths in 2007. Parga was extradited to the United States on drug charges on March 18, 2009.

*Merchants in Barranquilla*

On December 24, 2008, the Barranquilla branch of the Prosecutor General's Office ordered the arrest of five soldiers for the alleged July 29, 2001, extrajudicial killing of two merchants whose deaths were reported as FARC killed in combat. The order reversed a January 2006 ruling in favor of the soldiers by a Military Penal Justice panel in Santa Marta. The five soldiers claimed that the two men were FARC members planting an explosive charge on a railway line owned and operated by the Drummond Mining Company. The Prosecutor General's Office reported that the autopsies showed that the shots that killed the two men were fired at point blank range, and investigators said that the soldiers gave conflicting statements about the incident, suggesting that the men had no ties to the FARC.

*Murder of Seven Civilians in Boyaca*

On December 22, 2008, the Inspector General's Office announced an investigation into seven soldiers from the Tarqui Battalion in Boyaca for their involvement in the murder of seven individuals on May 8, 2004. The seven were reported as enemies killed in combat after the soldiers entered a private home in Labranzagrande (Boyaca). Details of the engagement as described by the soldiers were not supported by forensic evidence found at the scene. The Prosecutor General's Office continues to investigate this case.

UNCLASSIFIED

16<sup>th</sup> Brigade

On October 31, 2007, the Human Rights Unit within Villavicencio's Prosecutor General's Office ordered the arrest of seven soldiers from the 16<sup>th</sup> Brigade in Casanare for their alleged involvement in extrajudicial killings, bringing the total number of soldiers implicated in the 16<sup>th</sup> Brigade to 27.

**Investigations into and Cooperation on Soacha Murders**

In September 2008, allegations emerged that members of the Armed Forces were involved in the deaths of 13 young men who disappeared in January 2008 from Soacha, a poor neighborhood on the outskirts of Bogotá, and were presented shortly thereafter as combat deaths. It appears that, in some of these cases, the Armed Forces colluded with paramilitary and narco-trafficking groups to recruit victims, promising them employment, or other incentives, and then murdered them in order to increase their unit's number of combat kills.

The Colombian government has taken these allegations seriously, setting up a special investigatory team, headed by the Prosecutor General. Then Minister of Defense Santos declared that the military would have "zero tolerance" for any officers found culpable of crimes. After initially rejecting the allegations of military involvement, President Uribe publicly assured the Prosecutor General's Office autonomy to conduct their investigations.

Judicial Proceedings in the Soacha Murders

The Prosecutor General's Office has mounted an investigation into the Soacha murders, and at least 75 members of the Armed Forces have been implicated in the murders of the 13 victims. Five of those implicated – three colonels, a lieutenant, and a master sergeant – were among the 27 whom the Minister of Defense publicly dismissed in October 2008 (see section below). The Office has found that contact with the victims frequently took place in two commercial stores known as "Los Costeños" and "La Fonda Paisa." The victims were contacted by recruiters who used liquor, hallucinogens, or promises of employment to lure young people to the locations, and sometimes exchanged them for payments (up to \$10 million pesos in some cases, about \$5,000<sup>18</sup>). A detailed description of each of the 13 cases, and lists of the 75 members of the Armed Forces alleged to have been involved in the crimes, can be found in Annex I. These cases were also included in Annexes A and B.

Despite progress in prosecutions, families of victims claim that they are increasingly vulnerable. In June 2009, Fernando Escobar, Human Rights Ombudsman

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<sup>18</sup> At conversion rate of 1 USD = 2,000 COP

UNCLASSIFIED

- 25 -

for the Soacha area, reported that family members have received threats warning them not to pursue cases against the Armed Forces. UN Special Rapporteur for Extrajudicial Executions Alston reported on June 18 that the brother of a Soacha victim was shot and killed after he became active in pursuing the case, and the mother of the two men is now receiving threats. Alston says this crime is “part of a common pattern.” High-level military officials have met with the families of the victims to jointly develop a response to the threats.

*Military Response to Soacha Murders*

Through Resolution 4342 (October 3, 2008), the Ministry of Defense created a special commission to analyze the operational circumstances in which the Soacha murders occurred and recommend corresponding administrative measures. The commission found a series of irregularities, as much in the development of the intelligence cycle as in the planning, execution, and evaluation of operational tactics and missions in the units involved, which facilitated the occurrence of these abuses. Moreover, the commission faulted poor supervision of operations and the investigation of reports of human rights abuses by unit commanders.

On October 29, 2008, President Uribe announced the dismissal of 27 Army officials for collusion in the Soacha murders. The dismissals included three generals (including two division commanders), four colonels, and several field and non-commissioned officers. The dismissal of senior officers under whose command the murders occurred is an unprecedented event, and indicated the seriousness of the crime and the Colombian government’s response. The Ministry of Defense acted promptly to turn over evidence in the cases to the Prosecutor General’s Office so that it could begin criminal proceedings against the 27.

The following 27 members of the Armed Forces were dismissed in connection with the Soacha Massacre:

1. Major General Roberto Pico Hernandez, Commander of the 7<sup>th</sup> Division
2. Brigadier General Jose Joaquin Cortes Franco, Commander of the 2<sup>nd</sup> Division
3. Brigadier General Paulino Coronado Gámez, Commander of the 30th Brigade
4. Colonel Santiago Herrera Fajardo, Former Commander of the 15th Mobile Brigade
5. Colonel Juan Carlos Barrera Jurado, Former Commander of the 14th Brigade
6. Colonel Ruben Darío Castro Gómez, Commander of the 15th Mobile Brigade
7. Colonel Carlos Bohorquez Botero, Chief of Staff for the 14th Brigade
8. Lieutenant Colonel Diego Tamayo Hoyos, Commander of the 15<sup>th</sup> Infantry Battalion

UNCLASSIFIED

UNCLASSIFIED

- 26 -

9. Lieutenant Colonel Nestor Camelo Piñeros, Former Commander of the “Batalla de Calibio” Engineering Battalion
10. Lieutenant Colonel Wilson Ramírez Cedeño, Commander of the “Batalla de Calibio” Engineering Battalion
11. Lieutenant Colonel Wilson Castro Pinto, Former Commander of the “General Rafael Reyes” Infantry Battalion
12. Lieutenant Colonel Milton Ruben Varon, Former Commander of the “Batalla de Bombona” Infantry Battalion
13. Lieutenant Colonel Gabriel Rincón Amado, Operations Official from the 14<sup>th</sup> Mobile Brigade
14. Lieutenant Colonel Angel Alberto Acosta Vargas, Commander of the 14<sup>th</sup> Service Battalion
15. Major Carlos Gilberto Rodríguez M. (only initial given for last name), Intelligence Official from the 14<sup>th</sup> Mobile Brigade
16. Major José Ramos Baquero, Commander of the Counter Guerrilla Battalion from the 14<sup>th</sup> Mobile Brigade
17. Major (No first name given) Peralta Ramírez, Former Operations Official for the “General Rafael Reyes” Infantry Battalion
18. Major Nemesio López Díaz, Intelligence Official from the 14<sup>th</sup> Brigade
19. Captain Javier Alarcón Ávila, Intelligence Official from the “General Rafael Reyes” Infantry Battalion
20. Lieutenant Eduar Villany Realpe, Intelligence Official from the “General Rafael Reyes” Engineering Battalion
21. Vice First Sergeant Fredy Sotelo John, Former Intelligence Advisor for the “Batalla de Calibio” Engineering Battalion
22. Vice First Sergeant Jesús Niampira Benadiz, Intelligence Advisor for the “General Rafael Reyes” Infantry Battalion
23. Vice First Sergeant Fredy Perdomo Bonilla, Warehouse Worker for the Infantry Battalion of Santander
24. Second Sergeant Cristian Castro Ojeda, Arms Warehouse Worker for the “Batalla de Calibio” Engineering Battalion
25. Sub-Official Sandro Pérez Contreras, Intelligence Official for the Santander Infantry Battalion
26. Second Sergeant Fernando Cano Gómez, Replacement in the “Batalla de Bombona” Infantry Battalion
27. Third Corporal Felipe Perdomo Polanía, Squadron Commander of the “Batalla de Calibio” Engineering Battalion

Following this, 24 other officials were dismissed under the Commander of the Armed Forces’ discretionary authority, bringing to 51 the total number of members of the

UNCLASSIFIED

Armed Forces dismissed in connection with the Soacha murders.

**Cooperation from Ministry of Defense on Extrajudicial Killings**

When the special commission's findings were made public on November 17, 2008, it made a series of recommendations to the Ministry of Defense on how to strengthen human rights protection within the Armed Forces:

- **Revise the Application of Military Doctrine:** A three-month review of military doctrine at the tactical level in order to verify the way it was being used, and to identify faults in intelligence, operational, and logistical proceedings (control and use of arms and munitions in particular);
- **Revise Human Rights Training:** Among other things, to establish a system for evaluating understanding of human rights;
- **Create an Immediate Inspection Commission (CII):** The CII would travel immediately to the location of complaints about human rights abuses or infractions of international humanitarian law and would analyze cases from an operational perspective in order to make recommendations to the Inspector on administrative and disciplinary actions, and any corresponding reviews of operational procedures;
- **Reinforce Independence of Inspector Delegates:** Create a diagnostic to identify methods for this, especially in clarifying their reporting relationship to the Inspector General's Office within the Ministry of Defense, and not to units to which they are assigned;
- **Restructure Operational Judicial Advisors:** Create a structural hierarchy for the advisors and ensure that they report through a Bogotá headquarters in order to create unity of criteria and independence for these positions;
- **Strengthen Procedures for Authorizing Military Objectives:** Ensure that approval is needed from the General Command of the Armed Forces before force is used against criminal organizations, implement periodic evaluation mechanisms of authorized uses of force, and ensure that the police maintain primary responsibility for defeating criminal organizations;
- **Improve Performance Evaluation:** Improve evaluation techniques to ensure that each unit is evaluated on its performance in accordance with predetermined objectives for the type of operation they are carrying out in accordance with the threat/hostility level in the area;
- **Adjust ROEs:** Put in place a system for applying ROEs that takes into account threat levels in the area;
- **Establish Human Rights Certification:** Establish a human rights certification course for all officials seeking promotion to Colonel or General;
- **Strengthen Role of Judicial Branch:** In compliance with Directives 10 and 19,

UNCLASSIFIED

- 28 -

increase presence by judicial officials (Prosecutor General's Office and Technical Investigative Body (CTI)) at the scenes of combat deaths; and

- **Create Complaints System:** Establish a system for receiving complaints of human rights abuses and ensuring connectivity with civilian agencies on these issues. Make public the claims reported to each division commander or regional police chief through periodic television appearances. This recommendation echoes that made by UNHCHR, and by the end of July 2009, seven such television appearances had taken place. The Armed Forces also established a human rights complaints office in each military unit and launched a national toll free number for human rights complaints.

From these recommendations, on November 17, 2008, then Minister of Defense Santos and Commander of the Armed Forces Padilla announced 15 measures aimed at improving the human rights performance of the Armed Forces. On November 20, 2008, the General Command of the Armed Forces issued Permanent Directive Number 208 giving special instructions to the military on implementing the 15 measures. The 15 measures are as follows:

1. Identify faults in the intelligence, operations, and logistics procedures (controls for weapons and ammunition use and storage);
2. Review the application of the intelligence doctrine;
3. Revise human rights training to establish and implement a Single Teaching Model (MUP) on human rights and International humanitarian law;
4. Establish a human rights learning evaluation system;
5. Organize command responsibility workshops in all military divisions and strengthen this subject in the training and instruction schools;
6. Create an Immediate Inspection Commission (IIC) that will travel to different locations where complaints or accusations have been made about possible serious violations of human rights or breaches of International humanitarian law;
7. Carry out the necessary coordination so that the Delegated Inspectors report directly to the Inspector General of the Armed Forces and deal exclusively with human rights and International humanitarian law issues;
8. Organize a hierarchical structure for the Operational Legal Advisors;
9. Ensure that Operational Legal Advisors report directly to the Directorate of Operational Legal Advice in each service;
10. Ensure that the General Command of the Armed Forces decides which illegal armed organizations may be confronted by the Armed Forces using lethal force;
11. Refine the system of evaluating military units to ensure that they are evaluated in accordance with meeting planned objectives for the different types of operations and the different levels of hostility of the threats in each jurisdiction;
12. Put in place a differentiated ROE system;

UNCLASSIFIED

UNCLASSIFIED

- 29 -

13. Establish a human rights certification system for all officers seeking promotion to Lieutenant Colonel or Brigadier General, based on a rigorous review of their records;
14. Strengthen the legal accompaniment of operations by the Prosecutor General's Office and the Technical Investigation Unit (CTI), in accordance with Directives 10 and 19 of 2007; and
15. Establish, down to the tactical level, a human rights complaint reception system, and create a system of public and periodic accountability, ensuring an open dialogue with civil society.

The Colombian government reports that, through the implementation of new training, oversight, and reporting structures, the Ministry of Defense has made progress on these 15 measures. A detailed description of progress on these 15 measures is located in Annex H. Highlights of progress include:

- On December 15, 2008, General Padilla announced the creation of the Armed Forces School for Human Rights, which opened in May 2009 in Tolomaidá (Cundinamarca). The school will not only provide instruction in human rights to 99,780 soldiers, it will also house an interactive database called Compartel (communication structure for isolated populations) that civil society can use to present complaints of alleged violations of human rights.
- In May 2009, with the ICRC, the Armed Forces carried out workshops with the Second and Seventh Divisions on lessons learned from past human rights violations. Case studies provided the Divisions with models for how to respect human rights and international humanitarian law when carrying out their duties.
- The Army created a new Human Rights Department, under the command of a brigadier general and comprised of six directorates headed up by colonels. This department is in charge of the implementation of the Army's Comprehensive Human Rights and International Humanitarian Law Policy and serves as the collection point and clearing house for reports of allegations of human rights violations by military officials.
- The Ministry of Defense created the position of Operational Legal Advisor (AJO) to give commanders legal advice on the planning, follow-up, and control of operations from a human rights and international humanitarian law perspective. In February 2008, the Ministry of Defense created the Office of Doctrine and Legal Advice (ODA), which offers legal advice to all commanders on the ground, and develops operational legal doctrine that ensures human rights and international humanitarian law obligations are met during the execution of military operations. The Armed Forces has increased the number of active AJOs from 54 in 2008 to 92 in 2009: 73 in the Army, 7 in the Navy,

UNCLASSIFIED

UNCLASSIFIED

- 30 -

and 12 in the Air Force. (See Section 7046(b)(i)(B)(iv) for more information on AJOs.)

- On May 22, 2009, the Ministry of Defense issued Directive 17, which lays out two sets of ROEs for the Armed Forces, one on combat operations, and one on security operations. The Directive also orders the implementation of a system for their application, and training on ROEs for all members of the Armed Forces.
- Through Directive 40, issued March 10, 2009, the General Command of the Armed Forces issued instructions for the organization and functioning of Inspector Delegates within the Armed Forces. Responsible for monitoring human rights and international humanitarian law issues, the Armed Forces appointed ten Inspector Delegates, who report directly to the Inspector General of the Armed Forces.
- Throughout the certification period, the Armed Forces continued to implement Directive 25, issued November 14, 2008, which created a national-level human rights complaint system with three methods for receiving complaints: human rights offices within military and police units, which must be easily accessible by the public; free public phone lines for reporting complaints; and special links on the web pages of the Armed Forces and National Police. The Directive also established a system for directing complaints so that they are brought to the attention of the proper judicial authorities, and are referred to the Inspectorate General of the Armed Forces Command so that administrative and disciplinary measures are taken. As of July 2009, seven television appearances had been made by division commanders and regional police chiefs to make public complaints received in their areas of responsibility. By presidential order, the appearances will continue into the second half of 2009. The UN High Commissioner for Human Rights and pertinent Colombian government agencies participate in this process.

During the certification period, NGOs raised concerns that Directive 29, issued in 2005, was providing incentives for extrajudicial killings. The Directive allows for the payment of rewards to informants for information leading to the capture or killing of members of illegal armed groups, and as such NGOs allege it was being used to pay members of the Armed Forces for “fake” combat kills. However, the government maintains that its controls on the rewards system ensure that money is not paid to soldiers, only to civilians. Also, rewards were paid only in cases where information was given to the Ministry of Defense and the committee in charge of the Directive approved military action based on the information received. This meant that operations in which rewards were dispensed through Directive 29 had to be approved in advance; rewards could not be doled out after the fact, so it is highly unlikely that Directive 29 contributed

UNCLASSIFIED

to extrajudicial killings. That said, the United Nations and other organizations have raised concerns about other reward mechanisms – like promotions, awards, and days off for combat kills – that may have incentivized extrajudicial killings, and the government is working to address these concerns.

The primary factors behind extrajudicial killings appear to have been informal, body count-based rewards systems and a lack of internal controls. Still, abuse and theft of “gastos reservados,” small intelligence funds controlled by brigade and battalion commanders, may have facilitated recruitment of victims in some cases. The Ministry of Defense has taken several steps to address these concerns, including the 15 measures issued by then-Minister of Defense Santos; Directive 300-38 from November 20, 2007, which emphasizes captures over kills as a primary criterion for evaluating military success; and a Human Rights Certification Program based on polygraph assessment and verification of operational history for all candidates for promotion to the rank of Lieutenant Colonel and above.

### **Orders and Training on Human Rights**

Between June 16, 2008 and May 31, 2009,<sup>19</sup> the Ministry of Defense issued 48 orders aimed at reducing the incidence of human rights abuses within its ranks. In addition, the Armed Forces conducted six seminars related to human rights; the Army held 18 courses and sent 32 people to six international courses on human rights; and the Air Force and Navy conducted training on human rights. A complete list of these orders and training is included in Annex K.

### **Military Cooperation with Judicial Authorities**

The Colombian Armed Forces have continued to make progress in cooperating with civilian prosecutors and judicial authorities. The Minister of Defense continued to use the Coordinator of the Armed Forces’ Group on Human Rights and International Humanitarian Law as its liaison with civilian authorities. The directors of the Human Rights Offices of the Armed Forces also liaised with representatives from the Inspector General’s and Prosecutor General’s Offices in their respective jurisdictions to ensure cooperation at regional and local levels.

The Ministry of Defense continues to work with the civilian judicial authorities and international organizations to address extrajudicial killings. The high-level committee established through Directive 10, issued June 6, 2007, is chaired by the Minister of Defense, and includes members of both the civilian and military justice systems, UNHCHR, and the Inspector General, and starting in 2008, the ICRC joined the

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<sup>19</sup> Time frame available as of July 31, 2009.

UNCLASSIFIED

- 32 -

committee. The committee has improved communication between the military criminal justice system and civilian judicial officials.

Per its 2006 Memorandum of Understanding (MOU) with the Prosecutor General's Office, the Ministry of Defense has been taking steps to ensure that the Prosecutor General's Technical Investigative Unit (CTI) carries out the legal inspection of bodies of individuals allegedly killed in combat. In 2008 and 2009, the Ministry of Defense reported that CTI was able to go to a "great majority"<sup>20</sup> of the locations where combat deaths occurred.

The Ministry of Defense's civilian leadership and senior generals have taken steps to ensure that investigations of alleged human rights violations are handled by civilian authorities instead of the military. The Human Rights Unit within the Prosecutor General's Office reports that, while far from perfect, cooperation with the Armed Forces on human rights cases has improved. Between July 2008 and May 2009,<sup>21</sup> the Military Penal Justice System transferred 560 cases to the Prosecutor General's Office, and the Prosecutor General's Office transferred to the Military Penal Justice System a total of 95 cases. According to the Supreme Judicial Council (Consejo Superior Judicatura), as of May 2009, there were only six homicide cases pending decision on jurisdiction. However, despite this arrangement, inter-institutional rivalry and distrust have frequently led to dual investigations and a lack of coordination and cooperation between the two systems. For example, the UN Special Rapporteur on Extrajudicial Executions noted that some military judges obstructed the transfer of cases from the military to the civilian system. The rapporteur also criticized the government for the slow pace at which these cases have been transferred and investigated, as have many NGOs.

The Ministry of Defense continued to take action to improve cooperation with civilian judicial authorities. Between June 16, 2008, and July 31, 2009, the Colombian Ministry of Defense issued the following orders related to this subject:

- Directive 208, issued November 20, 2008: Instructed the Armed Forces on proper implementation of the 15 measures, including cooperation with judicial authorities and responding to complaints of human rights violations.
- Directive 25, issued November 14, 2008: Created a system for receiving complaints of violation of human rights on the national level, as well as a system for addressing them and ensuring that the complaints are recognized by the

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<sup>20</sup> "Progress in Complying with the 15 Measures Adopted by the Ministry of National Defence: November 2008 – May 2009, Colombian Ministry of National Defense, p. 30.

<sup>21</sup> Time frame available as of July 31, 2009.

UNCLASSIFIED

UNCLASSIFIED

- 33 -

pertinent civilian judicial authorities and notified to the Inspector General so that proper administrative and disciplinary measures can be taken.

In addition to cooperating on judicial proceedings, during the certification period, the Armed Forces provided civilian judicial authorities access to the locations of combat deaths, ensured transport to remote locations, and assisted investigators in other ways. Below are a few examples:

- In Medellín, the Army's Human Rights Director responded positively to requests from the Prosecutor General's Office to assist displaced persons in Uraba and western Antioquia.
- In Bucaramanga, the Army assisted the Prosecutor General's Office with the transfer of documents and assistance to displaced persons through a difficult-to-access zone.
- In Cucuta, the Armed Forces provided assistance to Local Prosecutor Number 72 in terms of security and transport in rural areas to aid in the investigation of Prosecutor General's Office Case Numbers 4799 and 4815. Similar assistance was provided to Local Prosecutor Number 56 in Prosecutor General's Office Case Number 3258.
- In Neiva, Local Prosecutor Number 76 received protection in responding to displacement in Puerto Rico (Caquetá) for Prosecutor General's Office Case Number 4686.
- In Barranquilla, the Army has provided assistance to all of the local prosecutors, especially for Prosecutor General's Office Case Number 3456, which required a deployment to recreate the scene.
- In Cali, the Army has helped all of the local prosecutors by providing transportation to hard to reach rural zones. Also, in April 2009, the Army provided transport for CTI investigators to a combat area where displacement had occurred.
- In Villavicencio, the Army provided helicopter transportation to Local Prosecutor 43 for Prosecutor General's Office Case Number 4191.
- In Bogotá, the Army and Police have helped prosecutors with protection, displacement issues, and apprehension of members of the Armed Forces suspected of crimes. In at least six cases, the Army and Police have helped prosecutors with meeting case requirements, locating documents, providing transportation, and protecting witnesses.

UNCLASSIFIED

**SECTION 7046(b)(1)(B)(ii)**

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

**“The Colombian Armed Forces has taken all necessary steps to sever links with paramilitary organizations or successor armed groups.”**

The Colombian Armed Forces have continued to make substantial progress in severing links between military personnel and paramilitary units that did not demobilize, or new criminal groups. The Armed Forces cooperated with civilian judicial authorities to ensure the arrest, detention, and suspension of members of the Armed Forces alleged to have ties to these illegal armed groups. In turn, the Prosecutor General’s Office and the Inspector General’s Office investigated and prosecuted members of the Armed Forces alleged to have colluded with paramilitary units that did not demobilize. In Annexes A through D, there are lists of those members of the Armed Forces who have been suspended from the Armed Forces, or detained, indicted, or sentenced by the Prosecutor General’s Office for such acts.

During the reporting period, allegations emerged that members of the Armed Forces had colluded with paramilitary, criminal and narco-trafficking groups in the disappearance and murder of 13 young men from the Soacha neighborhood outside Bogotá. Both the Prosecutor General’s Office and the Ministry of Defense have taken substantial actions to punish those involved and to prevent such occurrences in the future.

**Orders on Severing Links with and Combating Illegal Groups**

Between June 16, 2008 and July 31, 2009, the commander of the Armed Forces and the commanders of each military services issued two orders related to severing links between military personnel and paramilitary units and combating illegal armed groups:

- Directive 208 (issued November 20, 2008, by the Minister of Defense): Implemented the 15 measures adopted by the Ministry of Defense (see discussion of 15 measures in Section 7046(b)(1)(B)(i)). In this Directive, the Minister of Defense outlined the use of authorized force against criminal gangs, making clear that the National Police have primary jurisdiction over this effort. The National Police may – as necessary – request the assistance of the Armed Forces in combating criminal gangs, and the Directive creates an Assistant Group (“Grupo Asesor”) whose job it is to approve the use and level of military assistance to the National Police. This group also determines the ROEs for each group, depending on the group’s threat potential and organizational structure. The group convenes at the request of the Director of the National Police or the Armed Forces’ Service or

UNCLASSIFIED

- 35 -

Division Commanders, when circumstances merit assistance to the National Police.

- Bulletin Number 6 (issued March 16, 2009, by the Commander of the Army): Reiterates the obligations of members of the Army regarding the principle of transparency.

**Combating Illegal Armed Groups**

The Colombian Armed Forces continue to make substantial progress in severing ties with paramilitary groups by actively targeting members of paramilitary groups that did not demobilize and new criminal groups. To improve these efforts, throughout the certification period, the Colombian Armed Forces continued to fortify military intelligence efforts, including coordinating intelligence among the interagency and conducting numerous military operations against paramilitary groups that refused to demobilize, and other illegal groups. During these operations, the Armed Forces captured or killed members of illegal armed groups and confiscated weapons, ammunition, vehicles, and money. In total, between June 16, 2008, and April 30, 2009,<sup>22</sup> the Armed Forces killed 129 members of new criminal groups, and captured 1,779 members of these groups. Also during the time period, the Armed Forces captured 1,735 guns; 377,620 rounds of munitions of various types; 1,076 grenades; 543 pieces of communications equipment; 105 cars; 26 motorcycles; and 31 boats from these groups.

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<sup>22</sup>Time frame available as of July 31, 2009.

UNCLASSIFIED

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

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

**“The Colombian government 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 benefited 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 Government of Colombia 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 benefited from paramilitary organizations or successor armed groups. The Colombian government has also taken steps to return land and other assets acquired by these organizations or their associates to their rightful owners, occupants, or to victims of paramilitary crimes.

Since 2002, 31,748 paramilitary members have collectively demobilized. Of these, 3,751 have been identified as potentially eligible to receive benefits under the JPP. Some NGOs dispute the number of paramilitary members that demobilized, arguing that the number is inflated and includes persons other than actual AUC members, and that many mid level commanders did not demobilize. Investigations under the Justice and Peace Law process, as well as by the Supreme Court, continue to generate information on links between paramilitaries, politicians, and security force personnel. Through this process, additional culprits – paramilitary members or other-wise – have been identified. Still, some organizations – including the OAS in its 12<sup>th</sup> Quarterly Report – have expressed concern that institutional capacity and resource constraints limited progress under the JPP.

The Government of Colombia also continued its efforts to dismantle criminal groups, which commit violence against civilians in Colombia. Unlike the paramilitary groups that demobilized, these new groups do not have a central structure objective, except as it supports their narco-trafficking and other criminal objectives, and lack any articulated political goals. NGOs have reported concerns regarding criminal activity undertaken by these groups, including threats and violence against human rights groups.

**Capture and Detention of Paramilitary Leaders**

The Government of Colombia took steps during the certification period to ensure the detention of former AUC leaders. After President Uribe’s August 14, 2006, order for

UNCLASSIFIED

- 37 -

demobilized AUC leaders to surrender or lose benefits afforded under the Justice and Peace Law and face extradition, the majority of AUC leaders<sup>23</sup> surrendered. Following the May 2008 extradition of 15 former paramilitary leaders (described below), 18 demobilized AUC leaders remain detained<sup>24</sup> at Itaguí maximum security penitentiary, Modelo de Barranquilla penitentiary, and La Picota maximum security penitentiary.

With the extradition of these 15 leaders, NGOs have raised concerns that the former paramilitaries will not be able to fulfill their obligations under the JPP. However, U.S. and Colombian authorities have identified legal procedures for ensuring that Colombian legal authorities have access to the extraditees as needed. As of July 31, 2009, all 15 extradited paramilitary members had elected to resume participation in the JPP. On approximately 36 occasions, the U.S. Department of Justice has facilitated the transmittal of voluntary confessions from approximately 10, and conducted interviews with approximately 12, of the former paramilitary leaders, in cooperation with the relevant Colombian authority (the Supreme Court or the Prosecutor General's Office). Because the extradited paramilitaries benefit from the protections inherent in the U.S. Constitution, they cannot be obligated to give testimony or otherwise participate in the JPP. As an incentive to participation, the Colombian government has told the extradited paramilitaries that if they participate, any sentence given under the JPP will run

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<sup>23</sup> The 30 AUC leaders incarcerated at La Ceja detention center as of September 30, 2006 were: (1) Salvatore Mancuso Gómez (alias "El Mono"); (2) Ramón María Isaza (alias "El Viejo"); (3) Carlos Mario Jiménez Naranjo (alias "Macaco"); (4) Rodrigo Pérez Alzate (alias "Julián Bolívar"); (5) Iván Roberto Duque Gaviria (alias "Ernesto Báez"); (6) Ramiro Vanoy Murillo (alias "Cuco Vanoy"); (7) Hernán Giraldo Serna (alias "Chamizo"); (8) Francisco Zuluaga Lindo (alias "Gordo Lindo"); (9) Luís Eduardo Cifuentes Galindo (alias "El Águila"); (10) Edward Cobo Téllez (alias "Diego Vecino"); (11) Guillermo Pérez Alzate (alias "Pablo Sevillano"); (12) Jorge Iván Laverde (alias "Pedro Frontera"); (13) José María Barrera Ortíz (alias "Chepe Barrera"); (14) Arnubio Triana Mahecha (alias "Botalón"); (15) Uber Enrique Banquet Martínez (alias "Juancho"); (16) Oliveiro Isaza Gómez (alias "Terror"); (17) José Baldomero Linares (alias "Guillermo Torres"); (18) Ovidio Isaza Gómez (alias "Roque"); (19) Luís Eduardo Zuluaga Arcila (alias "Mac Giver"); (20) Jhon Freddy Gallo Bedoya (alias "El Pájaro"); (21) Nodier Giraldo Giraldo (alias "El Cabezón"); (22) Juan Carlos Sierra Ramírez (alias "El Tuso"); (23) Daniel Alberto Mejía Ángel (alias "Danny"); (24) Jesús Ignacio Roldán Pérez (alias "Monoleche"); (25) Narciso Fajardo Marroquín (alias "Rasguño"); (26) Diego Alberto Ruíz Arroyave (alias "El Primo"); (27) Diego Martínez Goyeneche (alias "Daniel"); (28) Rodrigo Tovar Pupo (alias "Jorge 40"); (29) Freddy Rendón Herrera (alias "El Alemán"); and (30) Manuel de Jesús Pirabán (alias "Pirata").

<sup>24</sup> The following 18 paramilitary leaders remain in detention in Colombia as of May 31, 2008: (1) Ramón María Isaza (alias "El Viejo") held in La Picota; (2) Rodrigo Pérez Alzate (alias "Julián Bolívar") held in Itaguí; (3) Iván Roberto Duque Gaviria (alias "Ernesto Báez") held in Itaguí; (4) Luís Eduardo Cifuentes Galindo (alias "El Águila") held in La Picota; (5) Edward Cobo Téllez (alias "Diego Vecino") held in La Picota; (6) Jorge Iván Laverde (alias "Pedro Frontera") held in Itaguí; (7) Arnubio Triana Mahecha (alias "Botalón") held in Itaguí; (8) Uber Enrique Banquet Martínez (alias "Juancho") held in Modelo de Barranquilla; (9) Oliveiro Isaza Gómez (alias "Terror") held in La Picota; (10) José Baldomero Linares (alias "Guillermo Torres") held in La Picota; (11) Luís Eduardo Zuluaga Arcila (alias "Mac Giver") held in La Picota; (12) Jhon Freddy Gallo Bedoya (alias "El Pájaro") held in La Picota; (13) Jesús Ignacio Roldán Pérez (alias "Monoleche") held in Itaguí; (14) Narciso Fajardo Marroquín (alias "Rasguño") held in La Picota; (15) Diego Alberto Ruíz Arroyave (alias "El Primo") held in La Picota; (16) Freddy Rendón Herrera (alias "El Alemán") held in Itaguí; (17) Manuel de Jesús Pirabán (alias "Pirata") held in La Picota; and (18) Juan Francisco Prada Marquez (alias "Juancho Prada") held in Modelo de Barranquilla. The following four paramilitary leaders are at large: (1) José María Barrera Ortíz (alias "Chepe Barrera"); (2) Ovidio Isaza Gómez (alias "Roque"); (3) Daniel Alberto Mejía Ángel (alias "Danny"); and (4) Vicente Cantano.

UNCLASSIFIED

concurrent with their sentence in the United States so that, after they complete their sentences in the United States, they will not face additional jail time when they return to Colombia.

### **Efforts to Protect Victims**

As of March 2009,<sup>25</sup> the MOI&J's Protection Program had provided protection to 10,716 people, including victims. This protection can include a cell phone, bodyguard, armored car, reinforced doors or windows, etc., depending on the needs of that person or group. The projected budget for the program in 2009 is \$45 million. Still, NGOs and international organizations expressed concern that insufficient resources were being dedicated to protecting and supporting victims. Cognizant of the need to better protect the over 126,302 victims who have denounced paramilitary crimes, as was reported in the last certification, the MOI&J created an integrated protection program in Decree 3570 on September 18, 2007, incorporating the Ministry's program, the Prosecutor General's protection program, and protection provided by the police. Under this arrangement, the police now serve as first responders to threats; the MOI&J provide protection to victims' advocates and other vulnerable individuals; and the Prosecutor General's Office provides security for witnesses.

### **Dismantling Paramilitary Leadership and Financial Networks**

The Government of Colombia continued to implement its September 29, 2006, decree, in furtherance of the Constitutional Court's decision on the implementing regulations of the Justice and Peace Law (Law 975 of 2005), which provides for full disclosure of individual and group crimes and obligates the former paramilitary members to give up licit assets if illicit assets are not enough to fully compensate the victims.

Investigators in the Prosecutor General's Justice and Peace Unit are working to uncover and dismantle paramilitary leadership and financial networks. As was reported in the last certification, in March 2006, the Prosecutor General assigned the Justice and Peace Unit the responsibility for collecting voluntary statements ("versiones libres") from demobilized paramilitary members participating in the JPP. The Prosecutor General's Justice and Peace Unit began its work in early 2006 with 20 prosecutors and 150 criminal investigators, offices in Bogotá, Barranquilla, and Medellín, as well as satellite judicial police units in 20 other cities throughout the country. Recognizing that the Unit needed more staff, as was reported in the last certification, the Colombian government introduced a decree in spring 2008 that authorized the unit to triple its total size to 1,048 people. This tripling included 184 prosecutors (39 are senior members certified by the Superior Courts), 433 criminal investigators (283 of which are newly created positions), and 451

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<sup>25</sup> Time frame available as of July 31, 2009.

UNCLASSIFIED

- 39 -

assistant criminal investigators and administrative personnel (341 of which are newly created positions). The Justice and Peace Unit currently has 184 prosecutors, 433 criminal investigators, and 410 assistants and other staff. This totals 1,027 people, slightly below the decree's goal number, but still insufficient to perform the tasks facing the Unit.

Likewise, Colombian funding for the Unit remains insufficient to respond to the workload. Though increased from 2007 funding levels (10.2 billion pesos = \$5.1 million), the Unit's 2008 (15.0 billion pesos = \$7.5 million) and 2009 funding levels (14.8 billion pesos = \$7.4 million), 1.8 billion pesos (\$900,000) of which is earmarked for a search project for the disappeared), must cover the personnel increase and infrastructure strengthening. This effectively makes these allotments a reduction over 2007 levels.<sup>26</sup> While U.S. assistance does not provide direct support for salaries or the hiring of new prosecutors and investigators, the United States does continue to fund training and technical assistance to help build the capacity of the Justice and Peace Unit.

Between January 2003 and December 2007, 31,748 paramilitary members collectively demobilized. As of April 30, 2009,<sup>27</sup> the MOI&J had called up 3,751 demobilized paramilitary members to begin to fulfill the requirements of the JPP by listing their crimes, which could then be investigated and cross-referenced with victim testimony. The Colombian government had received complaints related to 25,591 alleged crimes that affected 34,101 victims. Of the 3,751, 1,812 had begun the second phase of the JPP, confessing to and describing in detail each of their crimes during an oral voluntary confession. As of April 30, 2009,<sup>28</sup> these voluntary confessions had identified 9,712 crimes with 11,307 victims. For those that have not begun the voluntary confession process, the government has published their names and other identifying information in an attempt to get them to come forward. Those that do not come forward and give voluntary confessions will be excluded from the JPP.

To improve coordination between government agencies with regard to victims participating in the JPP, on October 11, 2006 the MOI&J created the Inter-institutional Committee on Justice and Peace, which serves as the collection point for data on the participation of victims in this process. As of April 30, 2009,<sup>29</sup> over 211,850 victims had registered to participate in the JPP. Of these, 26,479 had participated in the voluntary

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<sup>26</sup> All conversions calculated at 1 USD = 2,000 COP

<sup>27</sup> Time frame available as of July 31, 2009.

<sup>28</sup> Time frame available as of July 31, 2009.

<sup>29</sup> Time frame available as of July 31, 2009.

UNCLASSIFIED

UNCLASSIFIED

- 40 -

confession process by helping to develop questions, identify evidence, clarify facts, verify information given in testimony, etc.

As of December 2008,<sup>30</sup> 21,932 demobilized paramilitary members were engaged in the government's reintegration process, which provides services at the local and national level to help the demobilized become productive members of Colombian society. Once they enter the process, the demobilized are given a psychological profile, civic profile, and employment profile before a reintegration plan is developed for them. Reintegration plans include psychosocial attention, education, job training, and courses on civic responsibilities.

On March 19, 2009, Bogotá's Superior Court issued the first (partial) conviction of a JPP participant in the four years of the process. The tribunal sentenced William Salazar ("El Loro") to 68 months in prison and a fine of 28 million pesos (approximately \$14,000<sup>31</sup>) for murder and extortion. The conviction came after the decision by the Prosecutor General's Office to allow partial convictions in the JPP. Prior to this decision, prosecutors were unable to seek convictions until the participant had completed his entire JPP testimony, which had been significantly delaying the conviction process.

As former paramilitary members give statements about their criminal activities, the Prosecutor General's Office and other appropriate investigatory bodies – such as the Supreme Court, in the case of serving legislators – are following up on these allegations. The Government has provided additional resources to the Supreme Court to strengthen its investigative capability.

To prepare for this process, the Justice and Peace Unit is administering an interagency database that links information on the demobilized paramilitary members to information on victims' claims and allegations against them or the groups to which they belonged. As of June 15, 2009, through the JPP the Unit had catalogued over 200,000 victims statements, alleging over 40,000 crimes.

Demobilized paramilitary members have testified to the existence of, and participation in, paramilitary support networks, including those who provided political and/or financial support. As of June 15, 2009, paramilitary testimony and other evidence had implicated 86 of Colombia's 268 congressional representatives as having paramilitary ties. Of these, four have been paroled (and have resigned), 33 are in jail, 33

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<sup>30</sup> Time frame available as of July 31, 2009.

<sup>31</sup> At conversion rate of 1 USD = 2,000 COP

UNCLASSIFIED

UNCLASSIFIED

- 41 -

are under investigation but are not in jail, one is alleged to have ties but is not yet under investigation, and 15 have been acquitted. Additionally, 15 governors have been implicated (ten are in jail, three are under investigation, and two are alleged to have ties but are not yet under investigation); and 34 mayors have been linked to paramilitary groups (one is serving a sentence, 23 are in jail awaiting case resolution, one has been acquitted, eight are alleged to have ties but are not yet under investigation, and one is under investigation). In addition, a few former members of the executive branch are under investigation for alleged links to paramilitary groups. A list of some of those under investigation is included at Annex J.

Testimony by paramilitary members through the JPP has enabled the Prosecutor General's Office to open, and re-open, cases against current and retired members of the Armed Forces. For example, on December 12, 2008, Prosecutor General Mario Iguaran authorized the opening of investigations into four former Army generals for alleged previous ties to the now demobilized AUC. Carlos Alberto Ospina (former commander of the Armed Forces), Julio Eduardo Charry (former Army commander in the Uraba region), Ivan Ramírez Quintero (former commander of the Army's 1<sup>st</sup> Division), and Rito Alejo del Río (former commander of the 17<sup>th</sup> Brigade) were all accused of connections to the AUC and were reportedly named in testimony ("versions libres") by former AUC leaders, including Salvatore Mancuso and Francisco Villalba. More information on the investigation and their arrests is included at Section 7046(b)(1)(B)(i).

**Seizure of Paramilitary Assets and Reparations to Victims**

Demobilized paramilitary members taking part in the JPP (in accordance with Law 975 of 2005), are required to turn over all illicitly-obtained assets, which will be used to provide reparations to victims. Some human rights groups complain that the Colombian government has been ineffective in identifying and confiscating paramilitaries' illegally acquired assets. Voluntary delivery of assets by demobilized paramilitary members has not been significant. The Prosecutor General's Office has been slow to determine how to address this matter, both with respect to compliance with the JPP and asset seizure. That said, there are encouraging signs that the Prosecutor General's Office has begun to take steps to seize assets (see list below of seizures during the certification period). Asset seizure is complicated by (a) difficulty in reaching some areas where the assets are located, and (b) the fact that the majority of the assets belonging to participants in the JPP are bogged down in embargoes, utility debts, and taxes, which, in most cases, exceed the value of the asset. Conflicting claims among different groups of displaced persons are also an issue, especially given the lack of land titling in some areas.

The Prosecutor General's Asset Forfeiture and Money Laundering Unit has increased its efforts to seize and forfeit properties from some of the demobilized

UNCLASSIFIED

UNCLASSIFIED

- 42 -

paramilitary leaders and other terrorist and criminal leaders, who are not part of the JPP, as part of ongoing criminal investigations and asset forfeiture in criminal cases. In these cases, the Unit coordinates its efforts with the Justice and Peace Unit. As of April 30, 2009,<sup>32</sup> 32 former paramilitary members had surrendered 335 plots of land or estates; 43 business establishments; 15 companies; 45 vehicles; six boats; 4,547 animals; 1.5 billion in Colombian pesos (about \$750,000<sup>33</sup> in U.S. dollars) of stocks and cash; and various merchandise to the Prosecutor General's Office as part of the JPP. Specific seizures that took place since the last certification are:

- 1) **Segundo Otoniel Hoyos Pérez (alias "el Cabo Rivera" or "el Enano")** – Elmer Cárdenas Bloc
  - One vehicle, confiscated on July 31, 2008 (value unknown)
  
- 2) **José Balomero Linares Moreno (alias "Guillermo Torres")** – Porra de León, El Colorado, Meta and Vichada Fronts
  - House located in the city of Villavicencio, confiscated on July 31, 2008 (value unknown)
  
- 3) **Carlos Mario Jiménez Naranjo (alias "Macaco")** – Central Bolívar Bloc
  - Rural estate called "Hacienda la Esperanza" located in the district of Las Mojosas, Piamonte, in the municipality of Cáceres (Antioquia), confiscated on August 12, 2008 (value being determined)
  
- 4) **Southern Front in Putumayo, Demobilized of the Central Bolivar Bloc**
  - One vehicle in poor condition, confiscated on August 20, 2008 (valued at 6 million Colombian Pesos)
  
- 5) **Narcisco Fajardo Marroquín (alias "Rasguño")** – Cundinamarca Bloc
  - 10 million Colombian Pesos in cash, confiscated on September 26, 2008
  
- 6) **Manuel Antonio Vegas**
  - 2 million Colombian Pesos in cash, confiscated on September 26, 2008
  
- 7) **Raul Rojas Triana (alias "Caparrapo")** – Cundinamarca Bloc
  - 4 million Colombian Pesos in cash, confiscated on September 26, 2008

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<sup>32</sup> Time frame available as of July 31, 2009.

<sup>33</sup> At conversion rate of 1 USD = 2,000 COP

UNCLASSIFIED

UNCLASSIFIED

- 43 -

- 8) **Carlos Iván Ortiz (alias “Martillo” or “Pobre Martillo”)** – Cundinamarca Bloc
  - 4 million Colombian Pesos in cash, confiscated on September 26, 2008
- 9) **José Mauricio Pulido Hernández (alias “el Trompo”)** – Cundinamarca Bloc
  - 1 million Colombian Pesos in cash, confiscated on September 26, 2008
- 10) **Salvatore Mancuso (alias “el Mono”)** – Catatumbo Bloc
  - Rural plot of land (“Finca La Providencia”) located in Lorenzo, Tierralta (Córdoba), confiscated October 8, 2008
  - Rural plot of land (“Finca Viscaya”) located in Lorenzo, Tierralta (Córdoba), confiscated October 13, 2008
  - Two rural plots of land (“Finca Esperanza I” and “Finca Esperanza II”) located in Santa Marta, Tierralta (Córdoba), confiscated October 13 and 11, 2008, respectively
  - Rural plot of land (“Mi Refugio”) located in Santa Marta, Tierralta (Córdoba), confiscated October 14, 2008
- 11) **Fredy Rendón Herrera (alias “El Alemán”)** – Elmer Cardenas Bloc
  - Title value and checking account, confiscated October 9, 2008 (valued at 10.3 million Colombian Pesos)
- 12) **Nelson Reyes Guerrero (alias “Jhony” or “Perro Sonso”)** – Héroes de los Llanos Bloc
  - 4 million Colombian Pesos in cash, confiscated on November 11, 2008
- 13) **César Augusto Botero (alias “Flecha”)** – Magdalena Medio Self Defense Bloc
  - House located in the Mercedes district of the municipality of Puerto Triunfo (Antioquia) (value unknown), confiscated February 27, 2009
  - Plot 18 in El Diamante in the municipality of Puerto Triunfo (Antioquia) (value unknown), confiscated February 27, 2009
- 14) **Alirio de Jesús Quicha Duque**
  - Vehicle in good condition, confiscated March 2, 2009 (valued at 10.1 million Colombian pesos)
- 15) **Luis Alberto Gómez Mejía (alias “Garra Negra”)** – Magdalena Medio Self Defense Bloc
  - 1 million Colombian Pesos in cash, confiscated on March 20, 2009

UNCLASSIFIED

16) **Benjamín Parra Cárdenas (alias “el Flaco,” “Vizajazo,” “Duvan Felipe,” or “Cony”)** – Héroes de los Llanos Bloc

- 3.5 million Colombian Pesos in cash, confiscated on April 29, 2009

There remains a dispute regarding which Colombian government entity is responsible for the management of seized properties pending forfeiture. The Prosecutor General’s Office had turned properties over to the Reparation Funds (“Fondos de Reparacion), which is monitored by the National Reconciliation and Reparations Commission (CNRR) as well as to the National Drug Directorate (Dirección Nacional de Estupafacientes” – DNE). Concerns remain about the management of these assets, expediting forfeiture, and reparation of victims. Since most seized paramilitary assets have to be consolidated into a suitable form for distribution, providing reparations to victims is taking longer than anticipated. The Department of Justice is working with the Prosecutor General’s Office and the DNE to expedite seizures and improve management of assets.

The U.S. Agency for International Development continues to work with the CNRR to develop procedures for identifying victims for the Victims’ Reparations Fund so that they can receive reparations once the assets are consolidated. The CNRR has increased its presence, and to date, has ten regional offices around Colombia. CNRR uses its regional offices to support victim outreach programs and consult with victims’ organizations. CNRR is also working with the U.S. government to design and develop a inter-agency database for victims, to allow for case follow-up and access to security measures.

Following the administrative reparations decree signed April 22, 2008, the Colombian government began providing individual reparations on July 5, 2009. These reparations provide monetary compensation to victims of paramilitary violence. The program, which is a supplement to judicial reparations, allows for \$4,550 to \$8,550 in compensation, depending on the crime that was committed. Thus far, 230,000 victims have applied to receive administrative benefits. The GOC plans to pay administrative reparations to 12,000 victims by the end of 2009, and all registered victims by 2019. Victims have until April 22, 2010, to register.

**Combating Emerging Criminal Groups**

The OAS Verification Mission noted progress in demobilizing and disarming the AUC, but urged that events following this – such as the appearance of new illegal armed groups – required urgent government attention. According to the OAS, these groups appear to be comprised of mid-level paramilitary members that did not demobilize; demobilized individuals who have returned to a life of crime; and new recruits.

UNCLASSIFIED

- 45 -

However, these groups lack the political motivations and national structure of the previous paramilitary groups. In its 11<sup>th</sup> quarterly report, the OAS Verification Mission noted that while it is evident that these new criminal groups are developing a criminal profile linked to drug trafficking, there is no evidence of counterinsurgent actions that would link these groups to paramilitary concepts and actions. In fact, in some cases, these groups are making alliances with the FARC and ELN in order to pursue their criminal ventures.

In his initial findings, released June 18, 2009, the UN Special Rapporteur on Extrajudicial Executions Philip Alston voiced concern over the high rate of killings by illegal armed groups. He criticized the government's failure to confront the "resurgence" of former paramilitaries in illegal groups, arguing that the phenomenon should not simply be addressed as criminal activity. He censured the "alarming level of impunity" for former paramilitaries and called for swift investigation and prosecution of extrajudicial killings and other human rights violations by new criminal groups.

During the certification, several threats were reported, allegedly by these new groups. For example, in mid-February 2009, fliers calling for "social cleansing" of drug dealers and users, prostitutes, and criminals began appearing in Medellín. In March 2009, the fliers began appearing in 20 other cities throughout Colombia. In addition, pamphlets in Bogotá threatened employees of the Human Rights Ombudsman's Office (Defensoria) calling them "snitches" and "targets." In only two regions were the fliers signed by organizations: in Sucre by "Juan Carlos Luna Correa," the presumed leader of the Aguilas Negras in Bolívar, and in Barranquilla by "the Organization," a group unknown to Colombian authorities.

The Colombian government is taking action to investigate these threats and to provide protection as warranted, but the presence of the groups is troubling. President Uribe publicly offered a reward for information on the fliers, and urged citizens to tear them up. Colombian National Police (CNP) Commander General Naranjo promised protection to any individual directly threatened.

The Colombian government has undertaken a concerted effort to capture leaders and members of illegal armed groups, some of whom are paramilitary members who refused to demobilize. One of the biggest developments during the certification period was the April 15, 2009, capture of illegal armed group leader and narco trafficker Daniel Rendón Herrera (former paramilitary leader alias "Don Mario"), for whom the government had been offering a reward of five million Colombian pesos (approximately

UNCLASSIFIED

UNCLASSIFIED

- 46 -

\$2,500<sup>34</sup>). Rendón Herrera was captured by the Judicial Police (DIJÍN) in a rural zone in the Necoclí municipality of Urabá (Antioquia). In addition to Rendón Herrera, during the certification period, the Colombian Armed Forces captured several other important leaders of emerging criminal bands:

**1) Jorge Eliécer Ruíz Velásquez (alias “Kenet”)**

- Captured July 18, 2008
- Principal Leader of the criminal gang of “Los Paisas”

**2) Jacinto Nicolás Fuentes Germán (alias “Leo”)**

- Captured July 24, 2008
- Principal Leader of the Criminal Gang “Sur del Bolívar or “Águilas Negras”

**3) Jorge Luis Villadiego Meza (alias “Pablo Angola”)**

- Captured July 26, 2008
- Second Leader of the Criminal Gang “Sur del Bolívar” or “Águilas Negras”

**4) Félix Alberto Villa Valderrama (alias “Carepollo”)**

- Captured August 9, 2008
- Second Leader of the Criminal Gang “Águilas Negras of Antioquia”

**5) Jorge Eliécer Ocampo Morales (alias “El Bogotano”)**

- Captured September 17, 2008
- Principal Leader of the Criminal Gang of Urabá in Apartadó

**6) Luis Arnulfo Tuberquia (alias “Memín”)**

- Captured August 28, 2008
- Principal Leader of the Criminal Gang “Águilas Negras” of Antioquia.

**7) Manuel Arturo Salomón Rueda (alias “JL”)**

- Captured October 4, 2008
- Logistical Leader, financier and confidant to alias Don Mario

**8) Reinaldo de Jesús Tuberquia (alias “Maucio”)**

- Captured November 7, 2008
- Principal Leader of the Criminal gang ‘Águilas Negras’ of Antioquia

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<sup>34</sup> At conversion rate of 1 USD = 2,000 COP

UNCLASSIFIED

**9) José Vicente Rivera Mendoza (alias “Soldado”)**

- Captured November 30, 2008
- Second Military Ringleader of the Criminal Gang ERPAC

**10) Luís Eduardo Almeida Díaz (alias “Santa Rosa”)**

- Captured January 27, 2009
- Principal Leader of “Nueva Generación”

**11) Yimi Moreno Escobar (alias “Turbo”)**

- Captured March 20, 2009
- Boss of Hired Killers from Los Rastrojos”

**12) Gennie Alberto Moreno (alias “El Cucho”)**

- Captured April 3, 2009
- Principal Leader of “Los Rastrojos” in the Department of Nariño

**13) Daniel Herrera Rendón (alias “Don Mario”)**

- Captured April 15, 2009
- Principal Leader of Criminal Gang

The Colombian government has two mechanisms for the coordination, execution, and verification of efforts against illegal armed groups, one through the Vice President’s Office, and the other through the National Police. In 2007, the government created a committee – under the direction of the Vice President’s Office – to design and monitor Colombia’s strategy to combat these groups. The following agencies/organizations participate in this committee: the OAS/MAPP, the Vice President’s Human Rights Program, the Prosecutor General’s Office, the Department of Administrative Security, and top levels of the National Police and Armed Forces.

The second mechanism, called the Integrated Center of Intelligence Against Criminal Groups (CI2), is run under the leadership of the National Police, and has two tasks, developing both national and regional strategies for combating illegal armed groups. It focuses on Santa Marta, Medellín, Cali, Villavicencio, Cúcuta, and Barrancabermeja. The CI2’s task is to evaluate information related to criminal bands with the goal of identifying the heads of their organizations, orienting actions against their structures, and taking steps to thwart the growth of these groups. The CI2 also has technical, anticorruption, and judicial working groups. To date, the CI2 has met 37 times, with the participation of delegates from the Financial Analysis Unit of the Ministry of Treasury, the Prosecutor General’s Office, the OAS Verification Mission

UNCLASSIFIED

- 48 -

(OAS/MAPP), the High Commissioner for Reintegration, the Ministry of Defense, the Department of Administrative Security, the Army, the Air Force, the Joint Intelligence Agency, and the following units within the National Police: Carabineros Division, Criminal Investigative Division, the Intelligence Division, and the Anti-Kidnapping and Anti-Extortion Division.

UNCLASSIFIED

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

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

**“The Government of Colombia is respecting the rights of Colombia’s 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.”**

Overall, the Colombian government is respecting the rights of Colombia’s indigenous and Afro-Colombian communities. The Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and illegal armed groups during their operations. There were reports of abuses by members of the Armed Forces against these communities during the certification period, but these reports were not indicative of government policy, and government actions during the certification period were specifically aimed at eliminating such abuses. Nonetheless, as the UNHCHR pointed out in its 2008 report, indigenous and Afro-Colombian communities are groups most vulnerable to human rights abuses by all armed actors due to the strategic importance of the land they inhabit, and their historic marginalization within Colombian society.

By law, Afro-Colombians have collective ownership of five percent of Colombia’s land. Indigenous groups, though smaller, have collective ownership of 30 percent. NGOs allege armed groups have forced Afro-Colombian communities off their land, resulting in that ethnic group constituting an estimated one third of displaced persons in Colombia. These groups cite similar occurrences with regard to indigenous communities. They also allege that the Armed Forces fail to consult with indigenous and Afro-Colombian groups regarding projects that would affect them, and that security forces have committed extrajudicial killings, and detained arbitrarily, and inaccurately identified individuals in these groups as guerillas. Still, indigenous and Afro-Colombian groups continue to be particularly affected by the armed conflict because of their location in strategic areas, such as narco-trafficking corridors and coca cultivation areas. The Armed Forces are concerned about actions taken by illegal armed actors to infringe on the rights of these communities and has taken steps to protect these groups, though these actions are not always welcomed by the communities.

Vice President Santos announced the recommendations of the Afro-Colombian Inter-Sectorial Commission on May 29, 2009. For the previous year and a half, the Commission met with over 4,000 representatives from Afro-Colombian communities throughout the country. He underscored the Colombian government’s commitment to

further inclusiveness within Colombian society and his intent to enforce laws already in place to encourage diversity. The Commission's principal recommendations were to increase political representation by encouraging political parties to select Afro-Colombian candidates; create incentives to improve access to public and private education including through affirmative action; seek participation of Afro-Colombians in the labor market; require inclusion of minority-owned businesses in government procurement; foster entrepreneurship amongst the Afro-Colombian population; and create tax incentives for private-sector companies that develop diversity policies; and increase inclusion of Afro-Colombians in government and the Armed Forces. As of July 2009, the Colombian government was working with Colombian legislators on a bill to codify the recommendations.

The Ministry of Defense continued to implement its "Integrated Policy of Human Rights and International Humanitarian Law," which commits the military to provide special treatment to indigenous, Afro-Colombians, internally displaced persons (IDPs), and other vulnerable groups such as human rights activists and trade unionists. With regard to indigenous groups, the policy includes dedicated liaison officers to respond quickly to complaints, respect for sacred places through careful mapping of these sites, and compensation for any damages. The policy also calls for the Armed Forces to establish similar permanent lines of communication with Afro-Colombian communities. With respect to displaced persons, the policy dictates that the military must take preventative measures to avoid displacement in the course of military operations, facilitate processes of return, and protect displaced persons and their property.

### Security Situation for Indigenous Groups

Colombia's approximately 102 indigenous groups make up approximately three to seven percent of the population.<sup>35</sup> Over one third of Colombia's territory (30 million hectares) is dedicated to indigenous reserves (land collectively titled to indigenous communities). The departments with the highest indigenous populations are Vaupés (66 percent), Guainía (65 percent), La Guajira (45 percent), Vichada (44 percent), Amazonas (43 percent), Cauca (21 percent) and Putumayo (21 percent). Unfortunately, illegal groups use many of these departments for criminal purposes, which in turn endangers the indigenous population in the area, requiring the Armed Forces to maintain a presence. In doing so, the Armed Forces take action against the illegal groups that threaten the security, and therefore the land and property rights, of indigenous groups. (For more on actions taken against illegal groups, see Section 7046(b)(1)(B)(ii) and (b)(2).)

From 2002 to 2007, homicides of indigenous persons fell 63 percent, from a high

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<sup>35</sup> Government and indigenous group counts differ.

UNCLASSIFIED

- 51 -

of 196 in 2002 to 163 in 2003, 85 in 2004, 49 in 2005, 45 in 2006, 40 in 2007. The government reported a 77 percent increase in homicides of indigenous persons between 2007 and 2008, with 71 such homicides in 2008. This rate has increased alarmingly in the first quarter of 2009, with 42 homicides of indigenous persons reported between January and April 2009.

Since 2002, the Colombian government has provided protective measures to 323 indigenous persons belonging to 11 different communities. Beginning in 2004, the Colombian government had operated a Committee for the Regulation and Evaluation of Risk, specifically to attend to concerns of indigenous persons. Indigenous groups have a seat on this committee, which provides recommendations on protection measures for community members.

Human rights groups estimate that indigenous persons make up eight percent of Colombia's displaced population, with 11,097 indigenous persons displaced in 2008 according to Acción Social. As of June 2009, the government reports that 2,259 indigenous were displaced so far this year. NGOs point out that many indigenous persons cannot flee due to the activities of the armed groups and are thus forced into a very precarious humanitarian situation known as "confinement." In such a situation, indigenous persons do not have adequate access to food, medicines and other commodities. On top of suffering the same fate as other IDPs, NGOs say that indigenous peoples' social fabric is destroyed by internal displacement since these communities have particular economic, cultural and social ties to their ancestral lands. For example, NGOs report that internal displacement is jeopardizing the cultural survival of the indigenous group Nukak Maku, a nomadic people in Guaviare. Out of a total remaining population of 500, already 200 of this group are internally displaced.

In a January 2009 ruling, the Constitutional Court stated that indigenous peoples in Colombia "are at risk of cultural or physical extermination by the armed conflict, and have been the victims of extremely grave violations of their individual and collective fundamental rights and international humanitarian law." The Court declared that 34 of the country's 102 indigenous groups are facing a humanitarian emergency, and ordered the government to adopt safeguards to protect them, as well as guarantees for all indigenous communities.

**UN Special Rapporteur Report**

In his preliminary report, UN Special Rapporteur for the Rights of Indigenous People, James Anaya, who completed his trip to Colombia in July 2009, said that "Colombia's indigenous people find themselves in a serious, critical and profoundly worrying human rights situation." Anaya visited the southwestern provinces of Nariño

UNCLASSIFIED

and Cauca, met with members of dozens of different indigenous groups in Bogotá, and received reports from the Colombian government, the local United Nations offices, and donor countries. In his preliminary report he stressed that the FARC is the foremost threat to the rights of indigenous people in Colombia. Anaya urged the security forces to respect indigenous peoples' autonomy and to negotiate with local authorities "the conditions surrounding any necessary presence in their territories."

In terms of the government's response to the security of the indigenous, Anaya described the Early Warning System run by the Ombudsman's Office as "an important mechanism for identification and prevention of violence against indigenous peoples." He urged the Colombian government "to ensure all necessary support for the effective functioning of these institutions, including implementation and funding of the early warning system." With respect to the government's efforts, he said "concrete steps" had been taken but there had been no "concrete changes" benefiting indigenous people.

### Violence Against Members of Indigenous Groups

During the certification period, cases of violence against members of indigenous groups by both members of illegal armed groups and members of the Armed Forces were reported. As of July 2009, ONIC claims it has documented 60 politically motivated killings of indigenous people. The organization reported 99 such killings in 2008.

### Violence by Illegal Armed Groups

The FARC continued to commit acts of violence against indigenous groups, at times planting anti-personnel mines in indigenous territories, essentially turning many of these areas into minefields. Emerging criminal groups also committed violent acts against indigenous groups, causing displacement, and homicides were attributable to the groups during the certification period. While it is not possible to list every such incident in this certification, for descriptive purposes, below is a list of several incidents that occurred during the certification period. When known, government action on the cases is listed.

**Homicide of Marino Mestizo:** Indigenous leader Marino Mestizo was killed by two masked gunmen on June 24, 2009, in Caloto (Cauca). Mestizo had reportedly received threats from illegal groups because he opposed cocaine laboratories on indigenous reservations.

**Homicide of Robert de Jesús Guacheta:** Robert de Jesús Guacheta, Deputy Governor of the Honduras Indigenous Reserve in Cauca, was shot and killed on May 18, 2009, by an unknown assailant. Guacheta was known for his tough stance against coca production and private sector investment.

**Displacement of Embera:** In March 2009, fighting over lucrative drug routes in the area with the ELN's Cimarron Block, Los Rastrajos (a drug-trafficking group that includes some former paramilitaries) forced at least 420 Embera indigenous from their homes in March 2009 in Chocó. Acción Social (the Colombian government's Social Action Agency), the Colombian Red Cross, and Bienestar Familiar personnel assisted the victims. Community leader Norberto Guacori said one Embera man was shot in front of his family, and one woman was raped in the incident.

**Attack and Displacement of Awá:** On February 4, 2009, the FARC murdered eight members of the Awá community in Nariño for allegedly collaborating with the military. Over 500 Awá fled following the attack, and the 1,000 that remained were confined to their homes because of continued threats from by the FARC. On February 18, 2009, UNHCR commended the Colombian government's efficient coordination in distributing food and shelter to the displaced Awa, saying it should be a model for all cases of forced displacement.

**Displacement of the Wayuú:** UNHCR notes that the Wayuú continue to be a group especially vulnerable to displacement due to pressure from illegal armed groups in the area. During the last two weeks of January 2009, about 100 members of the community fled across the border into Venezuela after being attacked on their territory by armed men, who burned down several of their houses and threatened to kill their leaders.

**Grenade Attack on Kankuamo:** On December 31, 2008, a grenade from an unknown actor killed five members of the Kankuamo indigenous community in Atánquez (César). The press and NGOs speculated that the attack was carried out by new criminal groups, perhaps Don Mario's group, as these organizations were seen as trying to increase their control in the region.

**Homicides of Three Embera Chami:** ONIC reported that on October 6, 2008, three Embera Chami were killed by men in black clothing and armbands from the criminal band the Black Eagles ("Aguilas Negras") in Riosucio (Caldas). ONIC said that the assailants killed Luz Marina Morales, 21, and Mauricio Largo Bañol, 61, near their homes. Later, the men killed Cesar Largo Alarcon and wounded his 70-year-old mother, Maria Angelica Alarcon, in a nearby rural area.

**Homicide of Governor Raúl Mendoza:** On September 28, 2008, Raúl Mendoza, governor of indigenous Peñon de Sotará, was murdered by an armed man on a motorcycle in the neighborhood of "La Conquista" in Popayán (Cauca). The Prosecutor General's Office has interviewed four people in connection with the murder, and on

UNCLASSIFIED

- 54 -

October 14, 2008, the case was assigned the case to the Office's Human Rights Unit.

**Homicide of Luis Olmedo Guejia Trochez:** On August 24, 2008, Luis Olmedo Guejia Trochez, from the Resguardo Munchique los Tigres (Cauca), was killed by unknown men.

**Displacement of Indigenous and Afro-Colombians in Cauca:** On August 22, 2008, UNHCR reported that 800 people were forced to flee the town of Lopez de Micay (Cauca) due to fighting by illegal armed groups. The majority of the IDPs were indigenous and Afro-Colombians, and more than half were children.

**Threats to Radio "Nuestra Voz Stereo" and Indigenous Leaders:** On August 14 and 15, 2008, NGOs report that "paramilitaries" threatened a communications worker from radio "Nuestra Voz Stereo," Alfredo Campo from Morales (Cauca), the principal indigenous leader in the community, Rolando Tálaga, and a second leader Jorge Ordoñez, placing their lives in serious danger.

**Threats to Indigenous Groups:** NGOs report that on August 11, 2008, the National Association of Indigenous Cabildos (ACIN), the Regional Council of the Indigenous of Cauca (CRIC), the Nasa peoples and others receive electronic death threats from an organization identifying itself as "Campesinos Embejucaos del Cauca." The threat reportedly referred to indigenous persons as excrement.

**Homicide of Elder Governor Hugo González:** On July 25, 2008, Hugo González, elder governor of the indigenous Embera Chami Reserve of Mistrato, was murdered after he was removed from a public bus by three armed, hooded men while passing through Playa Bonita (Risaralda) at approximately 7:30 pm. NGOs allege he was killed by an illegal armed group, citing that prior to his death he had publicly alerted the authorities that he had received a pamphlet containing a death threat. The Prosecutor General's Office has indicted another member of the Embera Chamí community, Arcenio Álvarez Morales, for his role in the murder. On October 23, 2008, the case was assigned to the Office's Human Rights Unit. Preparatory hearings were held on June 9, 2009.

**Abuse of the Naya – Caught in the Middle:** NGOs report that at a July 22, 2008, meeting to discuss the collective land titling issues related to the indigenous communities of Naya (Valle del Cauca), residents of this community call attention to the fact that their youth are caught between the armed groups who mistreat and abuse them. The guerillas force persons to transport them on their boats and to carry packages for them, and forcibly recruited youth to their ranks. The community claimed that the Colombian armed forces also mistreat the youth and accuse them of being guerillas and threaten

UNCLASSIFIED

UNCLASSIFIED

- 55 -

them if they do not give information on the whereabouts of the guerillas or join the military.

**Threats to ONIC:** ONIC reports that, between 2006 and 2008, it has received ten death threats, signed by new criminal groups, in which they refer to indigenous leaders as guerrilla members and which, the organization claims, have occasionally drawn references from speeches by President Uribe and other government officials.

*Violence by Members of the Armed Forces*

During the certification period, the Colombian government reported actions in the following cases of violence against members of indigenous groups, allegedly by members of the Armed Forces.

**Threatening and Torture of Jhon Oswaldo Moreno Alzate and Oliverio**

**Prada:** On July 31, 2008, the Inspector's General Office brought disciplinary charges against five members of the Army for allegedly entering the Totarco indigenous community (Tolima) and allegedly threatening and torturing two of its members: Jhon Oswaldo Moreno Alzate and Oliverio Prada. The Prosecutor General's Office has also opened an investigation. (Date of incident was not available.) (Prosecutor General's Office Cases Number Unknown/Inspector General's Office Case Number 008-112559-2004)

- (1) Army Second Lieutenant Ramon Canaveral Cañon
- (2) Army Captain Danilo Arboleda Martínez
- (3) Army Lieutenant Diego Fajardo Pineda
- (4) Army Second Lieutenant Hugo Victor Peña Jimenza
- (5) Army Captain Manuel Enrique Pinzon Garzón

*Status: In docket of exculpatory evidence.*

**Homicide of Guajibo Antonio Chanique Sarmiento:** On November 6, 2008, the Inspector General's Office closed its case against two Army soldiers (charges originally brought August 10, 2007; decisions listed below) for their alleged involvement in the murder of Guajibo Antonio Chanique Sarmiento, a member of the indigenous community of Cusay la Colorada in Municipality of Fortul (Arauca) on January 6, 2005. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 155-122923-2005)

- (6) Army Second Sergeant Fruccen Kennedy Casas Antonio

*Status: Suspended from service for two month*

- (7) Army Soldier (retired) Luía Aurerlio Parada Luna

*Status: Removed from duty and barred from public service for 10 years;*

UNCLASSIFIED

*retired June 26, 2004*

On November 6, 2008, the Inspector General's Office removed Parada Luna from duty and barred him from public service for ten years.

**Homicide of Yajaira Cristina Nieves Oñate:** On January 9, 2009, the Inspector General's Office brought disciplinary charges against five members of the Army for their alleged involvement in the homicide of Yajaira Cristina Nieves Oñate, a member of the Wiwa indigenous community, and injury to a minor, Betsy Cristina Nieves Oñate, on March 7, 2006, in the rural area of the municipality of Molino (Guajira). The Prosecutor General's Office has also opened an investigation. (Date of incident was not available.) (Inspector General's Office Case Number 155-149989-2006)

- (8) Army Sub Lieutenant Nixón Pabón Sandoval
  - (9) Army Second Sergeant Samir Enrique Bravo Oviedo
  - (10) Army Professional Soldier Andis Miguel Pacheco Lozano
  - (11) Army Professional Soldier Nando Miguel Padilla Quintero
  - (12) Army Professional Soldier Felipe Barriosnuevos Gutiérrez
- Status: In docket of exculpatory evidence.*

**Detention and Homicide of Duglas Antonio Pérez Silvaja:** On March 30, 2009, the Inspector General's Office brought disciplinary charges against ten members of the Army for their alleged role in the arbitrary detention and subsequent death of a man from the Nasa indigenous community, Duglas Antonio Pérez Silvaja, on August 6, 2006, in the district of Villa de Leyva in Las Caramelitas de Puerto Asís (Putumayo). The Prosecutor General's Office has also opened an investigation. (Inspector General's Office Case Number 155-149991-2006)

- (13) Army Second Lieutenant Oscar Fernando Murcia Peña
  - (14) Army Second Corporal Ronald Andrés Cárdenas Fajardo
  - (15) Army Professional Soldier Nilvio Ivito Sancho
  - (16) Army Professional Soldier Jarol Mauricio García Perdomo
  - (17) Army Second Lieutenant José Yesid Chaparro Quintero
  - (18) Army Second Lieutenant Abisaid Serrano Rincón
  - (19) Army Second Sergeant Oscar Hernán Briñas Espitia
  - (20) Army Second Corporal Carlos Alberto Beltrán Sarmiento
  - (21) Army Second Corporal Robín Francisco Bustos Castrañeda
  - (22) Army Professional Soldier Bleyner Salazar Quisicue
- Status: Notification of charges.*

**Homicide of José Edwin Legarda Vasquez:** On April 28, 2009, seven members of the Army's José Hilario López Battalion were arrested for their role in the death of José Edwin Legarda Vasquez, husband of Aida Quilcué (leader of the Regional

UNCLASSIFIED

- 57 -

Indigenous Council of Cauca, or CRIC) on December 16, 2008. Vázquez was driving in a CRIC-marked SUV near an indigenous reserve in Totoro (Cauca) when the soldiers allegedly opened fire, which the police say was for his refusal to stop at a roadblock. Legarda's passenger says she never saw a roadblock or stop sign. Quilcué, who mobilized thousands of followers in late 2008 as part of the indigenous protests against the GOC, has received multiple threats and believes the shots were meant for her. (Prosecutor General's Office Case Number 7000/Inspector General's Office Case Number 115-2710-08)

- (23) Army Vice First Sergeant Alexis Ramirez Vivas
- (24) Army Third Corporal Javier Adolfo Osorio Díaz
- (25) Army Soldier Numar Armido Buitron Cabezas
- (26) Army Soldier Lisandro Caicedo Obando
- (27) Army Soldier Javier Francisco Belalcazar Trochez
- (28) Army Soldier William Weimar Lemeche Hurtado
- (29) Army Soldier Andrea Casso Chate

Following the shooting, NGOs called for those responsible to be brought to justice, and for a determination as to whether this was an act of political revenge against his wife. Prosecutor General Iguaran stressed the need for a transparent, impartial, and rapid investigation, and the Prosecutor General's Office opened its case December 16, 2008, and the case was assigned to a prosecutor on January 14, 2009.

Then-Minister of Defense Santos acknowledged the Army's involvement in the incident immediately, but claimed it was not premeditated. Rather, the soldiers did not follow procedures for setting up road blocks, and used excessive force. According to Vice Minister of Defense Jaramillo, the incident was a mistaken military ambush based on bad intelligence intended to target arms traffickers. At a February 20, 2009, briefing for the diplomatic community, the Ministry of Defense reported that the military was on high alert for an SUV matching the description of Legarda's following the kidnapping of a girl in the area. The GOC has publicly apologized and has since offered added security to indigenous leaders. Santos asked the Prosecutor General's Office, the Inspector General's Office and the UNHCHR to send a special commission to the area to conduct the necessary criminal and disciplinary investigations. The commission found that there had been no official posting of a roadblock by the soldiers.

Also during the certification period, NGOs allege that the following cases of violence occurred against members of indigenous groups, allegedly by members of the Armed Forces.

**Homicide of Reynel Dagua:** Reynel Dagua, a Paez indigenous leader in Cauca,

UNCLASSIFIED

UNCLASSIFIED

- 58 -

was fatally shot on July 26, 2009, on a rural road between the towns of Pitayo and Jambalo. ONIC claims that the Army was involved, since he was allegedly later presented as killed in combat. Dagua was scheduled to meet with the UN Special Rapporteur for the Rights of Indigenous Peoples James Anaya later that same day.

**Injury to Three Civilians:** NGOs report that on July 20, 2008, members of the Colombian Armed Forces shot at indigenous civilians Crisanto Cheche Campo, Amelia Estevez Vitucay and Wilson Tequia Tequia (minor) on the road from Quibdó to Medellín despite the family having informed the military that they were going to look for food. Amelia Estevez Vitucay escaped but was badly injured.

**Injury to 26 Civilians in Northern Cauca:** According to NGO reporting, on July 3, 2008, 26 indigenous people were injured by the National Police's Anti-Disturbance Squadrons (ESMAD – riot police) in Northern Cauca while cutting down sugar cane to sow subsistence crops. Among the wounded were three minors Francisco UI Noscué, Eduardo Marino Tenorio and Diego Pazú, who were allegedly shot by members of ESMAD. While fleeing the scene, some of the 26 were injured by shards of glass from reconverted grenades. Aldemar Ramos del Resguardo Huellas lost the fingers on his right hand.

**Injury to Three Members of the Resguardo Munchique los Tigres:** According to NGOs, on August 22, 2008, three members of the Munchique los Tigres indigenous community in Cauca (Luis Carlos Guasaquillo, Julio Diaz and Monika Diaz), were allegedly wounded “while defending their territorial rights” by members of ESMAD. Luis Guasaquillo's arm had to be amputated because it was severely damaged by an explosive, allegedly thrown at him by the ESMAD. Julio Diaz was rendered unconscious, reportedly beat by Police who used machetes and sticks. Sixteen-year old Monika Diaz has a firearm wound from a weapon allegedly fired by the Police.

**Relations Between the Armed Forces and Indigenous Communities**

Though permitted under Colombian law, the presence of military personnel and/or equipment on indigenous lands at times creates friction between the Armed Forces and indigenous groups. NGOs report concerns about the presence of the Armed Forces on or near indigenous territory, not only because the communities may not have granted permission, but because they say the presence of the Armed Forces can draw in illegal armed groups, thereby bringing danger to the communities.

The Armed Forces continue to take measures to improve their communication with indigenous communities; increase their own understanding of the land and property rights of these groups; and raise awareness among military planners regarding the impact of

UNCLASSIFIED

military operations on indigenous communities. The Ministry of Defense has issued a number of directives – most notably the Permanent Directive of 2006 – related to prevention and protection during displacements, including the need for special protection for vulnerable groups such as the indigenous. The ICRC continues to offer the Armed Forces advice on incorporating international humanitarian law into its theoretical and practical training programs. The United Nations High Commissioner for Refugees (UNHCR) also works with the Armed Forces to improve knowledge of rights of the displaced, with a special focus on the adverse impact displacement has on indigenous groups. Some 3,000 members of the Armed Forces participated in UNHCR-led workshops in 2008.

The Armed Forces states it cannot provide notice for most military operations due to security considerations, but consults with leaders of indigenous communities when possible before entering land held by communities. Some groups, like the Arhuaco of the Sierra Nevada welcome the presence of the Army because it deters the FARC; however, the Arhuaco asked the Police to withdraw from its territory, which it did.

#### *The Cofán and Prior Consultation*

Indigenous groups cite international obligations<sup>36</sup> – accepted by the Colombian government – that require prior consultation with their communities if an action by the Armed Forces is going to affect the community. Some indigenous groups, like the Cofán in Southern Colombia, have appealed to the Inter-American Commission on Human Rights (IACHR) to require Colombian government compliance. As reported in previous certifications, the Santa Rosa Cofán indigenous community sent a letter of protest to the IACHR in November 2006 asking the Commission to require the Colombian government to consult with it prior to constructing a military facility<sup>37</sup> on a site called “Finca Maraveles.” Finca Maraveles is located three kilometers from La Hormiga, Valle del Guamuez (Putumayo), which the community claims as its land. However, the military argues that it acquired the land from a legitimate private owner, and, therefore, consultation with the Cofán before construction is not required. The Cofán in turn allege that the seller of the land held the title, but did not, in fact, have legal rights to the land since it was originally ancestral, sacred Cofán land. The Ministry of Defense says the military facility (for use by the Batallón Energético and Vial No. 9 from the 27<sup>th</sup> Brigade) is critical for combating narco-trafficking and terrorist groups in the area.

On May 7, 2008, the Colombian government sent a letter to the IACHR seeking an extension to the two month time-frame the Commission had given it to respond to the

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<sup>36</sup> Through ILO Convention 169.

<sup>37</sup> Not a base, but a military installation with a capacity for up to 1,000 personnel.

UNCLASSIFIED

- 60 -

Cofán letter of protest. The Commission granted this request. The Ministry of Foreign Affairs contacted the Cofán the following week to seek a consultation time. However, the Cofán requested a meeting with the MOI&J and the Ministry of Defense, since the Cofán views these as the entities with authority on the issue. In response to this outreach by then-Minister of Foreign Affairs Araujo, the Cofán sent him a letter on May 27, 2008 asking for:

- Plans for the construction of the facility, including details on construction methods (type of machinery, chemical agents to be used);
- An environmental impact study, including a study specifically on the impact of the construction on Cofán water sources; and
- A study of the political, cultural, social, and economic impact that the facility will have on the Cofán community.

The Cofán leadership thanked the Minister for his outreach on the subject, but noted that any consultation that took place at this point could not be considered “prior” as construction was already underway, and the Community had made its concerns known to the government in July 2006.

On January 2, 2009, then-Minister of Defense Santos met with Cofán leadership and agreed to stop construction of military facilities until they reached an agreement. During this meeting, the Cofán leadership informed the Minister that part of the construction site covered an ancestral burial ground. The Minister offered to set aside eight hectares to protect their burial ground. As of July 2009, there had been two meetings between the Colombian government and the Cofán community on this topic.

Over the last two years, the Santa Rosa Cofán have occasionally met with local military commanders who have communicated with the group in an effort to build confidence between the community and the military in the area. For example, on February 20, 2008, Army Colonel Ricardo Marín, Commander of the 13<sup>th</sup> Mobile Brigade, met with the Cofán leaders to discuss their concerns and offered to hold a dialogue with the community, but the Cofán refused, saying they are fearful of the military pre-patrol that would be required before Marín could enter the area. Distrust remains high between the Cofán and the military due to Cofán claims that, in the past, the military has uprooted medicinal herbs and left trash on the Cofán’s land. The community is also concerned about pollution, both in terms of noise and to their water sources. It claims that waste from the facility is being discharged into the river that they use for fishing, drinking, and washing. The community fears that the military presence and checkpoints will increase unease within the community, and claims the presence of military personnel at the installation will lead to disorderly conduct and increased violence in the area.

UNCLASSIFIED

Mobility and Control of Waterways and Supply Routes

Another source of tension between the Armed Forces and indigenous groups is the control of waterways and food supply routes. UNHCHR's 2008 Annual Report states that many communities in Chocó and Nariño, such as the Awa and Nasa, claim to suffer significant restrictions on their mobility due to conflict with these groups.

In an effort to control these areas and routes and thereby secure them against the FARC, indigenous groups report that the Armed Forces, in effect, quarantine them and that they are therefore at times unable to get food and medicine needed by the community, or to transport other goods. For example, NGOs report that, in July 2008, restrictions placed on foodstuffs in Cattrú (Chocó) by the Armed Forces destined for schools and infant breakfasts in the Resguardo of Cattrú created a serious food shortage problem. According to NGOs, food crops were in short supply as some were lost to the dry season and others were stolen by illegal armed groups to feed their troops. The Armed Forces allegedly would not allow the food to enter the community as they said it would ultimately go to the FARC. NGOs report this worsened an already difficult malnutrition and disease situation for the community, leaving 75 children and adults in a critical condition.

The Colombian government acknowledges that the Armed Forces do monitor the transport of foodstuffs into areas where the FARC and other illegal armed groups are active. This policy corresponds to the parameters of Protocol 1, Article 54 of the Geneva Convention of 1949. In particular, the government's policy acknowledges the neutrality of the civilian population and the necessity of providing sufficient access to food and mobility. To this end, the Colombian government has taken steps to provide food and other assistance to indigenous who are displaced by violence. For example, in 2009 in Chocó, the government spent 298 million<sup>38</sup> (approximately \$149,000) for emergency assistance, including food, for 734 indigenous persons who were displaced in 2008 by the FARC and illegal armed groups. Additionally, the GOC worked with the ICRC to assure food security for the displaced persons. Between May 1 and 2, 2009, the 734 indigenous persons (166 families) returned to the Cattrú (Chocó) reserve under the auspices of a project led by Acción Social with the assistance of numerous government agencies, the Army, local authorities, and indigenous leaders.

Illegal armed groups also confine indigenous communities and restrict their food and supply routes. For example, NGOs report that confinement by illegal armed groups led to the transport of 17 children from the Tamahi del Alto Andágueda indigenous reserve in Bagado to Quibdó (Chocó) to hospitals on July 14, 2008, due to severe

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<sup>38</sup> At conversion rate of 1 USD – 2,000 COP

malnourishment, gastrointestinal diseases and tuberculosis. Another five children from this community had already died during the preceding weeks from similar circumstances. On July 16, 2008, another 14 infants and 16 adults were transported to Quibdó for medical assistance.

### **Government Outreach to Indigenous Groups**

The Colombian government continued to implement the “Integrated Plan to Support Indigenous Communities with High Vulnerability and Risk for Disappearance,” which was approved by the National Council for Integrated Attention to Displaced Populations on June 13, 2006. The plan identifies institutional actions needed by all levels of government to attend to the grave situation facing these populations. During the certification period, the Colombian government developed two new action plans, one focused on helping the indigenous communities on the Paujil Reservation in the Iníurida municipality of the department of Guainía (the Puinaves, Piapocos, Sikuanis, and Curripacos); and one focused on helping the Amorua community in the Department of Vichada. The Colombian government also continued work on the 11 action plans developed during 2007, which focus on assisting groups in Arauca, Valle, Casanare, César, Risaralda, Guaviare, Córdoba, Guajira, and Chocó. In Arauca, for example, through the Municipal Committee for the Displaced in Arauca, the government performed a participatory assessment of the Jitnu community.

The Colombian government also continued its outreach to indigenous communities identified as “high-risk” through its “Projects for Communities at Risk” program. Since 2004, with support from the U.S. Agency for International Development (USAID), the government has worked with 43 communities at risk, of which 11 are indigenous, to develop action plans to improve the security of these communities, particularly with regard to protection of life and liberty. The beneficiary indigenous communities for this program are located in Tolima, Urabá, the Eje Cafetero, Córdoba, and Bajo Putumayo. In each of these communities, a risk evaluation diagnostic has been conducted that describes the specific threats faced due to the armed conflict, the vulnerabilities of each community, and strategies for addressing them. The program also developed action plans for coordinating with municipal authorities to mitigate risks faced by each community.

The Colombian government continued the disbursement and implementation of the “Guidelines on Attention to Indigenous Populations with a Differential Focus,” through meetings of representatives of the National System for Attention to and the Prevention of Displacement (SNAIPD), both at the regional and national level, from the Department of Santander, Antioquia, Putumayo, Bogotá, Cundinamarca, Chocó, Nariño, Arauca, Caquetá, as well as NGO representatives and regional-level organizations. These representatives developed Departmental Unique Integral Plans (PIUs) focused on ethnic

UNCLASSIFIED

- 63 -

displacement. Between July 14-18, 2009, per the recommendation (Auto 092) of the Constitutional Court, the group convened to focus on the issue of displaced women.

*Resolving Conflicts*

The Colombian government also helped indigenous communities work toward finding solutions to conflicts with other groups and with companies operating in the area. For example, in La Guajira, the government helped the indigenous groups in the region with the conflict they were having with Venezuelan Petroleum Company PDVSA. As agreed to by Colombia, Venezuela, and Ecuador in 2003, PDVSA has been working since October 2007 to construct the Trans Caribe Antonio Ricaurte pipeline, which would run from Punta Ballenas (just northeast of La Guajira's capitol of Riohacha) to refineries in Maracaibo, Venezuela.

Some indigenous communities complained that they were not included in the consultation process ("consulta previa"). As a result, the Colombian government conducted an emergency evaluation study to determine whether these groups were entitled to participate in the consultation process, which determined that some of the communities in the "impact zone" should have been included in the initial consultation. In August 2009, an inter-institutional committee is scheduled to visit the area to view the "impact zone" and to continue discussions with the communities in the area.

*Program to Guarantee the Rights of Indigenous Peoples Affected by Displacement*

In accordance with decisions by the Constitutional Court (Sentence T025, and Auto 004 of 2009), the Colombian government has mobilized various state entities to work together on the "Program to Guarantee the Rights of Indigenous Peoples Affected by Displacement."

To safeguard indigenous communities, the Colombian government has developed mechanisms such as the Permanent Coordination Working Group (Mesa Permanente de Concertación), the National Commission on Human Rights, and the Regional Amazonian Working Group (Mesa Regional Amozónica). The Permanent Coordination Working Group was formed in response to a request from the Constitutional Court (Auto 004) and is aimed at identifying the resources – both financial and human – needed to meet the needs to design 34 plans to safeguard indigenous communities. On May 22, 2009, the Permanent Coordination Working Group met to develop a methodology for identifying these resources. The group agreed to meet again June 4, 2009, to develop a timeline for this effort, and again on June 12, 2009, to review the methodological process in order to modify Decree 1397 of 1996, which is what created the working group.

On May 28 and 29, 2009, the Regional Amazonian Working Group met and agreed

UNCLASSIFIED

to:

- Hold a meeting with the Organization of Indigenous Peoples of the Amazon in Colombia (OPIAC), the National Hydrocarbon Agency, and the MOI&J on how to manage resources for the “Integral Public Policy for the Amazonian Indigenous People of Colombia, and to define who would be the co-executors of those resources.
- Create a thematic commission composed of the OPIAC, Ministry of Social Protection, the Colombian Institute of Family Well-being (ICBF), and the Ministry of Culture to review five points from the departmental agreements on the elderly in the Amazon region. This commission met June 17, 2009.
- Hold a technical meeting between OPIAC and the Coordinator for Climate Change from the Ministry of Environment (MAVDT) on June 30, 2009, to discuss climate change in the context of international agreements.
- Form a technical commission with the UN Children’s Fund (UNICEF), OPIAC, other indigenous groups, the MOI&J, Ministry of Education, Ministry of Social Protection, Ministry of Culture, and the ICBF in order to develop the agenda for the “Public Policy on Indigenous Youth.” (Held at UNICEF on June 9, 2009.)
- Create a technical commission, comprised of indigenous delegates from each department in the Amazon region, to develop a dialogue and exchange on the Colombia-EU Free Trade Agreement. (Held June 12, 2009, at the Ministry of Industrial Commerce and Tourism.)
- Hold 23 meetings on socialization in accordance with Constitutional Court decision Auto 004 in the six Amazonian departments. Following that, the group agreed to hold six departmental meetings to discuss the findings of the 23 meetings.
- Hold an Expanded Regional Amazonian Working Group, to include three delegates from each of the 56 Amazonian indigenous groups, in order to reach agreement on protocols for prior consultations presented by the Permanent Coordination Working Group.

### **Protecting the Nukak Makú**

In accordance with the “Integrated Plan to Support Indigenous Communities with High Vulnerability and Risk for Disappearance,” in Guaviare, to look at ways to assist the Nukak community, the local government included in its Municipal Development Plan of San José de Guaviare the issue of vulnerable indigenous groups at risk of extinction.

The government has also created and strengthened the Municipal Indigenous Working Group of San José de Guaviare, which provides space for inter-agency coordination among indigenous and government authorities. Created in February 2008,

UNCLASSIFIED

- 65 -

the group met 13 times in 2008, and, as of June 2009, had held 3 sessions. During these meetings, indigenous and government representatives developed several initiatives on six topics.

- 1) Food Security: The working group developed a Differential Food Menu (“Minuta Alimentaria Diferencial”), which includes the Nukak’s traditional staples and incorporates flexibility with attention to food security and their mobility. This menu is currently being coordinated for implementation with the Colombian Institute of Family Well-Being (ICBF) and Acción Social. The group also increased and made permanent the allotment of emergency rations for displaced Nukak, with agreements on timing for the arrival of those goods. The groups have agreed to monitor and assess food security projects implemented by Acción Social, ICBF, God is Love (CDA, a Christian NGO dedicated to working with impoverished and at-risk communities), and the Amazonic Institute of Indigenous Investigations (SINCHI), and created agreements with those agencies to ensure those projects would be sustainable and continuous. ICBF agreed to provide medical doctors, nutritionists, psychologists, social workers, and anthropologists to accompany the Nukak.
- 2) Health: Through the working group, the government has organized the construction of a health center in Maku, and improvements to four existing centers in Charras, Arawato, Tomachipan, and Mocuare. Health brigades were also organized, focused in these same four areas, to handle emergency situations. Potable water has been brought in to Aguabonita and Barracón, two principle locations of displaced Nukak in San José de Guaviare.
- 3) Co-existence: A conflict resolution strategy has been implemented to improve relations between the Nukak, Guayaberos, and other residents in the zone. Cards have also been distributed to residents on the importance of cultural sensitivity.
- 4) Territory and Mobility: Training has been given to members of the Armed Forces before transiting or performing operations near Nukak territory to increase awareness of the Nukak culture and to prevent stigmatization of the peoples.
- 5) Protection of Minors: The government has provided technical assistance and advice on developing a decree to close chicharias (chicha shops) in order to protect the rights of youth in the area.

UNCLASSIFIED

- 6) Culture: Assistance has been provided through the Mayor's Cultural Fund to increase the ability of the Nukak to produce and commercialize their artisanal crafts.

In addition, the President's Program for Human Rights and the Directorate of Indigenous and Minorities at the MOI&J, with the help of UNDP, has developed an action plan for responding to the needs of the Nukak Makú in a holistic sense ("Plan de Atención Integral y Diferencial"). The government convened a group of experts in indigenous issues, and representatives of the Nukak community, to develop long-term strategies to ensure respect for ethnic diversity and the Nukak Culture. After meeting with members of the community, the experts developed the action plan and have met twice with the Vice Minister of Interior and the Directors of the President's Program for Human Rights and the Ministry of Interior's Directorate of Indigenous and Minorities in order to socialize the advances made to date on the plan, and to secure buy-in on its proposals in order to ensure its completion.

### **Protecting the Awá**

According to the ONIC, the Awá have been particularly hard hit by internal displacement in the past two years. In November 2007, 1,400 Awá were displaced due to combat between the FARC and the Armed Forces. NGOs assert that displacement of the Awá has increased as a result of the presence of 400 coca eradication guards from the anti-narcotics police who were placed in the community, allegedly without prior consultation with Awá indigenous authorities. The groups say that the eradication guards have accused the leaders and community members of being guerilla collaborators. The Colombian government is working to prevent the displacement of and violence against the Awa through the Early Warning System and developing contingency plans for mass displacements. The government also provides humanitarian and development assistance to the community.

The Colombian government notes that it has provided assistance for the displaced and that most of the community is registered as displaced. For example, when the FARC killed members of the Awa community in February 2009 in the municipality of Barbacoas (Nariño), 97 families were displaced from the Tortugaña Indigenous Reserve in Telembí. They ended up in Samaniego and El Diviso. The government immediately responded by sending a commission of experts that divided into teams to address needs in Samaniego, Ricaurte, and Barbacoas. Representatives from Acción Social remained in the area for 45 days, working to respond to the immediate needs of the population and to develop plans to mitigate future risk for the community. Following the displacement, Acción Social worked immediately to provide education, psychological assistance, and

UNCLASSIFIED

- 67 -

protection measures to displaced members of the community. This humanitarian mission, comprised of 12 members from the agency, and cost more than 126 million pesos, approximately \$63,000 (personnel costs, inc. travel, equaled 29 million pesos, approximately \$14,500, emergency goods for displaced persons in the area equaled 97 million pesos, approximately \$48,500).<sup>39</sup> UN Deputy High Commissioner for Refugees L. Craig Johnstone commented after a visit with more than 300 displaced Awá in El Diviso on February 17, 2009, that the government's response to this group was commendable and should be the model in responding to all cases of forced displacement.

On April 21, 2009, representatives from Acción Social, Unity of Indigenous Awa People (UNIPA), the Council of Awa Elders of Ricaurte (CAMAWARI), and Association of Indigenous People of Putumayo Awá (ACIPAP) met to discuss how to distribute government resources to fulfill the government's obligations under the "Plan to Safeguard the Awa People." At the meeting, UNIPA and CAMAWARI presented a proposal for 719 million pesos, approximately \$359,500<sup>40</sup>, to perform a diagnostic and a series of internal assemblies to form an "Ethnic Safeguard Plan." After the MOI&J and Acción Social revised the proposal, UNIPA (which also represented ACIPAP) and CAMAWARI signed agreements with the government, and \$128.5 million pesos, about \$64,250,<sup>41</sup> was distributed to each of the two groups.

Throughout 2008, under the coordination of the Governor of Nariño, the Colombian government continued to develop its "Plan for Ethnic Development in Pacific Nariño." The goals of this plan are to create the necessary development conditions for sustainable human habitats in the pacific region of Nariño through a focus on rights, gender, and ethnicity. During 2008, the government secured 333 million pesos, approximately \$166,500,<sup>42</sup> in international support for the plan, principally from USAID, UNDP, UNODC, and Cooperación Cataluña. In addition, together with UNODC, the government also developed a plan to assist the Awá in the area ("Plan de Vida del Pueblo Awa"). With the Pan-American Development Fund (FUPAD), the government is working on an agricultural development plan to develop the border with Ecuador for the benefit the Awá. The International Organization on Migration (IOM) has pledged help in the areas of health and medicine. The NGO International Solidarity has pledged to help develop small productive projects for the Awá. The UN has also pledged humanitarian assistance for the Awá in order to respond to the distinct violent situations of which they

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<sup>39</sup> All conversions calculated at 1 USD = 2,000 COP

<sup>40</sup> At conversion rate of 1 USD = 2,000 COP

<sup>41</sup> At conversion rate of 1 USD = 2,000 COP

<sup>42</sup> At conversion rate of 1 USD = 2,000 COP

UNCLASSIFIED

are victims.

The Awá were also part of USAID's Productive Ethnic Territories Project, begun in May 2008, which looks for alternative products that bring minimal level of development to Afro-Colombian and indigenous communities in Cauca, Nariño, and the municipality of Buenaventura. However, in late 2008 they decided to pull out of the project for security reasons.

### **Training for the Armed Forces on Rights of Indigenous Persons**

Throughout 2008 and 2009, the Government of Colombia continued to develop its Program on Human Rights and International Humanitarian Law. With regard to indigenous communities, an intense training program continued for members of the Armed Forces, National Police, and government officials from the 10 departments with the highest indigenous populations. Participants included officers and members from brigades and battalions located in the following departments: Córdoba, Antioquia, Chocó, Cauca, Nariño, Magdalena, César, Guajira, Tolima, and Caldas. This training program is focused on human rights, international humanitarian law, and Colombian legislation as these relate to the country's indigenous populations. It includes five modules: Colombia's Indigenous Communities and Cultures; The State: Democracy and Responsibility; Judicial and Multicultural Pluralism; Human Rights and Indigenous Communities; and International humanitarian law and Indigenous Communities.

As part of this program, and with participation from the Ombudsman's Delegate for Ethnic Minorities, from June 11, 2008,<sup>43</sup> to June 15, 2009, the Ministry of Defense conducted 19 regional workshops for the Armed Forces and local indigenous authorities on fortifying respect for indigenous communities, implementing instructions on the treatment of these groups and how to handle operations on territory belonging to indigenous communities, and increasing awareness and use of communication mechanisms that exist between these groups and the Armed Forces. These workshops were attended by 1,709 members of the Armed Forces. These workshops took place:

- 1) Quibdó (Chocó) - June 11-13, 2008: Attended by 122 members of the Batallon Infanteria Manozalva Florez
- 2) Cúcuta (Norte de Santander) – July 9-11, 2008: Attended by 169 members of the Grupo Mechanizado Maza
- 3) Pasto (Nariño) – August 13-15, 2008: Attended by 101 members of the Batallon Infanteria Boyaca
- 4) Mocoa (Putumayo) – September 10-12, 2008: Attended by 88 members of the

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<sup>43</sup> Date range widened to include a workshop that was not included in the last certification.

UNCLASSIFIED

- 69 -

Vigesima Septima Brigada

- 5) Ibague (Tolima) – October 22-24, 2008: Attended by 80 members of the Batallon Infanteria Jaime Rooke
- 6) Rioacha (La Guajira) – October 8-10, 2008: Attended by 114 members of the Batallon Infanteria Cartagena
- 7) Valledupar (Cesar) – November 5-7, 2008: Attended by 82 members of the Decima Brigada Blindada
- 8) Villavicencio (Meta) – November 26-28, 2008: Attended by 74 members of the Batallon de ASPC Antonia Santos
- 9) Rioacha (La Guajira) – March 13, 2009: Attended by 46 members of the Anti-Kidnapping Unit (“Gaula”) Riocha
- 10) Cali (Valle de Cauca) – March 26, 2009: Attended by 66 members of the Anti-Kidnapping Unit (“Gaula”) Valle
- 11) Rionegro (Antioquia) – April 1-3, 2009, Attended by 119 members of the Grupo Juan de Corral
- 12) Bucaramanga (Santander) – April 10-11, 2009: Attended by 50 members of the Anti-Kidnapping Unit (“Gaula”) Santander from the Batallon Ricaurte
- 13) Tolima – April 23-24, 2009: Attended by 51 members of the Anti-Kidnapping Unit (“Gaula”) Tolima from the Batallon Infanteria Rooke
- 14) Caqueta – April 28-30, 2009: Attended by 98 members of the Batallon Ingenieros Liborio Mejia
- 15) Montería (Sucre) – May 6-8, 2009: Attended by 153 members of the Batallon Infanteria Junín
- 16) Nieva (Huila) – May 21-22, 2009: Attended by 48 members of the Anti-Kidnapping Unit (“Gaula”) Huila from the Batallon Tenerife
- 17) Putumayo – May 6-8, 2009: Attended by 129 members of the Batallon Infanteria Domingo Rico
- 18) Cartagena (Bolívar) – May 4-5, 2009: Attended by 40 members of the Anti-Kidnapping Unit Bolívar from the Batallon Infanteria Marina
- 19) Buga (Valle) – June 17-19, 2009: Attended by 79 members of the Batallon de Artilleria Palace

To increase awareness on indigenous rights and issues, the Armed Forces has distributed to 2,000 of its members a card entitled “Directory of Indigenous Issues.” This card lists all of the country’s indigenous reserves and principal organizations, summarizes legislation related to indigenous issues, and describes other issues that are pertinent for the Armed Forces to be aware of with regard to indigenous communities. Plans are underway to distribute the card to an additional 10,000 members of the Armed Forces.

UNCLASSIFIED

### **Protests and the Return of Land to Indigenous Groups**

The government reported that rising land prices in Cauca have delayed it from meeting its final obligations under the Nilo Agreement of 1991 and prevented it from doing so under Decree 982 of 1999. However, the government has identified mechanisms to fulfill its obligations.

Under the Nilo Agreement (signed in December 16, 1991, as compensation for the Nilo Massacre against the Nasa (Paeces) peoples), the Colombian government agreed to return 15,663 hectares of land to indigenous groups in the affected area. In October 2005, the agreement was revised; the government agreed – with the consent of the indigenous groups – to allocate 10 trillion pesos (\$5 billion) in 2007 and 10 trillion pesos (\$5 billion) in 2008 to purchase this land for the groups. As of the beginning of 2008, the government had purchased and returned 11,866 hectares of land, leaving 3,796 yet to be returned. At this point, the government realized that – due to rising land costs in Cauca (the price for 1 hectare had grown from 5 thousand pesos, approximately \$2.50, to 17 thousand pesos, approximately \$8.50) – it would not be able to purchase the remaining land with the funding left in the 2008 budget.<sup>44</sup>

As such, the government met with the indigenous peoples of Cauca. They agreed to allow the government to purchase land in other Departments instead: Valle de Cauca, Putumayo, Caquetá, Huila and Tolima. A few weeks after this meeting, the government returned an additional 500 hectares and announced that the Department of National Planning had approved only 1.5 trillion pesos (about \$750 billion<sup>45</sup>) for land purchasing under the agreement in 2009 due to the financial crisis facing the country. Indigenous groups were outraged at this announcement. The Ministry of Interior met with representatives from the Cauca indigenous communities and pledged to seek additional resources from other government sources and assured the groups that the government's obligations under the agreement would be met. Following this, in October 2008, the MOI&J announced that it had identified 8 trillion pesos (about \$4 billion<sup>46</sup>) that it would be reprogramming to purchase land, which should allow the obligations of the agreement to be fulfilled. In May 2009, the MOI&J turned over an additional 482 hectares of land to the indigenous Paez community per the terms of the Nilo Agreement. This brings the total hectares returned to 13,128. The Colombian government expects to be able to reach the required 15,663.

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<sup>44</sup> At conversion rate of 1 USD = 2,000 COP

<sup>45</sup> At conversion rate of 1 USD = 2,000 COP

<sup>46</sup> At conversion rate of 1 USD = 2,000 COP

UNCLASSIFIED

- 71 -

Under Decree 982 of 1999, the Colombian government declared a social emergency in the indigenous communities in Cauca, created a commission dedicated to indigenous policy, and agreed to return a little over 8,000 hectares of land to these groups, 1,000 of which would be titled in Caldoto (Cauca). This decree was a bit different than the Nilo Agreement since, in this case, the government decided which lands to buy and title.

The government notes, with regard to this decree, that, since 1996, indigenous groups in Cauca have taken over land and farms that are considered private property, without the permission of the legal owner. This is considered a crime under Colombian law. To address this situation, Congressional representatives from Cauca included in the National Development Plan for 2006-2010 a section that established that land expropriated illegally by indigenous groups would be turned over to them, and that funding set aside to purchase land for the groups would be used to compensate the owners of these lands and farms. Using this mechanism, 4,000 of the 8,000 hectares owed by the government were returned to indigenous groups in Cauca. However, indigenous groups in Cauca are not considering these 4,000 hectares as additional land under the provisions of the decree and argue the government still owes them the remaining hectares.

The indigenous groups in Cauca continue to believe that two farms in the department, “La Emperatriz” and “Japio,” should be turned over to them. However, these are private properties, owned by sugar cane farmers who are actively using the land. The owners of these properties have complained to the government on numerous occasions that members of indigenous groups have trespassed on the property and destroyed their crops. In response to these complaints, at a 2008 community council meeting in Popayán, President Uribe pledged to compensate the owners for the damages. Since the indigenous groups do not recognize the legal owners of the land, Uribe’s pledge further infuriated the indigenous groups. They said that in compensating the legal owners, the government was funding terrorists.

The Colombian government reports that the MOI&J and other government agencies have met with indigenous groups in Cauca 17 times in the last three years to review pending government obligations. However, with tensions heightened, the groups decided to protest in lieu of another meeting.

Frustrated at the Colombian government’s alleged failure to respond to their demands for the return of ancestral lands, investigations into indigenous deaths, and concerns over the U.S.-Colombia Free Trade Agreement, between 9,000 and 15,000

UNCLASSIFIED

UNCLASSIFIED

- 72 -

members<sup>47</sup> of indigenous communities marched from Popayán to Cali on October 12, 2008, ultimately blocking the Pan-American Highway. The protestors demanded of the Colombian government:

- A mutual agreement of respect on human rights;
- The naming of a follow-up commission to follow all agreed pacts between the government and indigenous groups;
- That President Uribe attend the next Community Council Meeting of Indigenous Communities;
- That the Armed Forces leave Maria Piendamó;
- Fulfillment of the Nile Agreement and Decree 982; and
- Agreement from the Ombudsman's Office to verify constitutional vetoes regarding the acquisition of land.

The groups held similar protests in 1999, causing widespread economic loss in the region as goods could not be transported along the highway. President Uribe made clear in this most recent protest that, while he respected their right to protest, they could not block the Pan-American Highway, as other citizens had a right to use the road. Saying "dialogue yes, violence no," Uribe committed the government to meeting with the groups to discuss their demands. The MOI&J convoked the members of the commission that were involved in the Nilo Agreement, and sent representatives to the area on October 16, 2008, to meet with indigenous leaders.

On October 14, 2008, the National Police's Mobile Anti-Disturbance Squadrons (ESMAD - riot police) had several confrontations with protestors. The protests became violent. Protestors wielded machetes and used improvised explosive devices (IEDs) against government security forces that attempted to clear the roadways. Several protestors were injured, and two were killed. NGOs and indigenous groups say the injuries and deaths were caused by ESMAD. The Colombian government maintains that ESMAD responded properly, using fire hoses and rubber bullets in its defense, and that the two deaths were caused by an IED deployed by the protestors. The Colombian government agreed to make reparations if security forces were found responsible for deaths during the protests. Several members of Colombia's security forces were also injured when indigenous groups lobbed IEDs at them.

On November 2, 2008, representatives from these groups met with President Uribe to discuss their demands, though the dialogue yielded only limited results. The group marched again, this time from Cali to Bogotá on November 4, 2008. On November 20,

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<sup>47</sup> Accounts vary.

UNCLASSIFIED

2008, groups reached Bogotá, where indigenous leaders met with nine government ministers and established a new forum to discuss previous agreements between the GOC and the groups.

NGOs report that the situation in Cauca remains tense as the Prosecutor General's Office continues its efforts to prosecute indigenous leaders, including Aida Quilcue, for the kidnapping of a policeman during the protests.

### **Security Situation for Afro-Colombian Communities**

Five percent of Colombia's territory (4.7 million hectares) is collectively titled to Afro-Colombian communities. Afro-Colombians make up between 11 and 25 percent<sup>48</sup> of Colombia's population. The departments with the highest population of Afro-Colombians are Chocó (82 percent Afro-Colombian), San Andrés and Providencia (57 percent Afro-Colombian), Bolívar (27 percent Afro-Colombian), and Valle de Cauca (27 percent Afro-Colombian). As is the case in areas populated by indigenous communities, illegal groups have attempted to exploit for criminal purposes many of the departments with high Afro-Colombian populations, which in turn endangers the local population. In order to combat this activity, the Armed Forces maintain a presence in some of these areas. In doing so, the Armed Forces continue to take action against the illegal groups that threaten the security, and, therefore, the land and property rights, of Afro-Colombians. (For more on actions taken against illegal groups, see Section 7046(b)(1)(B)(iii) and (b)(2).)

According to the Association of Internally Displaced Afro-Colombians (AFRODES), as of July 2009,<sup>49</sup> 850,000 Afro-Colombians have been displaced since 1997 (including 32,353 in 2005; 30,451 in 2006; and 44,087 in 2007; and 33,519 in 2008). NGOs allege illegal armed groups have forced Afro-Colombian communities off their land, leading the group to comprise an estimated one third of IDPs in Colombia. In some cases, others complain that individual Afro-Colombians have sold land, legally or illegally. Since much of this land is located in areas where government institutions are weak or, in some cases, not present, legal enforcement of collective title is difficult.

### **Afro-Colombian Land Disputes**

In the communities of Jiguamiandó and Curvaradó in the Department of Choco, the Colombian government has been working on resolving land disputes between local Afro-Colombian communities and palm oil companies currently occupying the Afro-

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<sup>48</sup> Colombian census figures cite 11 percent while NGOs and Afro-Colombian groups contest this figure, saying it is too low and they really make up 25 percent of the population.

<sup>49</sup> Most recent information available as of July 15, 2009.

UNCLASSIFIED

- 74 -

Colombian communities' land. This land, 42,792 hectares plus 9,880 square meters in Curvaradó and 51,870 hectares plus 9,236 square meters in Jiguamiandó, has lucrative resources on it – including oil palm – valued at almost 100 trillion Colombian pesos (about \$50 billion<sup>50</sup>).

Although the Colombian government has resolved most of the legal issues surrounding the return of lands to Afro-Colombian communal territories, and some of the land has been returned to the communities, security issues in the region have prevented many community members from returning to their land. In addition, the process to void the titles of the illegal occupiers and remove the current occupiers, has slowed down the process of returning the lands to the communities. Currently, the military provides security in the area. Due to lack of infrastructure, the local police presence is limited. The Colombian government is working to resolve the remaining legal issues and to provide security to the communities.

Since its April 25, 2008, meeting in the Carmen del Darien municipality with community representatives, the Colombian government committed to taking all the necessary measures and legal proceedings to return the land to the communities. Colombia's land agency (INCODER) and the Superintendent of Notaries and Registries have presented demarcation and delimitation resolutions in order to effect a second round of restitutions. At a November 24, 2008, meeting between government and palm oil industry representatives from 16 companies, the government urged the representatives to return the territories and consider them in arrears. Only one company agreed, offering to voluntarily return 254 hectares. On February 16, 2009, the company transferred the land back to the community council of Cuenca del Rio Curvarado, thereby marking the beginning of restitution to the Curvaradó and Jiguamiandó communities. Two additional companies later transferred an additional 1,021 hectares total.

The decision on whether custody action (“acción de tutela”) could be used as a means for effective restitution of community lands was initially directed to the Chocó Administrative Dispute Tribunal, but after several transfers on competency grounds, February 25, 2009, the sentence ordered it transferred to the constitutional court. The MOI&J has submitted a document backing the validity of the custody action. The Ministry of Agriculture has submitted a request to the Attorney General to study the possibility of appointing a special agency to monitor the custody action.

At a June 6, 2008, meeting in Medellín of community, regional, and national government representatives – sponsored by the MOI&J – participants agreed to (1)

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<sup>50</sup> At conversion rate of 1 USD = 2,000 COP

UNCLASSIFIED

UNCLASSIFIED

- 75 -

establish a commission that would serve as a recognition mechanism for the resolutions put forward by INCODER and the Superintendent for Notaries and Registries and (2) conduct a census to determine which community members have a right to the collective territory. The MOI&J's Directorate for Afro-Colombian, Raizal, and Palenquera Populations has led efforts to conduct this census and, as a preparatory measure, two community training workshops were offered in August, 2008. At a follow-up workshop, census-takers were chosen – 16 from Curvaradó and 6 from Jiguamiandó – they completed their work on February 27, 2009, when the census committee approved 916 of the 933 forms collected, and annulled 17.

**Violence Against Afro-Colombians**

Some individuals in the Curvarado area have reported threats by illegal armed groups and the Colombian government has taken action to ensure their safety. For example, during late August and early September 2008, nine members of the Inter-Church Justice and Peace Commission (CIJP) and an indigenous leader allegedly received eight telephone threats by phone from the Black Eagles (“Aguilas Negras”), a new criminal band, while accompanying Afro-Colombian and mestizo communities seeking return of land allegedly appropriated unlawfully by African Palm companies and cattle farmers in the Curvaradó river basin in Urabá (Chocó). In addition, on the evening of August 30, 2008, two unidentified men entered the humanitarian zone of Camelias and fled when apprehended by community members.

Following this, on September 3, 2008, one of the CIJP members who had been previously threatened via phone, Yimmi Armando Jansasoy Muñoz, was allegedly kidnapped by armed civilians and forced at gunpoint into a truck where he was held for an hour. He was threatened and ordered to provide the names of people who live in the humanitarian zones, or he and his family would “bear the consequences.” Fearing for their safety, Jansasoy and four other members of CIJP subsequently fled Curvaradó.

In response to these threats and prior concerns raised by CIJP, beginning in February 2008, the Vice President's Office directed the commander of the Army's 15<sup>th</sup> Brigade and the police commander in Urabá to take steps to ensure that these individuals were protected from harm. The Vice President's Office also asked the Prosecutor General's Office to initiate investigations into the threats. Those investigations are on-going. Protective measures have been implemented for CIJP and related organizations. The “Julio Londoño Londoño” Battalion of the Army's 15<sup>th</sup> Brigade has increased its efforts to protect the communities of Curvaradó and Jiguamiendó. This includes:

- Reaching out to individuals who consider themselves to be at risk or who have been threatened in order to gain familiarity with their cases and to establish a relationship so that the individual knows who to contact should any irregularity

UNCLASSIFIED

arise;

- Investigating all information regarding activity that could put members of the communities at risk;
- Working closely with the Ombudsman's Office, both at the local and national levels;
- Increasing patrols of and controls of roads, highways, and waterways to prevent access by illegal armed actors;
- Stepping up operations against illegal armed groups; and
- Redoubling efforts to ensure that soldiers operating in the areas near the communities understand the security measures they are implementing, and that those measures are implemented in strict accordance with the law.

On October 16, 2008, and November 7, 2008, the Army's 15<sup>th</sup> Brigade held security consultations in Riosucio to discuss concerns and coordination issues with civilian and military authorities, the police, and members of the community. The Brigade has increased its efforts against the new criminal band "Autodefensas Gaitanistas" in Riosucio, patrolling jointly with the Colombian National Police. This complements the Joint Action Plan for Atrato, which governs work by the Armed Forces and Police with regard to guaranteeing security and freedom of movement on the Atrato River.

### **Relations with and Outreach to Afro-Colombian Communities**

Like indigenous groups, some Afro-Colombian communities are wary of the Armed Forces, believing their presence on or near their land invites violence. During the certification period, the Armed Forces increased its outreach to these communities in order to build trust among all actors. Much of this outreach was mandated by Directive 7, issued May 16, 2007, by the Minister of Defense, which contains specific instructions to the Armed Forces regarding the protection of Afro-Colombian communities and the strengthening of land rights for those groups.

To address the needs of the Afro-Colombian population, and take steps to end racism and discrimination against members of this group, in 2007, the Colombian government issued Decree 4181, creating the Inter-Sectoral Commission for the Advancement of Afro-Colombian, Raizal and Palenquera Populations" ("Comisión Intersectorial para el avance de la población Afrocolombiana, Raizal y Palenquera"). Comprised of relevant cabinet ministers and Afro-Colombian Congressional representatives, the Commission was established on May 19, 2008. It is charged with evaluating the living conditions of the Afro-Colombian, Raizal, and Palenquera populations, and presenting recommendations to the Colombian Government on ways to eliminate the barriers that impede the economic and social advancement of the

UNCLASSIFIED

- 77 -

populations, particularly women and children, and to more effectively guard their civil rights. To fulfill this mission, between June 2008 and April 2009, the government held 18 regional meetings of the Commission and its Technical Committee. In addition, three studies were done, one each by Valle and Los Andes Universities on socioeconomic conditions of Afro-Colombians, and one by the Department of National Planning, which focused on government policies on and resources for Afro-Colombians.

On May 29, 2009, at a ceremony at Cartagena's Palace of the Inquisition, the Commission presented to Vice President Santos the findings of its meetings with over 4,000 representatives of Afro-Colombian communities over the last year and a half. Central themes were the problem of structural discrimination against Afro-Colombians within politics and society. The Commission recognized positive steps toward inclusivity taken by the government, pointing to Law 70, but stressed the need for increased representation of Afro-Colombians in political parties and the Armed Forces. The Commission's principal recommendations were to:

- Increase political representation by encouraging political parties that include Afro-Colombian candidates;
- Increase access and create incentives for public and private institutions, focus on inter-cultural education, develop a quota system for scholarships for higher education, strengthen schools in Afro-Colombian municipalities, and create a national award for ethnic diversity;
- Seek participation of Afro-Colombians in the labor market that, at a minimum, matches the percentage of Afro-Colombians in the country, incorporate minority-owned businesses in government procurement systems;
- Support legislative projects to penalize racism;
- Foster entrepreneurship amongst the Afro-Colombian population, create tax incentives for private sector companies that develop diversity policies, create a social responsibility certification for companies that develop diversity policies, include Afro-Colombians in companies that have agreements to conduct business in Afro-Colombian territories;
- Include special mention of inclusion of Afro-Colombians in the Armed Forces;
- Develop an ethnic diversity promotion campaign, reinterpret Afro-Colombian history, create centers that promote Afro-Colombian cultural memory; and
- Develop a differentiated approach in governmental information systems so that they are more inclusive of ethnic minorities.

The Commission also committed to presenting to Congress a law designed to increase inclusion of Afro-Colombian, Palanquero, and Raizal communities, and did so on July 20, 2009.

UNCLASSIFIED

Of the proposed recommendations, Vice President Santos highlighted the importance of creating incentives for greater Afro-Colombian political participation and to raise the numbers of Afro-Colombians in institutions of higher education. He underlined his commitment to further inclusiveness within Colombian society and his intent to better enforce existing laws on encouraging diversity. Among other initiatives, he wants to make Afro-Colombian history a mandatory subject in Colombian schools. To monitor the government's progress in fulfilling its recommendations, the Commission recommended creating a Technical Follow-up Committee, comprised of representatives from the pertinent ministries and agencies.

In addition to the work of the Commission, in 2009, the Colombian government's Directorate of Black, Afro-Colombian, Raizal and Palenquera Communities within the MOI&J followed up on actions recommended by Congress related to:

- Decree Project for Law 1182 of 2008;
- Technical Committee on Border Development ("Comité Técnico Desarrollo Fronteras" – CIDF);
- Concept Project for Law 334 of 2008 on mining code; and
- Concept Project for Law 073 of 2007 regarding legal penalties for racial or ethnic discrimination.

The government has also begun a nationwide campaign to end racism. It celebrated National Afro-Colombian Day on May 21, 2009, with 181 Afro-Colombian-focused events throughout the country.

In March 2009, the MOI&J formed a Permanent Working Group to follow-up on Constitutional Court Order 005 from 2009 regarding prior consultations on protection plans and policies related to Afro-Colombians. The group has met nine times and has developed a methodology for prior consultations on the 62 such protection and policy plans. To aid in the design of the Plan to Characterize the Collective and Ancestral Lands, the group has identified those entities responsible for each related issue, and has made progress to unify criteria on ancestral territory.

Furthermore, the MOI&J's Directorate of Black, Afro-Colombian, Raizal and Palenquera Communities has adopted the proposal by the Association of Displaced Afro-Colombians (AFRODES) to create a National Working Group on Forced Displacement and Confinement Among the Afro-Colombian Population ("Mesa Nacional Temática de Población Afrocolombiana en Situaciones de Desplazamiento Forzado y Confinamiento"). This proposal contains a plan for dialogue with Afro-Colombian communities and organizations regarding Constitutional Court decisions 200 from 2007, 092 from 2008, and 005 from 2009. For this project, the Ministry used as a reference the

document presented by Afro-Colombian organizations at the National Assembly of Community Councils and Ethnic Organizations from Afro-Colombian, Raizal, and Palenquera Communities in San Andrés de Tumaco on December 17-18, 2008. The Directorate, together with Accion Social's Sub-Unit on the Displaced, has met with AFRODES three times to further develop its proposal and design a methodology for moving it forward.

As addressed in the section above on civilian outreach to indigenous communities, the Colombian government continued to implement the "Integrated Plan to Support Indigenous Communities with High Vulnerability and Risk for Disappearance." During the certification period, the government continued to implement nine plans, begun in 2006, to benefit Afro-Colombians in Chocó and Cauca. In the department of Nariño, six plans in Olaya Herrera, Santa Bárbara de Iscuandé, La Tola, El Charco, Francisco Pizarro, and Tumaco focused on strengthening prevention and protection mechanisms for public authorities, family structures and community psycho-social assistance, and alternative development opportunities. As of May 2009, these plans were 85 percent completed. In Cauca, the government is executing two plans in Bolivar and Mercedes, and on La Sierra and El Tambo, which are focused on strengthening protection and prevention mechanisms with respect to human rights, and increasing citizen participation, including by strengthening Afro-Colombian organizations in the region. One additional plan in Cauca, developed in 2009, is being executed in Balboa and Patía, focused on implementing measures to strengthen the social fabric of Afro-Colombian communities and mitigating the impact of violence on those communities.

### **Training on Rights of Afro-Colombians**

During the certification period, the Colombian government conducted 10 workshops on the rights of Afro-Colombian communities for 855 local government representatives and others throughout the country:

- Armenia (Quindío) – July 2008: Conference on the rights of Afro-Colombians; 100 participants from district and municipal offices in Armenia
- Acandí (Chocó) – July 2008: Conference on rights of Afro-Colombians with a focus on prior consult; 150 participants from the municipal administration and community councils in Acandí
- Riosucio (Chocó) – September 2008: Meeting on Afro-Colombian legislation; 120 participants from community councils in the Atrato zone
- Villavicencio (Meta) – November 2008: Workshop on the rights of Afro-Colombians; 130 participants from the municipal administration in Villavicencio

UNCLASSIFIED

- 80 -

- Santa Marta (Magdalena) – March 2009: Meeting on norms regarding the recognition of Afro-Colombian rights; 30 participants from the departmental administration in Magdalena
- Bogota (Cundinamarca) – March 2009: Conference on the rights of Afro-Colombians; 40 participants from the General Santander Military School
- San Andres and Providencia – April 2009: Workshop on human dignity, human rights, law, and public policies related to Afro-Colombians; 25 participants from departmental and municipal offices, as well as the Consultative Commission on the Paizal Population
- Guadalupe (Huila) – April 2009: Meeting on Afro-Colombian rights; 95 participants from the Maria Auxiliadora Educational Institute of Guadalupe (Huila)
- Manizales (Caldas) – May 2009: Meeting on Afro-Colombian Legislation; 80 participants from municipal offices in Manizales
- Pereira (Risaralda) – May 2009: Meeting on Afro-Colombian Legislation; 60 participants from municipal offices in Pereira

**Distinguishing Between Civilians and Armed Actors**

Displacement continues to be an unintended consequence of fighting between the Armed Forces and illegal armed groups, or between illegal armed groups themselves. The Inspector General's Office, the Ombudsman's Office, and international organizations such as the United Nations have called on the Armed Forces to include in their planning measures to prevent displacement during their operations. The Ministry of Defense has taken steps to address these concerns. As was reported in the last certification, the Ministry of Defense introduced ROEs on March 5, 2007, through General Order of Instruction 12. The ROEs provide guidelines for the use of force to protect both soldiers and civilians from being the victim of tactics used by illegal armed groups, such as engaging in combat using civilian clothing. On May 22, 2009, the Ministry of Defense further refined its ROEs through Directive 17, which lays out two sets of ROEs for the Armed Forces, one on combat operations, and one on security operations. The Directive also ordered training on ROEs for all members of the Armed Forces.

As was discussed in Section 7046(b)(1)(B)(i), the Ministry of Defense created the position of Operational Legal Advisors (AJO) to give commanders legal advice on the planning, follow-up, and control of operations from a human rights and international humanitarian law perspective, and 120 operational legal advisors continue to be assigned to military units. These advisors are military lawyers who are trained in areas such as international law of armed conflict, intelligence, operations, and logistics. Their primary role is to advise commanders on the planning, execution, and evaluation of operations,

UNCLASSIFIED

UNCLASSIFIED

- 81 -

and analyze any political, social, and cultural factors that may affect operations in an area, in order to assess the total tactical impact each operation may have on human rights and international humanitarian law. As a resource for AJOs, in February 2008, the Ministry of Defense created the Office of Doctrine and Legal Advice (ODA). The ODA offers legal advice to commanders on the ground, and develops operational legal doctrine that ensures human rights and international humanitarian law obligations are met during the execution of military operations. The Armed Forces has increased the number of active AJOs from 54 in 2008 to 92 in 2009: 73 in the Army, 7 in the Navy, and 12 in the Air Force.

The Armed Forces continue to work closely with the ICRC and UNHCR to improve its own application of international humanitarian law, in particular with regard to the effect of military operations on the civilian population. The UNHCR also continued its series of workshops with the Colombian Armed Forces to educate them on their responsibility to protect internally displaced persons (IDPs) and to avert displacement. Another primary goal of these discussions is to avoid stigmatizing the population in areas of FARC concentration. The workshops include discussion of core principles of humanitarian law, followed by dialogue on how security forces should interact with civilians (e.g., executing operations so as to minimize collateral damage, pre-stocking supplies when displacement is foreseen, providing special attention to Afro-Colombian and indigenous groups, not involving civilians in the conflict, and not employing children as informants).

UNCLASSIFIED

**SECTION 7046(b)(2)**

Section 7046(b)(2) of the FY 2009 FOAA requires a determination that:

**“[T]he Government of Colombia . . . is conducting vigorous operations to strengthen civilian institutions and respect for internationally recognized human rights in areas under the influence of paramilitary organizations or successor armed groups and guerrilla organizations.”**

The Colombian government continued to take steps to strengthen civilian institutions and respect for internationally recognized human rights in areas under the influence of illegal armed groups and criminal bands. Through the National Consolidation Plan, the government has identified a methodology for clearing strategic areas of the country of illegal armed groups, establishing a security presence to permit civilian agencies to enter, and then bringing needed government services to those areas. This approach, tested a few years ago through the Coordination Plan for Macarena (PCIM), is just beginning to be implemented at the national level, with positive results. However, implementation has been slow due to reduced budgets resulting from the global recession.

**CCAI and La Macarena: Proof of Concept**

The Center for Coordinated Integral Action (“Centro de Coordinación de Acción Integral”), known by its acronym CCAI, is a civilian interagency body in the Office of the Presidency tasked with coordinating the re-establishment of civilian government presence in “priority” zones just emerging from conflict. Until recently, the main focus of the civil-military operation continued its work in the six municipalities in La Macarena (Southwest Meta). In this initiative, called the Coordination Plan for Macarena (PCIM), CCAI is working to coordinate all military and civilian operations in the area to secure the former FARC stronghold and increase state presence in the region.

The PCIM is the Colombian government’s first sequenced framework for stabilizing conflict zones and ensuring the provision of social services by the government. The actions of the military and police, coca eradication and interdiction, and the provision of social services—especially economic opportunities— is better sequenced in an intentional and coordinated way so that each builds on the other and supports long-term stability in these post-conflict zones. Monthly CCAI coordination meetings at the national level regarding the PCIM are co-chaired by the President’s Office of Social Action (Acción Social) and the Ministry of Defense. Acción Social, the agency responsible for Colombian government’s social assistance programs, is also the parent agency of CCAI. At the local level, representatives from both civilian and military

agencies work together in the Fusion Center, based in Vista Hermosa, Meta. The current staff of the Fusion Center includes a civilian coordinator for the PCIM, specialized prosecutors from the office of the Prosecutor General, members of the National Police and Colombian military. The interagency groups is responsible for implementing programs in the area and coordinate through this office to respond to local concerns and emergencies.

### **National Consolidation Plan**

Building on the CCAI approach, and using the La Macarena model as proof of concept, the Colombian government developed the National Consolidation Plan (PCN). This plan focuses on increasing territorial control in under-governed areas of the country to provide security for communities, make lasting gains in coca eradication, achieve permanent eradication, transfer security responsibility to the police, and provide a wide range of socioeconomic services to these areas. A Coordination Center, staffed by civilians, police, and military coordinates this response. The PCN is centered on priority areas of on-going conflict, drug trafficking and social marginalization. It addressed the lack of state presence that enables the existence of coca and illegal armed groups by establishing a state presence in these under-governed areas while reducing illicit crop cultivation and drug production, supporting legal alternative livelihoods, and reducing inequity throughout the country.

The PCN initiates a new approach to consolidating state presence based on a sequenced and coordinated model, mobilizing resources from all parts of the Colombian government. Although a Ministry of Defense-conceived idea, the PCN is headed by the Acción Social. Admittedly, the agency has yet to take full charge of consolidation efforts, leaving the appearance that the Ministry of Defense is in the lead. In addition, coordinating resources among agencies presents a challenge. To help the Colombian government consolidate the successes of Plan Colombia and further implement the PCN initiative, the Department of State, Department of Defense, United States Agency for International Development and the Department of Justice are better sequencing their assistance programs to help support the National Consolidation Plan.

### **National Coordination Plan**

As part of its plan to consolidate control of its territory, on March 31, 2009, the Colombian government announced National Coordination Plan to solidify its gains against the FARC and other illegal armed groups. Calling for the dismantling of these organizations, bringing stability to border areas, and consolidating government control over areas of the country previously under the control of these groups, the plan identifies regional focus areas in which to replicate the inter-agency approach taken in La Macarena.

**Building Infrastructure, Connecting Isolated Communities**

As part of a pilot project, the Army's 17<sup>th</sup> Brigade is working with municipal authorities in Uraba to construct roads that will increase residents' access to markets and public services. The Army provides the machinery and operators (soldiers trained in road-building); local communities provide the necessary fuel and pledge to maintain the roads. Such pilot projects are connecting Carepa and Antioquia with Aguas Blancas; Cordoba with Acandi; and Chocó with Titumate. Mayors from around Uraba met with the new 17<sup>th</sup> Brigade Commander Hernán Giraldo on June 17, 2009, to discuss how their communities could benefit from the program.

**Annex A: Arrests/Detentions by the Prosecutor General's Office**

Between June 16, 2008 to June 15, 2009,<sup>51</sup> the Colombian government reported that the Prosecutor General's Office detained 138 individuals in cases where military personnel allegedly committed gross human rights violations or collaborated with paramilitary groups. Below is a list of 80 of the individuals involved in 11 such cases (the Colombian government did not release the list of the 138 detained so this list is incomplete as a consequence; the count of the list below varies from the total number of individuals detained as some individuals are listed under multiple cases):

- A. On August 19, 2008, **(1) Army Colonel Víctor Hugo Matamoros Rodríguez** was detained for his alleged involvement in the August 21, 1999, massacre of 26 people in La Gabarra (Norte de Santander). (Prosecutor General's Office Case Number Unknown)
- B. On August 29, 2008, four members of the 10 members of the Army's 33<sup>rd</sup> Counter guerrilla Battalion assigned to the 17<sup>th</sup> Brigade were preventatively detained for their alleged role in the January 18, 1989, La Rochela massacre, in which 12 investigators were killed in Simacota (Santander) where they were sent to investigate the massacre of 19 merchants who had died in October 1987 at the hands of the "Los Masetos" paramilitary forces of Magdalena Medio. (Prosecutor General's Case Number Unknown)
- (1) Army Lieutenant Colonel Orlando Espinosa Beltrán**  
**(2) Army Major José Fernando Castaño López**  
**(3) Army Sub-lieutenant Edgar Garcia Estupiñan**  
**(4) Army Second Sergeant Darío José Branco Agamez**
- C. On April 28, 2009, seven members of the Army's José Hilario López Battalion were arrested for their role in the death of José Edwin Legarda Vasquez, husband of Aida Quilcué (leader of the Regional Indigenous Council of Cauca, or CRIC) on December 16, 2008. Vázquez was driving in a CRIC-marked SUV near an indigenous reserve in Totoro (Cauca) when the soldiers allegedly opened fire, which the police say was for his refusal to stop at a roadblock. Legarda's passenger, Liliana Valdes Penna, says she never saw a roadblock or stop sign. Quilcué, who mobilized thousands of followers this past fall as part of the Indigenous protests against the GOC, has received multiple threats and believes the shots were meant for her. The Prosecutor General's Office opened its case December 16, 2008, and the case was assigned to a prosecutor on January 14, 2009. (Prosecutor General's Office Case Number 7000/Inspector General's Office Case Number 115-2710-08)

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<sup>51</sup> Time frame available as of July 31, 2009.

UNCLASSIFIED

- 86 -

- (5) Army Vice First Sergeant Alexis Ramirez Vivas**
- (6) Army Third Corporal Javier Adolfo Osorio Díaz**
- (7) Army Soldier Numar Armido Buitron Cabezas**
- (8) Army Soldier Lisandro Caicedo Obando**
- (9) Army Soldier Javier Francisco Belalcazar Trochez**
- (10) Army Soldier William Weimar Lemeche Hurtado**
- (11) Army Soldier Andrea Casso Chate**

D. On May 7, 2009, **(12) Army Soldier Jorge Alberto Amor Pelaez** was detained for his alleged involvement in human rights-related crimes. He remains detained at the Fifth Galán Battalion in Socorro (Santander). (Date and location of the crime not available) (Prosecutor General's Office Case Number Unknown).

E. On April 14, 24, and 27 and May 7 and 11, 2009, 14 members of the Army's 15<sup>th</sup> Infantry Battalion "Francisco de Paula Santander" of Boyacá were detained for their alleged involvement in the disappearance and homicide of two people, who were later reported as killed in combat. Daniel Suarez Martinez (construction worker), a resident of the state of Merida in Venezuela, left on December 5, 2007, at 2:00 pm in the afternoon for Ocaña (Norte de Santander), where he was going to meet with the mother of his daughters. On December 6, 2007, he was found dead and reported as a combat death in the district of El Paramo in Otaré (Norte de Santander). Camilo Andres Valencia (construction worker), a resident of the municipality of Soacha (Cundinamarca), disappeared in Soacha on December 5, 2007, and was found dead and reported as a combat death on December 7, 2007, in the district of Pavez in the municipality of Abrego. (Prosecutor General's Case Number Unknown – Soacha Case)

**(13) Army Professional Soldier Oscar Franco Valderrama**  
*(detained on April 24, 2009)*

**(14) Army Professional Soldier Robinson Alvarez Pava**  
*(detained on April 24, 2009)*

**(15) Army Professional Soldier Olinto Ochoa Gelvez**  
*(detained on April 24, 2009)*

**(16) Army Professional Soldier Tomas Contrares Duarte**  
*(detained on April 24, 2009)*

**(17) Army Second Sergeant Merardo Rios Diaz**  
*(detained on April 24, 2009)*

**(18) Army Professional Soldier Inocencio Abelino Gil Gonzales**  
*(detained on April 24, 2009)*

**(19) Army Professional Soldier Daniel Coloma**  
*(detained on April 24, 2009)*

UNCLASSIFIED

UNCLASSIFIED

- 87 -

- (20) Army Second Sergeant (retired) Sandro Mauricio Perez Contreras**  
*(detained on April 24, 2009)*
- (21) Army Professional Soldier Alexander Arroyo**  
*(detained on April 29, 2009)*
- (22) Army Civilian Victor Manuel Lopez Manosalva**  
*(detained on April 29, 2009)*
- (23) Army Lieutenant Colonel (retired) Alvaro Diego Tamayo Hoyos**  
*(detained on May 7, 2009)*
- (24) Army Civilian Alexander Carretero Diaz**  
*(detained on May 11, 2009)*
- (25) Army Civilian Edith del Carmen Palomino Army**  
*(detained on May 11, 2009)*
- (26) Army Professional Soldier Dairo Palomino**  
*(detained on April 14, 2009)*

F. On May 14, 2009, six members of the Army's Six 15<sup>th</sup> Infantry Battalion "General Francisco de Paula Santander" in Ocaña were detained for their alleged involvement in the disappearance and homicide of Fair Leonardo Porras Bernal, a mentally challenged resident of the San Nicolas de Soacha neighborhood. Porras Bernal disappeared from the area on January 8, 2008, and appeared dead – presented as killed in combat – on January 12, 2008, in the district of La Esperanza in the municipality of Abrego (Norte de Santander). (Prosecutor General's Case Number Unknown – Soacha Case)

- (27) Army Major General Marco Wilson Quihano**
- (28) Army Lieutenant Sergeant Diego Adail Vargas Cortes**
- (29) Army Second Corporal Carlos Manuel Gonzales Alfonso**
- (30) Army Professional Soldier Richard Contreras Aguilar**
- (31) Army Professional Soldier Garcia Corzo Ricardo**
- (32) Army Professional Soldier Zapata Roldan Carlos Antonio**

G. On May 15, 2009, nine members of the Army's 15<sup>th</sup> Infantry Battalion "General Francisco de Paula of Santander" of Ocaña were detained for their alleged role in the disappearance and homicide of Julio César Mesa and Johathan Orlando Soto Bermudez. Cesar Mesa, a construction worker and resident of the San Nicolás de Soacha neighborhood, disappeared on January 26, 2008, and was found dead – presented as killed in combat – on January 27, 2008, in the district of El Espejo in the municipality of San Calixto (Norte de Santander). Soto Bermudez, a minor and student, disappeared on January 26, 2008, in the San Nicholas de Soacha neighborhood and was found dead – presented as killed in combat – on January 27, 2008, in the district of Chircas in Ocaña municipality (Norte de Santander).

UNCLASSIFIED

UNCLASSIFIED

- 88 -

(Prosecutor General's Case Number Unknown – Soacha Case)

- (33) Army Major Henry Mauricio Blanco Barbosa**
- (34) Army First Corporal Manuel Zorrilla Agamez**
- (35) Army Professional Soldier Jose Orlando Gonzales Ceballos**
- (36) Army Professional Soldier Juan Gabriel Espinosa Restrepo**
- (37) Army Professional Soldier Kevis Alberto Jimenez Escalante**
- (38) Army Professional Soldier Luis Alirio Lopez**
- (39) Army Professional Soldier Merardo Rios Diaz**
- (40) Army Lieutenant Coronel (retired) Gabriel de Jesus Rincon Amado**
- (41) Army Second Sergeant (retired) Sandro Mauricio Perez Contreras**

H. On May 21, 2009, seventeen members of the Army's 15<sup>th</sup> Infantry Battalion "Cabecillas Espada Uno" were detained for their alleged role in the disappearance and homicide of three people, who were presented as killed in combat. Diego Alberto Tamayo Garcera, (profession unknown) a resident of the Ducales neighborhood in the municipality of Soacha, disappeared on August 23, 2008, and was found dead on August 25, 2008, in the district of Papamito in the municipality of Ocaña (Norte de Santander). Víctor Fernando Gómez Romero (profession unknown), a resident of the San Mateo neighborhood in the municipality of Soacha, disappeared on August 23, 2008, and was found dead on August 25, 2008, in the district of Papamito in the municipality of Ocaña (Norte de Santander). Jader Andrés Palacio Bustamante (construction worker), a resident of the Ducales neighborhood in the municipality of Soacha, disappeared August 23, 2008, and was found dead on August 25, 2008, in the district of Papamito in the municipality of Ocaña (Norte de Santander). (Prosecutor General's Case Number Unknown – Soacha Case)

- (42) Army Second Sergeant Janer Ediel Duque Martinez**
- (43) Army Second Corporal Richard Armando JoJoa Bastidas**
- (44) Army Professional Soldier Nixon Arturo Cubides Cuesta**
- (45) Army Professional Soldier Maurico Cuniche Delgadillo**
- (46) Army Professional Soldier Jose Orlando Gonzales Ceballos**
- (47) Army Professional Soldier Jose Adolfo Fernandez Ramirez**
- (48) Army First Corporal Manuel Zorrilla Agamez**
- (49) Army Third Corporal Ricardo Coronado Martinez**
- (50) Army Professional Soldier John Anderson Diaz Ortega**
- (51) Army Professional Soldier Ricardo Eluid Gonzales Gomez**
- (52) Army Professional Soldier Ferney Grijalba Flor**
- (53) Army Professional Soldier Eider Andres Guerrero Andrade**
- (54) Army Professional Soldier Geiner Guertes Billermo**
- (55) Army Professional Soldier Pedro Johan Hernandez Malagon**
- (56) Army Professional Soldier Kevis Alberto Jimenez Escalante**

UNCLASSIFIED

UNCLASSIFIED

- 89 -

- (57) Army Professional Soldier Luis Alirio Lopez**
- (58) Army Professional Soldier Juan Ramon Marin Ramirez.**

I. On June 2, 2009, 17 members of the Army's 15<sup>th</sup> Infantry Battalion "General Francisco de Paula Santander" of Ocaña were detained for their role in the disappearance and homicide of Julian Oviedo Monroy, who was then presented as killed in combat. Julian Oviedo Monroy (construction worker), a resident of the neighborhood of Villa Juliana in the municipality of Soacha, disappeared on March 2, 2008, and was found dead on March 3, 2008, in the district of Aguas Blancas in the municipality of Ocaña (Norte de Santander). (Prosecutor General's Case Number Unknown – Soacha Case)

- (59) Army Lieutenant Colonel (retired) Alvaro Diego Tamayo Hoyos**
- (60) Army Second Sergeant Nestor Jaime Mosquera Blanco**
- (61) Army First Corporal Edward Vera Zapata**
- (62) Army Second Corporal Wilson Virgilio Suarez Gaitan**
- (63) Army Third Corporal Jhon Jairo Castillo Cruz**
- (64) Army Professional Soldier Miguel Antonio Jerez Plata**
- (65) Army Professional Soldier Uvaldo Ronderos Poveda**
- (66) Army Professional Soldier Salvador Renoga Osorio**
- (67) Army Professional Soldier Juan de Dios Suarez**
- (68) Army Professional Soldier Moises Barbosa Carrascal**
- (69) Army Professional Soldier Ciro Alfonso Gutierrez Silva**
- (70) Army Professional Soldier Jose Gregario Mendoza Pinzon**
- (71) Army Professional Soldier Jose Eliseo Toscano**
- (72) Army Professional Soldier Orlando Antonio Pallares Uribe**
- (73) Army Professional Soldier Mauricio Delgado Zayas**
- (74) Army Professional Soldier Rodriguez Duarte Libaner**
- (75) Army Second Sergeant Jader Alvarado Sequea.**

J. On June 10, 2009, eleven members of the Army's 15<sup>th</sup> Infantry Battalion "General Francisco de Paula Santander" of Ocaña were detained for their alleged involvement in the disappearance of two people, who were then presented as killed in combat. Elkin Gustavo Verano Hernández (welder), a resident in the municipality of Soacha, disappeared on January 13, 2008, and was found dead January 15, 2008, in the district of Capitan Largo in the municipality of Abrego (Norte de Santander). Joaquín Castro Vásquez (welder), a resident of the neighborhood of Villa Sofia in the municipality of Soacha, disappeared on January 13, 2008, and was found dead on January 15, 2008, in the district of Captain Largo in the municipality of Abrego (Norte de Santander). (Prosecutor General's Case Number Unknown – Soacha Case)

- (76) Army Lieutenant Colonel (retired) Alvaro Diego Tamayo Hoyos**
- (77) Army Second Sergeant Rolando Rafael Consuegra Estupinan**

UNCLASSIFIED

UNCLASSIFIED

- 90 -

- (78) Army First Corporal Yilver Alfonso Ovalle Pineda**
- (79) Army Professional Soldier Lorenzo Aguas Robles**
- (80) Army Professional Soldier Alexander Suarez Rozo**
- (81) Army Professional Soldier Tomas Contreras Duarte**
- (82) Army Professional Soldier Inocencio Abelino Gil Gonzales**
- (83) Army Professional Soldier Elibardo Portillo Zambrano**
- (84) Army Professional Soldier Ever Jaime Garzon**
- (85) Army Professional Soldier Medardo Rios Diaz**
- (86) Army Professional Soldier Obdulio Medina Jouro**

K. **(87) Army Lieutenant Carlos Andrés Lora Cabrales** was detained for his alleged involvement in human rights-related crimes. He remains detained at the South Cantón of the Army's Artillery School in Bogotá. (Date of detention not available; nor the date and location of the crime) (Prosecutor General's Office Case Number 3139).

UNCLASSIFIED

**Annex B: Indictments by the Prosecutor General's Office**

Between June 16, 2008, and June 15, 2009,<sup>52</sup> the Colombian government reported that the Prosecutor General's Office indicted 102 military personnel (resoluciones de acusación), who were involved in 11 cases of alleged human rights violations, and initiated trial proceedings against them in civilian courts (the count of the list below varies from the total number of individuals detained as some individuals are listed under multiple cases):

- A. On December 26, 2008, the Prosecutor General's Office indicted **(1) Army General (retired) Rito Alejo del Rio** as the material author for the aggravated homicide of Marino Lopez Mena. On February 24, 1997, the "Elmer Cardenas" paramilitary bloc entered the town of Bijao, municipality of Riosucio (Chocó) and frightened and bombarded the residents in what came to be known as "Operation Genesis." During the operation, Marino Lopez Mena, was allegedly beheaded and his head was allegedly used as a soccer ball by paramilitary members.
- B. On October 31, 2008, the Prosecutor General's Office indicted two Army soldiers on charges of criminal conspiracy, terrorism, and aggravated homicide. The case is with the 1<sup>st</sup> Penal Specialized Circuit Court in Antioquia, and a hearing was scheduled for June 4, 2009. (Description of case not available) (Prosecutor General's Office Case Number 525)
- (1) Army Soldier Everado Bolaños Galino**  
**(2) Army Soldier Germán Antonio Alzate Cardona**
- C. On January 26, 2009, the Prosecutor General's Office formally charged ten soldiers from the Army's 47<sup>th</sup> Infantry Battalion ("General Francisco de Paula Vélez") assigned to the 17<sup>th</sup> Brigade with homicide of a protected person, barbaric acts, and aggravated criminal conspiracy for their alleged participation in the February 20-21, 2005 massacre of eight people at San José de Apartadó (Antioquia). (Prosecutor General's Office Case Number 2138)
- (3) Army Lieutenant Colonel Orlando Espinosa Beltran**  
**(4) Army Major José Fernando Castaño López**  
**(5) Army Lieutenant Alejandro Jaramillo Giraldo**  
**(6) Army Second Sergeant Ángel María Padilla Petro**  
**(7) Army First Corporal Sabarain Cruz Reina**  
**(8) Army Sergeant Jorge Humberto Milanes Vega**  
**(9) Army Second Sergeant Henry Agudelo Guasmayan Ortega**  
**(10) Army Third Corporal Ricardo Bastidas Candia**

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<sup>52</sup> Time frame available as of July 31, 2009.

- (11) Army Sergeant Edgar Garcia Estupiñan**
- (12) Army Sergeant Darío José Branco Agamez**

D. On January 29, 2009, the Prosecutor General's Office indicted 10 members of the Army's 33<sup>rd</sup> Counterguerrilla Battalion assigned to the 17<sup>th</sup> Brigade on charges of homicide against protected person, barbaric acts, and aggravated criminal conspiracy for their alleged role in the January 18, 1989, La Rochela massacre, in which 12 investigators were killed in Simacota (Santander) where they were sent to investigate the massacre of 19 merchants who had died in October 1987 at the hands of the "Los Masetos" paramilitary forces of Magdalena Medio. (Prosecutor General's Case Number Unknown)

- (13) Army Lieutenant Colonel Orlando Espinosa Beltrán**
- (14) Army Major José Fernando Castaño López**
- (15) Army Sub-lieutenant Edgar Garcia Estupiñan**
- (16) Army Second Sergeant Darío José Branco Agamez**
- (17) Army Lieutenant Alejandro Jaramillo Giraldo**
- (18) Army Second Sergeant Ángel María Padilla Petro**
- (19) Army Corporal Sabarain Cruz Reina**
- (20) Army Sub-lieutenant Jorge Humberto Milanez Vega**
- (21) Army Second Sergeant Henry Agudelo Cuasmayán Ortega**
- (22) Army Third Corporal Ricardo Bastidas Candia**

E. On April 14, 2009, the Prosecutor General's Office indicted four members of the Army's 2<sup>nd</sup> Artillery "La Popa" Battalion, including its commander Army Colonel Hernán Mejía Gutiérrez, for colluding with paramilitaries and the homicide of 20 individuals in June and October 2002. Between January 2002 and December 2003, Mejía Gutiérrez and Army Lieutenant Colonel Ruiz Mahecha met with heads of the self-defense forces, including Rodrigo Tovar Pupo (alias "Jorge 40") and David Hernandez (alias "Jorge 39"). On June 22, 2002, Carlos Alberto Pumarejo Lopesiera and Edwar Caceres Prado were killed and reported as combat deaths. Additionally, on October 26, 2002, 18 supposed guerrillas, who were actually members of self-defense forces, were killed in El Socorro in the municipality of Bosconia (César). The paramilitary members were killed by their own men as part of an internal purge and later called Colonel Mejía's battalion to collect the bodies and report them as combat kills. (Prosecutor General's Office Case Number 3834)

- (23) Army Colonel Hernán Mejía Gutiérrez (captured May 6, 2008)**
- (24) Army Lieutenant Colonel Jose Pastor Ruiz Mahecha (captured May 6, 2008)**
- (25) Army First Sergeant Aureliano Quejada Quejada (captured on May 8, 2008)**
- (26) Army First Sergeant Efrain Andrade Perea (captured on May 6, 2008)**

UNCLASSIFIED

- 93 -

F. On April 24, 27 and May 7, 2009, ten members of the Army's 15<sup>th</sup> Infantry Battalion "Francisco de Paula Santander" of Boyacá were indicted on charges of aggravated homicide, aggravated forced disappearance, and aggravated criminal conspiracy for their alleged involvement in the disappearance and homicide of two people, who were later reported as killed in combat. Daniel Suarez Martinez (construction worker), a resident of the state of Merida in Venezuela, left on December 5, 2007, at 2:00 pm in the afternoon for Ocaña (Norte de Santander), where he was going to meet with the mother of his daughters. On December 6, 2007, he was found dead and reported as a combat death in the district of El Paramo in Otaré (Norte de Santander). **Camilo Andres Valencia** (construction worker), a resident of the municipality of Soacha (Cundinamarca), disappeared in Soacha on December 5, 2007, and was found dead and reported as a combat death on December 7, 2007, in the district of Pavez in the municipality of Abrego. (Prosecutor General's Case Number Unknown – Soacha Case)

**(24) Army Professional Soldier Oscar Franco Valderrama**

*(indicted on April 24, 2009)*

**(25) Army Professional Soldier Robinson Alvarez Pava**

*(indicted on April 24, 2009)*

**(26) Army Professional Soldier Olinto Ochoa Gelvez**

*(indicted on April 24, 2009)*

**(27) Army Professional Soldier Tomas Contrares Duarte**

*(indicted on April 24, 2009)*

**(28) Army Second Sergeant Merardo Rios Diaz**

*(indicted on April 24, 2009)*

**(29) Army Professional Soldier Inocencio Abelino Gil Gonzales**

*(indicted on April 24, 2009)*

**(30) Army Professional Soldier Daniel Coloma**

*(indicted on April 24, 2009)*

**(31) Army Second Sergeant (retired) Sandro Mauricio Perez Contreras**

*(indicted on April 24, 2009)*

**(32) Army Professional Soldier Alexander Arroyo**

*(indicted on April 29, 2009)*

**(33) Army Civilian Victor Manuel Lopez Manosalva**

*(indicted on April 29, 2009)*

**(34) Army Lieutenant Colonel (retired) Alvaro Diego Tamayo Hoyos**

*(indicted on May 7, 2009, also indicted for false presentation of public documents)*

G. On April 30, 2009, and May 8, 2009, eight members of the Army's 5<sup>th</sup> Battalion "Caldas" of Bucaramanga were charged with aggravated homicide and aggravated

UNCLASSIFIED

UNCLASSIFIED

- 94 -

forced disappearance (and two of them with embezzlement) for their role in the disappearance of two people, who were then presented as killed in combat. Eduardo Garzon Paez, a resident of Bogotá (Cundinamarca), disappeared on March 4, 2008, and was found dead on March 5, 2008, in the El Brasil neighborhood in the municipality of Cimitarra (Norte de Santander). Daniel Andres Pesca Olaya, a resident of the Santa Lucia neighborhood in the municipality of Bogotá (Cundinamarca), disappeared in the municipality of Soacha on March 2, 2008, and was found dead on March 5, 2008, in the neighborhood of El Brasil in the municipality of Cimitarra (Norte de Santander). (Prosecutor General's Case Number Unknown – Soacha Case)

**(35) Army Colonel (retired) Wilson Javier Castro Pinto**

*(also charged with embezzlement)*

**(36) Army Lieutenant (retired) Eduardo Antonio Vilany Realpe**

*(also charged with embezzlement)*

**(37) Army Professional Soldier German Augusto Oliveros Tabares**

**(38) Army Professional Soldier Juan Carlos Alvarez**

**(39) Army Professional Soldier Benancio Puentes Guapacha**

**(40) Army Professional Soldier Nelson Ospina Puentes Tabares**

**(41) Army Vice First Sergeant (retired) Jesus Eduardo Niampira Benavide**

*(indicted May 8, 2009, also charged with embezzlement and false presentation of public documents)*

**(42) Army Professional Soldier Guillermo Pacheco Anzola**

*(indicted May 8, 2009, also charged with embezzlement and false presentation of public documents)*

H. On May 14, 2009, the Prosecutor General's Office indicted six members of the Army's Six 15<sup>th</sup> Infantry Battalion "General Francisco de Paula Santander" in Ocaña on charges of aggravated homicide, aggravated forced disappearance, and criminal conspiracy. The six were allegedly involved in the disappearance and homicide of Fair Leonardo Porras Bernal, a mentally challenged resident of the San Nicolas de Soacha neighborhood. Porras Bernal disappeared from the area on January 8, 2008, and appeared dead – presented as killed in combat – on January 12, 2008, in the district of La Esperanza in the municipality of Abrego (Norte de Santander).

(Prosecutor General's Case Number Unknown – Soacha Case)

**(43) Army Major General Marco Wilson Quihano**

*(also charged with false presentation of public documents)*

**(44) Army Lieutenant Sergeant Diego Adail Vargas Cortes**

*(also charged with false presentation of public documents)*

**(45) Army Second Corporal Carlos Manuel Gonzales Alfonso**

**(46) Army Professional Soldier Richard Contreras Aguilar**

UNCLASSIFIED

UNCLASSIFIED

- 95 -

**(47) Army Professional Soldier Garcia Corzo Ricardo**

**(48) Army Professional Soldier Zapata Roldan Carlos Antonio**

I. On May 15, 2009, nine members of the Army's 15<sup>th</sup> Infantry Battalion "General Francisco de Paula of Santander" of Ocaña were indicted on charges of aggravated homicide, aggravated forced disappearance, and aggravated criminal conspiracy in connection with the disappearance and homicide of Julio César Mesa and Johathan Orlando Soto Bermudez. Cesar Mesa, a construction worker and resident of the San Nicolás de Soacha neighborhood, disappeared on January 26, 2008, and was found dead – presented as killed in combat – on January 27, 2008, in the district of El Espejo in the municipality of San Calixto (Norte de Santander). Soto Bermudez, a minor and student, disappeared on January 26, 2008, in the San Nicholas de Soacha neighborhood and was found dead – presented as killed in combat – on January 27, 2008, in the district of Chircas in Ocaña municipality (Norte de Santander). (Prosecutor General's Case Number Unknown – Soacha Case)

**(49) Army Major Henry Mauricio Blanco Barbosa**

*(also charged with false presentation of public documents)*

**(50) Army First Corporal Manuel Zorrilla Agamez**

*(also charged with false presentation of public documents)*

**(51) Army Professional Soldier Jose Orlando Gonzales Ceballos**

**(52) Army Professional Soldier Juan Gabriel Espinosa Restrepo**

**(53) Army Professional Soldier Kevis Alberto Jimenez Escalante**

**(54) Army Professional Soldier Luis Alrio Lopez**

**(55) Army Second Sergeant Merardo Rios Diaz**

**(56) Army Lieutenant Coronel (retired) Gabriel de Jesus Rincon Amado**

**(57) Army Second Sergeant (retired) Sandro Mauricio Perez Contreras**

J. On May 21, 2009, 17 members of the Army's 15<sup>th</sup> Infantry Battalion "Cabecillas Espada Uno" were indicted on charges of aggravated forced disappearance, aggravated homicide, and aggravated criminal conspiracy for their alleged role in the disappearance and homicide of three people, who were presented as killed in combat. Diego Alberto Tamayo Garcera, (profession unknown) a resident of the Ducales neighborhood in the municipality of Soacha, disappeared on August 23, 2008, and was found dead on August 25, 2008, in the district of Papamito in the municipality of Ocaña (Norte de Santander). Víctor Fernando Gómez Romero (profession unknown), a resident of the San Mateo neighborhood in the municipality of Soacha, disappeared on August 23, 2008, and was found dead on August 25, 2008, in the district of Papamito in the municipality of Ocaña (Norte de Santander). Jader Andrés Palacio Bustamante (construction worker), a resident of the Ducales neighborhood in the municipality of Soacha, disappeared August 23, 2008, and was found dead on August

UNCLASSIFIED

UNCLASSIFIED

- 96 -

25, 2008, in the district of Papamito in the municipality of Ocaña (Norte de Santander). (Prosecutor General's Case Number Unknown – Soacha Case)

- (58) Army Second Sergeant Janer Ediel Duque Martinez**
- (59) Army Second Corporal Richard Armando JoJoa Bastidas**
- (60) Army Professional Soldier Nixon Arturo Cubides Cuesta**
- (61) Army Professional Soldier Maurico Cuniche Delgadillo**
- (62) Army Professional Soldier Jose Orlando Gonzales Ceballos**
- (63) Army Professional Soldier Jose Adolfo Fernandez Ramirez**
- (64) Army First Corporal Manuel Zorrila Agamez**
- (65) Army Third Corporal Ricardo Coronado Martinez**
- (66) Army Professional Soldier John Anderson Diaz Ortega**
- (67) Army Professional Soldier Ricardo Eluid Gonzales Gomez**
- (68) Army Professional Soldier Ferney Grijalba Flor**
- (69) Army Professional Soldier Eider Andres Guerrero Andrade**
- (70) Army Professional Soldier Geiner Guertes Billermo**
- (71) Army Professional Soldier Pedro Johan Hernandez Malagon**
- (72) Army Professional Soldier Kevis Alberto Jimenez Escalante**
- (73) Army Professional Soldier Luis Alirio Lopez**
- (74) Army Professional Soldier Juan Ramon Marin Ramirez**

K. On May 26, 2009, the Prosecutor General's Office indicted 16 soldiers from the Army's 5<sup>th</sup> Urban Anti-Terrorism Special Forces Group for homicide of a protected person for their alleged involvement in the death of Arley de Jesús and Yon Fredy, two brothers who were last seen in Vallejuelos on their way to see their mother on May 25, 2004. The 16 are currently awaiting a verdict in their case by the 19<sup>th</sup> Circuit Penal Court in Medellín. They were suspended between October 30 and November 9, 2007 (except for one who was discretionally retired on June 11, 2004); and then preventatively detained June 29, 2007. (Prosecutor General's Office Case Number 3161)

- (75) Army Captain (retired) Jhon Edgar Lozano Garcia**
- (76) Army First Corporal Cesar Felipe Castillo**
- (77) Army First Sergeant Sergio Exequiel Rojas Ochoa**
- (78) Army Second Sergeant Gelter Eduardo Muñoz Mantilla**
- (79) Army Second Sergeant José Evaristo Mosquera Delgado**
- (80) Army Professional Soldier Ismael Enrique Romero Martinez**
- (81) Army Professional Soldier Sergio Alonso Perez Restrepo**
- (82) Army Professional Soldier Alberto Elias Pérez Arango**
- (83) Army Professional Soldier Hugo Albeiro Zuluca Garcia**
- (84) Army Professional Soldier José Evaristo Hernandez Parra**
- (85) Army Professional Soldier Dairo de Jesús Henao Posso**

UNCLASSIFIED

UNCLASSIFIED

- 97 -

- (86) Army Professional Soldier Juan Javier Gallego Várelas**
- (87) Army Professional Soldier Joaquin Ferney Hidalgo Higuita**
- (88) Army Professional Soldier Juan Carlos Villa Cañon**
- (89) Army Professional Soldier Roman Elbeiro Gutierrez Jaramillo**
- (90) Army Professional Soldier Gildardo Montoya López**

L. On June 2, 2009, 19 members of the Army's 15<sup>th</sup> Infantry Battalion "General Francisco de Paula Santander" of Ocaña were charged with aggravated homicide, aggravated forced disappearance, and aggravated criminal conspiracy for their role in the disappearance and homicide of Julian Oviedo Monroy, who was then presented as killed in combat. Julian Oviedo Monroy (construction worker), a resident of the neighborhood of Villa Juliana in the municipality of Soacha, disappeared on March 2, 2008, and was found dead on March 3, 2008, in the district of Aguas Blancas in the municipality of Ocaña (Norte de Santander). (Prosecutor General's Case Number Unknown – Soacha Case)

**(91) Army Lieutenant Colonel (retired) Alvaro Diego Tamayo Hoyos**

*(also charged with false presentation of public documents)*

**(92) Army Second Sergeant Nestor Jaime Mosquera Blanco**

*(also charged with false presentation of public documents)*

**(93) Army First Corporal Edward Vera Zapata**

*(also charged with false presentation of public documents)*

**(94) Army Second Corporal Wilson Virgilio Suarez Gaitan**

*(also charged with false presentation of public documents)*

**(95) Army Third Corporal Jhon Jairo Castillo Cruz**

**(96) Army Professional Soldier Miguel Antonio Jerez Plata**

**(97) Army Professional Soldier Uvaldo Ronderos Poveda**

**(98) Army Professional Soldier Salvador Renoga Osorio**

**(99) Army Professional Soldier Juan de Dios Suarez**

**(100) Army Professional Soldier Moises Barbosa Carrascal**

**(101) Army Professional Soldier Ciro Alfonso Gutierrez Silva**

**(102) Army Professional Soldier Jose Gregario Mendoza Pinzon**

**(103) Army Professional Soldier Jesus Enrique Dominguez Caballero**

**(104) Army Professional Soldier Fernando San Juan San Juan**

**(105) Army Professional Soldier Jose Eliseo Toscano**

**(106) Army Professional Soldier Orlando Antonio Pallares Uribe**

**(107) Army Professional Soldier Mauricio Delgado Zayas**

**(108) Army Professional Soldier Rodriguez Duarte Libaner**

**(109) Army Second Sergeant Jader Alvarado Sequea**

UNCLASSIFIED

**Annex C: Continuation of Proceedings by the Prosecutor General's Office**

Between June 16, 2008, and June 15, 2009, the Colombian government reported that the Prosecutor General's Office continued judicial proceedings against 78 members of the Armed Forces in 29 cases listed in previous memorandums of justification for violations of human rights and collaboration with paramilitary groups (case number and status listed where known) (the count of the list below varies from the total number of individuals detained as some individuals are listed under multiple cases):

- A. Trial proceedings continued before the Specialized Court of Santafé (Antioquia) against five soldiers from the Army for homicide of a protected person for their alleged role in the death of Fabio Nelson Rodríguez on March 18, 2005, in Los Llanos de Urraco Buriticá, Urrao (Antioquia) during a confrontation between the Army and guerrilla forces. (Prosecutor General's Office Case Number 3479)
- (1) Army Captain Ivan Andres Gonzalez Villafane**
  - (2) Army Voluntary Soldier Luis German Solarte Garcia**
  - (3) Army Professional Soldier Yimmi Valores Murillo**
  - (4) Army Professional Soldier (retired) Juan Santiago Guerra Alvarez**
  - (5) Army Professional Soldier (retired) Oscar Garcia Taborda**
- B. Trial proceedings continued against four soldiers from the Army's 28<sup>th</sup> Air Transport Infantry Battalion. The four, and one other soldier from their unit (Army Sergeant Harold William Pejendino, who was convicted and sentenced to 20 years in prison on March 31, 2008) allegedly collaborated with the United Self-Defense forces in Casanare in Viota (Cundinamarca) between March and May 2003 in the homicide of civilians that the paramilitary group deemed to be guerilla sympathizers. (Prosecutor General's Office Case Number 1765)
- (6) Army Captain Edgar Mauricio Arbeláez Sánchez**  
*(indicted for aggravated homicide and terrorism on October 1, 2007)*
  - (7) Army Colonel (retired) Rodrigo Alfonso González Medina**  
*(indicted for aggravated criminal conspiracy on January 5, 2007)*
  - (8) Army Major Alejandro Lizarazo Parra**  
*(indicted for aggravated criminal conspiracy on January 5, 2007)*
  - (9) Army Major Alejandro Robayo Rodríguez**  
*(indicted for aggravated criminal conspiracy on January 5, 2007)*
- C. Trial proceedings continued before the Specialised Court in Forencia (Caquetá) against two soldiers (both indicted May 2, 2007) from the Army's 12<sup>th</sup> Urban Anti-Terrorism Special Forces Group for attempted homicide for their alleged involvement in the detention and harassment of Jesús Elias López Motta in Florencia (Caquetá) on December 16, 2005. (Prosecutor General's Office Case Number 3133)

UNCLASSIFIED

- 99 -

**(10) Army Professional Soldier Ruberney Matiz Pérez**

**(11) Army Sub-Lieutenant Camilo Javier Romero Abril**

D. Trial proceedings continued against two soldiers (both indicted February 15, 2007) from the Army's 1<sup>st</sup> Counternarcotics Battalion for aggravated homicide for their alleged involvement in the death of Ildefonso Cifuentes Velasques and Luís Alfonso Florez Toro during "Operation Sovereignty" in Montenegro (Quindío) on April 14, 2005 (Prosecutor General's Office Number 3160).

**(12) Army Soldier Juan Guillermo Londoño Mazo**

**(13) Army Soldier Jhon Albeiro Vargas Morales**

E. Trial proceedings continued against three soldiers (indicted March 31, 2008) from the Administrative Service and Support Company of the Army's 17<sup>th</sup> Brigade for homicide of a protected person their alleged involvement in the murder of José Ángel Huhuita in Chichirido (Antioquia) on November 13, 2005. On that day, Higuita left his house for Godo, where he earned a living filling potholes, and never returned, though his bicycle and tools were later found. On November 14, 2005, his family identified his body at a morgue in Dabeiba (Antioquia), where he had been presented as killed in combat. The soldiers allegedly brought Higuita to Chichirido, where they changed his civilian clothing for military camouflage and assassinated him. Afterwards, they allegedly placed a communications radio and a 7.65 pistol near him to make him appear to be a FARC member. (Prosecutor General's Office Case Number 3958)

**(14) Army Third Corporal Yon Andrei Rincon Salgado**

**(15) Army Second Sergeant Jorge Andrés Estupiñan Chamorro**

**(16) Army Soldier Adrián Ramiro Puentes Arrieta**

F. Trial proceedings continued before the 1<sup>st</sup> Specialized Judge in Ibagué (Tolima) against three members (indicted March 18, 2008) of the Army for torture for their alleged role in the torture and injury of soldiers at the Army Instruction and Training Center in Piedras (Tolima) on January 25, 2006. A total of 20 members of the Armed Forces are indicted in this case.

**(17) Army Second Lieutenant Javier Arturo Pachon Reina**

**(18) Army Second Lieutenant Hair Alexander Monroy González**

**(19) Army Second Lieutenant Cristian Camilo Barrera Echeverri**

G. The case against two soldiers (indicted October 25, 2007) from the Army's 12<sup>th</sup> Mobile Brigade is before Local Prosecutor 13 after case proceedings concluded April 2, 2008. The two are charged with forced disappearance, forced displacement, and aggravated homicide for their alleged involvement in the disappearance and

UNCLASSIFIED

UNCLASSIFIED

- 100 -

displacement of 11 civilians, and the death of four of them, on January 3, 2006, in Vista Hermosa (Meta). On that date, members of the Army's 12<sup>th</sup> Mobile Brigade and 17<sup>th</sup> Counterguerilla Battalion were allegedly accompanied by a representative from the Department of Administrative Security (DAS) and two members of the Prosecutor General's Office in Villavicencio as they allegedly conducted investigations, during which 11 civilians were disappeared and/or displaced. On August 24, 2006, the bodies of three of the four of those who disappeared were exhumed. (Prosecutor General's Office Number 3226)

**(20) Army Colonel (retired) Carlos Hugo Ramírez Zuluaga**

**(21) Army Captain Milton Guillermo Corso Ussa**

H. Trial proceedings continued before the 2nd Penal Circuit Court in Villavicencio (Meta) against seven soldiers from the Army (indicted November 29, 2007) for simple kidnapping and aggravated homicide for their alleged involvement in the kidnapping and subsequent homicide of Eduardo Pérez Vega in the Ciudad Porfía neighborhood of Villavicencio (Meta) on July 27, 2007. Pérez was allegedly kidnapped from an internet café and forced to board a truck assigned to the GAULA Casanare. The next day, Pérez' body was discovered in the municipality of Hato Corozal (Casanare). (Prosecutor General's Office Number 4044)

**(22) Army Major Gustavo Enrique Soto Bracamonte**

**(23) Army Lieutenant (retired) Jhon Alexander Suacha Florian**

**(24) Army Second Corporal Gelper Pérez García**

**(25) Army Professional Soldier Carlos Alfredo Bello Bolívar**

**(26) Army Professional Soldier Abdón Guanaro Guevara**

**(27) Army Professional Soldier Elio Ernesto Celis Bedoya**

**(28) Army Professional Soldier Jhony Higuera Moreno**

I. The case against nine members of the Army's 14<sup>th</sup> Battalion (Antonio Ricaurte") from the 5<sup>th</sup> Brigade is before the Penal Judge in the Bucaramanga Circuit Court following the second instance of confirmation of the indictment against them on April 23, 2008. The nine (indicted June 6, 2007) are charged with aggravated homicide for their alleged involvement in the deaths of Edison Alberto Martínez Pacheco and Edit Salcedo Vergen on May 31, 2005, in Los Planes, within the municipality of La Esperanza (Norte de Santander). On October 16, 2007, the Inspector General removed them all from their positions and deemed them inadmissible for public service for 20 years. (Prosecutor General's Office Case Number 2256)

**(29) Army Captain William Ovidio Lara Ramírez**

**(30) Army Professional Soldier Cristian Santos Rey**

**(31) Army Professional Soldier Edgar Mauricio Araque Pérez**

**(32) Army Professional Soldier Mauricio Yesid Araque Quintero**

UNCLASSIFIED

UNCLASSIFIED

- 101 -

- (33) Army Professional Soldier Jaime Caballero Gualtero**
- (34) Army Professional Soldier Cristian Duran Arguello**
- (35) Army Professional Soldier Enrique Meza Gómez**
- (36) Army Professional Soldier Nelson Ortíz Casanova**
- (37) Army Professional Soldier William Efren Plata Prada**

J. Trial proceedings continued against two Army soldiers for human rights-related crimes. Additional testimony was scheduled for June 5 and 19, 2009. (Court information and description of case not available) (Prosecutor General's Office Case Number 536)

- (38) Army Major Mauricio Llorente Chávez**
- (39) Army Lieutenant Víctor Hugo Matamoros Rodríguez**

K. Trial proceedings continued against three Army soldiers for charges of sedition. (Court information and description of case not available) (Prosecutor General's Office Case Number 1593)

- (40) Army Second Sergeant José Rubén Ceballos Ríos**
- (41) Army Captain Gehison Moreno González**
- (42) Army Captain Juan Carlos Valderrama Angarita**

L. Trial proceedings continued against two Army soldiers for human rights-related crimes. The case is in the preliminary phase. (Court information and description of case not available) (Prosecutor General's Office Case Number 993)

- (43) Army Colonel Gabriel Ramón Díaz Ortiz**
- (44) Army Lieutenant Fredy Alexis Rivera Díaz**

M. Trial proceedings continued before the 10<sup>th</sup> Penal Specialized Circuit Court in Bogotá against three Army soldiers for human rights-related crimes. The case is in the determination of motive phase. (Court information and description of case not available) (Prosecutor General's Office Case Number 1893)

- (45) Army Sergeant Albeiro Pérez Duque**  
*(also listed as #76 in this list)*
- (46) Army Soldier Juan Carlos Rodríguez Agudelo**
- (47) Army Soldier Wilson Hernando Casallas Suescun**

N. Trial proceedings continued against two Army soldiers for extortive kidnapping, aggravated homicide and criminal conspiracy. The case is in the trial phase. (Court information and description of case not available) (Prosecutor General's Office Case Numbers 703, 704 and 705)

- (48) Army Lieutenant Colonel Jorge Eliécer Plazas Acevado**

UNCLASSIFIED

UNCLASSIFIED

- 102 -

**(49) Army Sergeant Guillermo Lozano Guerrero**  
*(escaped custody and is currently a fugitive at large)*

- O. Trial proceedings continued before the 1<sup>st</sup> Specialized Court in Ibagué against six Army soldiers for human rights-related crimes. The case is awaiting verdict. (Description of case not available) (Prosecutor General's Office Case Number 3155)
- (50) Army First Corporal José Rafael Tarazona Villamizar**
  - (51) Army Third Corporal Edwin Alberto Ávila Mesa**
  - (52) Army Third Corporal Hugo Alberto Maestra Agudelo**
  - (53) Army Third Corporal Jairo Alfonso Lora Fuentes**
  - (54) Army Professional Soldier Álvaro Yaison Acosta Sánchez**
  - (55) Army Third Corporal Sergio Andrés Muriel Quiroga**
- P. Trial proceedings continued against five Army soldiers for human rights-related crimes. The case is in the second instance. (Court information and description of case not available) (Prosecutor General's Office Case Number 1874)
- (56) Army Third Corporal Carmelo Antonio Pacheco Ramírez**
  - (57) Army Professional Soldier Hugo Alberto Martínez Delgado**
  - (58) Army Professional Soldier Juan Carlos Soto Sepúlveda**
  - (59) Army Jhoyber Yesid de Ávila Alquerque**
  - (60) Army Second Lieutenant José Moreno Trigos**
- Q. Trial proceedings continued before the 21<sup>st</sup> Penal Circuit Court in Montería against six Army soldiers for human rights-related crimes. Hearings are underway. (Description of case not available) (Prosecutor General's Office Case Number 2287)
- (61) Army Vice First Sergeant Flavio César Sánchez Rivera**
  - (62) Army First Corporal Albeiro Vargas Gaitán**
  - (63) Army Lieutenant Edein Alberto Figueredo Mesa**
  - (64) Army Professional Soldier Roberto Carlos Posada Días**
  - (65) Army Professional Soldier Luís Miguel Solano Ramos**
  - (66) Army Professional Soldier Dairo Yeneris Silva**
- R. Trial proceedings continued before the 2<sup>nd</sup> Penal Circuit Court of Arauca against **(67) Army Lieutenant Alexander Prada Garcia** (indicted November 14, 2007) for aggravated homicide, aggravated kidnapping, aggravated robbery, and transportation of explosives for his alleged involvement in the murder of an individual, which was allegedly attributed to members of the Army's 18<sup>th</sup> Battalion ("Reveiz Pizarro Saravena") in Saravena (Arauca) on August 20, 2006. (Prosecutor General's Office Case Number 3828)

UNCLASSIFIED

UNCLASSIFIED

- 103 -

- S. Trial proceedings continued before Local Prosecutor 26 at the Penal Court in Bolívar (Cauca) against **(68) Army Professional Soldier Rodrigo Antonio Hernández Sucerquia** (indicted November 16, 2007) for aggravated murder for his alleged role in the death of Romulo Gómez Rengifo on May 21, 2005, in Almaguer (Cauca), who was later reported as killed in combat. (Prosecutor General's Office Case Number 3150)
- T. Trial proceedings continued before the Penal Circuit Court in Cartagena against **(69) Army Captain Héctor Martín Pita Vásquez** for human rights-related crimes. (Description of case not available) (Prosecutor General's Office Case Number 721)
- U. Trial proceedings continued against **(70) Army Vice First Sergeant Sergio Salazar Soto** for human rights-related crimes. The case is in the preliminary phase. (Court information and description of case not available) (Prosecutor General's Office Case Number 875)
- V. Trial proceedings continued before Judge Number 10 in the 9<sup>th</sup> Penal Circuit Court in Medellín against **(71) Army Captain Rubán Blanco Bonilla** for human rights-related crimes. The case is in the trial phase. (Description of case not available) (Prosecutor General's Office Case Number 1015)
- W. Trial proceedings continued against **(72) Army Lieutenant Luís Enrique Andrade Ortíz** for charges of aggravated homicide and attempted aggravated homicide. Additional testimony is being given in the case. (Court information and description of case not available) (Prosecutor General's Office Case Number 1540)
- X. Trial proceedings continued before the 1<sup>st</sup> Specialized Judge in Cúcuta against **(73) Army Sergeant José Fernando Ramírez Bautista** for human rights-related crimes. (Court information and description of case not available) (Prosecutor General's Office Case Number 1695)
- Y. Trial proceedings continued against **(74) Army Colonel Jorge Alberto Amor Peláez** for human rights-related crimes. (Court information and description of case not available) (Prosecutor General's Office Case Number 1789)
- Z. Trial proceedings continued before the 2<sup>nd</sup> Penal Circuit Court in Popayán against **(75) Army Second Sergeant Roiber Humberto Gutiérrez Montero** for human rights-related crimes. The case is in the trial phase. (Description of case not available) (Prosecutor General's Office Case Number 1820)

UNCLASSIFIED

UNCLASSIFIED

- 104 -

- AA. Trial proceedings continued against **(76) Army Sergeant Albeiro Pérez Duque** (*also listed as #45 in this list*) for human rights-related crimes. Hearing are being held, and a guilty verdict is being sought. (Court information and description of case not available) (Prosecutor General's Office Case Number 2102)
- BB. Trial proceedings continued before the Penal Circuit Court in Ocaña against **(77) Army Soldier Carlos Alberto Heredia Botello** for human rights-related crimes. (Description of case not available) (Prosecutor General's Office Case Number 491)
- CC. Trial proceedings continued against **(78) Army Lieutenant Carlos Andrés Lora Cabrales** for human rights-related crimes. He is detained at the Army's Cantón Sur Artillery School in Bogotá per the court's order. (Court information and description of case not available) (Prosecutor General's Office Case Number 3156)

UNCLASSIFIED

**Annex D: Resolution of Cases by the Prosecutor General's Office**

Between June 29, 2008 and June 15, 2009,<sup>53</sup> the Colombian government reported that the Prosecutor General's Office concluded case proceedings against 34 members of the Armed Forces in nine cases for violations of human rights and for collaborating with paramilitary groups:

- A. On August 25, 2008, the 2<sup>nd</sup> Penal Circuit Court of Valledupar sentenced **(1) Army Professional Soldier Adolfo Guerrero Camargo** to 480 months (40 years) in prison for the murders of Mario Alberto Camargo Barahona, José Enrique Gutierrez Arias, and Yeiner Alfredo Pérez Arias who were reported as killed in combat on July 3, 2006, in the city of Santa Marta, in La Jagua del Pilar (La Guajira) (Prosecutor General's Office Case Number 3758).
- B. On September 30, 2008, **(2) Army Sub-official Yon Andrei Sinisterra Payán**, from the Army's 1<sup>st</sup> Counternarcotics Battalion, was sentenced to time in prison (length of sentence unknown) for his role in the deaths of Luís Alfonso Florez Toro and Ildfonso Cifuentes Velasquez during "Operation Sovereignty" in Montenegro (Quindío) on April 14, 2005. (Prosecutor General's Office Case Number 3160)
- C. On February 5, 2009, the 1<sup>st</sup> Penal Court for the Circuit of Rionegro (Antioquia), sentenced four soldiers from the 4<sup>th</sup> Mechanized Infantry Group ("Juan de Corral") to 396 months in prison for homicide of a protected person and simple kidnapping for their roles in the detention and death of Gabriel Valencia, who was subsequently reported as killed in combat in the town of El Zancudo, Argelia (Antioquia) on October 5, 2005. (Prosecutor General's Office Case Number 3168)
  - (3) Army Soldier Ameiro Ameiro Lewis Palacio Copete**
  - (4) Army Soldier (retired) Wilson Antonio Garces George**
  - (5) Army Soldier Wilson Andrés Bonilla Blandon**
  - (6) Army Lieutenant (retired) Ramiro Jairo Ramírez Ortega**
- D. On March 26, 2009, the 2<sup>nd</sup> Penal Circuit Court of Apartadó, sentenced 7 soldiers to 30 years in prison for homicide of a protected person for their role in the disappearance and death of Edilberto Vásquez Cardona, a member of the San José de Apartadó Peace Community, on January 12, 2006. (Prosecutor General's Office Case Number 3131)
  - (7) Army Second Sergeant Fredy Torres Botero**
  - (8) Army First Corporal Regino Ceren Paz**
  - (9) Army Soldier Cesar Duvan Ciro Martínez**

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<sup>53</sup> Time frame available as of July 31, 2009.

UNCLASSIFIED

- 106 -

- (10) Army Soldier Fernando Hinestroza**
- (11) Army Soldier Nelson Viloría Avendaño**
- (12) Army Soldier Germán Manuel Martínez Gómez**
- (13) Army Soldier Adelson Padilla Ramos**

E. On March 31, 2009, the Penal Court for the Circuit of Santuario (Antioquia), sentenced 3 soldiers from the Army's 4<sup>th</sup> Artillery Battalion and 7 soldiers from the Army's 4<sup>th</sup> Engineering Battalion to 25 years in prison for aggravated homicide for their roles in the deaths of Nelson Abad Ceballos and Yesica Marcela Quintero Giraldo, who were then presented as guerillas killed in combat in La Merced, Granada (Antioquia), on July 13, 2003. According to the Armed Forces, the two were involved in a clash with troops; however, the investigation revealed that they died outside of combat. (Prosecutor General's Office Case Number 3231)

From the Army's 4<sup>th</sup> Artillery Battalion:

- (14) Army Third Corporal Esneider Nieto Duarte**
- (15) Army Professional Soldier Jhon Goez Escobar**
- (16) Army Professional Soldier Jhon Bayro Zapata Escobar**

From the Army's 4<sup>th</sup> Engineering Battalion:

- (17) Army Lieutenant Rafael Alberto Orduz Naranjo**
- (18) Army Professional Soldier Carlos Adrian Mazo Marín**
- (19) Army Professional Soldier Jairo Blandon Valencia**
- (20) Army Professional Soldier Elkin Edison Orrego Palacio**
- (21) Army Professional Soldier Carlos Edilson Osorio Cárdenas**
- (22) Army Professional Soldier Fred Alexander Cañaveral Ramírez**
- (23) Army Volunteer Soldier Manuel Santo Iburguen Valderrama**

F. On March 31, 2009, the Penal Circuit Court of Santuario (Antioquia), sentenced eight soldiers from the Army's 10<sup>th</sup> Infantry Battalion to 25 years in prison for aggravated homicide for their roles in the murders of Daniel Enrique Piedrahita, Jhon Edison Galeano, Jesús Alberto Londoño, and Juan Dario Arroyave on March 14, 2006, in Yaramal (Antioquia). (Prosecutor General's Office Case Number 3781)

- (24) Army Soldier Carlos Augusto Jaramillo Rojas**
- (25) Army Third Corporal Yeison Fernando Jaime Martínez**
- (26) Army Third Corporal Carlos Andrés Torrado Contreras**
- (27) Army Soldier César Augusto Alvarez Díaz**
- (28) Army Soldier Germán Dario Grajales Calderón**
- (29) Army Lieutenant Luís Gabriel Rueda Acevedo**
- (30) Army Soldier Wilfreso Eliecer Diaz Ciro**
- (31) Army Soldier Oscar Darío Zea Ospina**

UNCLASSIFIED

UNCLASSIFIED

- 107 -

- G. **(31) Army Lieutenant Jorge Alexander Sánchez Castro** was absolved of extortion and criminal conspiracy charges by the Specialized Court of Antioquia and the Tribunal in Antioquia, respectively. Likewise, the case against him for aggravated homicide and aggravated kidnapping was closed and the decision was confirmed by a prosecutor in Bogotá. (Date of actions and description of crime not available) (Prosecutor General's Office Case Number 122)
- H. **(33) Army Lieutenant Carlos Andrés Lora Cabrales** was sentenced for human rights-related crimes but is contesting the verdict. (Date of actions, court information, and description of crime not available) (Prosecutor General's Office Case Number 3139)
- I. The 2<sup>nd</sup> Specialized Court in Bogotá sentenced **(34) Army Sergeant Guillermo Lozano Guerrero** on charges of extortive kidnapping, aggravated homicide, and criminal conspiracy. However, he has escaped custody and is currently a fugitive at large. (Date of sentencing, length of sentence and Description of case not available) (Prosecutor General's Office Case Number 672)

In addition, during the previous certification period, the Colombian government reported that the Prosecutor General's Office concluded case proceedings against 19 members of the Armed Forces in six cases for violations of human rights and for collaborating with paramilitary groups. These cases were not included in the previous certification because information was not available on them at that time.

- A. On March 30, 2007, **(1) Army Vice First Sergeant Juan Carlos Gamarra Polo** was sentenced to 192 months in prison for human rights-related crimes (Court information and description of crime not available) (Prosecutor General's Office Case Number 341)
- B. On April 20, 2007, the Specialized Penal Circuit Court in Quibdó sentenced eight Army soldiers for human rights-related crimes (Length of sentence and description of crime not available) (Prosecutor General's Office Case Number 2280)
- (2) Army Soldier Jair Hurtado Cuesta**
  - (3) Army Soldier Yeiler Arce Ríos**
  - (4) Army Soldier Zamir Córdoba Rodríguez**
  - (5) Army Soldier Francisco Arturo Caicedo Mosquera**
  - (6) Army Soldier Jarison García Chaverra**
  - (7) Army Soldier Wilmar Antonio Córdoba Mena**
  - (8) Army Soldier Bayson David Díaz Gil**
  - (9) Army Soldier Octavio de Jesús Palacio Taborda**

UNCLASSIFIED

- C. On September 3, 2007, the Penal Circuit Court in Marinilla sentenced three Army soldiers (indicted February 20, 2007) to 16 years and 8 months in prison for homicide of a protected person for their involvement in the murder of a man in the hamlet of La Chapa in El Peñol (Antioquia) on April 10, 2004. (Prosecutor General's Office Number 2231)
- (10) Army Soldier Jhonatian Ortíz Suaza**  
**(11) Army Soldier Jhon Jairo Cuervo Rodríguez**  
**(12) Army Second Corporal Dairo Francisco Mendoza Torres**
- D. On October 8, 2007, the **(13) Army Corporal Leonardo Montoya Rubiano** was sentenced to 480 months (40 years) in prison by the 3<sup>rd</sup> Specialized Penal Circuit Court in Villavicencio (Meta). (Description of case not available) (Prosecutor General's Office Case Number 748)
- E. On March 14, 2008, the 2<sup>nd</sup> Specialized Judge in Antioquia sentenced five soldiers from the Army's 4<sup>th</sup> Engineering Battalion (indicted January 11, 2007) to 34 years in prison for homicide and torture of a protected person for their involvement in the murder of Juan de Jesús Rendón and threatening with death of his 13-year-old daughter on April 23, 2004, in the hamlet of Arenillal in Sonsón (Antioquia). (Prosecutor General's Case Number 2050)
- (14) Army Professional Soldier Fred Alexander Cañaveral Ramírez**  
**(15) Army Professional Soldier Elkin Edilson Orrego Palacio**  
**(16) Army Professional Soldier Carlos Andrés Ladino Monroy**  
**(17) Army Professional Soldier Yovanni Presiga Tangarife**  
**(18) Army Second Sergeant Elmer Torres Rodríguez**
- F. On March 31, 2008, the Second Penal Specialized Circuit Court in Cundinamarca sentenced **(19) Army Sergeant Harold Willian Pejendino** (indicted January 5, 2007) from the 28<sup>th</sup> Air Transport Infantry Battalion to 480 months in prison (40 years) for aggravated homicide, aggravated criminal conspiracy, forced disappearance, simple kidnapping, and forced displacement. Between March and May 2003, he – and several other members of his unit (trial proceeding against them) – collaborated with the United Self-Defense Forces of Casanare in the homicide of civilians that the paramilitary group believed to be guerilla sympathizers. (Prosecutor General's Office Case Number 1765)

**Annex E: Proceedings by the Inspector General's Office**

Between June 16, 2008 and June 15, 2009,<sup>54</sup> the Colombian government reported that the Inspector General's Office opened 18 disciplinary processes against 92 members of the Armed Forces for alleged violations of human rights and collaboration with paramilitary groups:

A. On July 31, 2008, the Inspector's General Office brought disciplinary charges against five members of the Army for allegedly entering the Totarco indigenous community (Tolima) and allegedly threatening and torturing two of its members: Jhon Oswaldo Moreno Alzate and Oliverio Prada. The Prosecutor General's Office has also opened an investigation. (Date of incident not available) (Inspector General's Office Case Number 008-112559-2004.)

**(1) Army Second Lieutenant Ramon Canaveral Cañon**

**(2) Army Captain Danilo Arboleda Martínez**

**(3) Army Lieutenant Diego Fajardo Pineda**

**(4) Army Second Lieutenant Hugo Victor Peña Jimenza**

**(5) Army Captain Manuel Enrique Pinzon Garzón**

*Status: In docket of exculpatory evidence.*

B. On August 5, 2008, the Inspector General's Office brought disciplinary charges against seven members of the Army for their alleged involvement in the homicide of four people (names not available), and then presenting their dead bodies clothed like, and carrying weapons like those used by, members of illegal armed groups. The Prosecutor General's Office has also opened an investigation. (Date and location of incident not available) (Inspector General's Office Case Number 008-106984-2004)

**(6) Army Lieutenant Fredy Zapata Duarte**

**(7) Army Vice First Sergeant Jamie Orlando Piragua Millán**

**(8) Army Soldier Nelson Eduardo Ayala Bautista**

**(9) Army Soldier Melkis Loiza Loaiza**

**(10) Army Soldier Jorge Arturo Zambrano**

**(11) Army Soldier Fabio Nelson Vargas Alarcon**

**(12) Army Soldier Omel Rangel Santamaría**

*Status: In docket of exculpatory evidence.*

C. On August 14, 2008, the Inspector General's Office brought disciplinary charges against five members of the Army for their alleged involvement in the homicides of Willinton Paz and Benavides Valencia in Santa Teresa (Bolívar). The Prosecutor General's Office has also opened an investigation. (Date of incident not available)

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<sup>54</sup> Time frame available as of July 31, 2009.

UNCLASSIFIED

- 110 -

(Inspector General's Office Case Number 008-163886-2007)

**(13) Army Soldier Aldemar Uresti Narvaez**

**(14) Army Soldier Jesus Ubeimar Melendez Zemanate**

**(15) Army Soldier Edwin Guzman Trujillo**

**(16) Army Second Corporal Manuel José Molina Pérez**

**(17) Army Soldier Walmer Dominguez Rodriguez**

**(18) Army Soldier José Andres Manquillo Agredo**

*Status: In docket of exculpatory evidence.*

D. On September 15, 2008, the Inspector General's Office brought disciplinary charges against seven members of the Army for their alleged involvement in the homicide of Juan Andres Vera Munera in Cedro (Cundinamarca). The Prosecutor General's Office has also opened an investigation. (Date of incident not available) (Inspector General's Office Case Number 008-117613-2005)

**(13) Army (Rank listed as Commander) Bill Frank Arroyo Bunz**

**(14) Army Professional Soldier Fabio Albarracin**

**(15) Army Professional Soldier José Gregorio Laverde Londoño**

**(16) Army Professional Soldier Eyder Lemeche Chasqui**

**(17) Army Professional Soldier Andres Latorre Carreño**

**(18) Army Professional Soldier Guillermo Lara Caviedes**

**(19) Army Professional Soldier César Valentín Leyva Manjares**

*Status: In docket of exculpatory evidence.*

E. On September 18, 2008, the Inspector General's Office brought disciplinary charges against four members of the Army for their alleged involvement in the homicide of Jesus Antonio Carvajal Girsales on July 1, 2007, in Genova (Quindio). The Prosecutor General's Office has also opened an investigation. (Inspector General's Office Case Number 008-107504-2004)

**(20) Army Third Corporal Fabian Hernandez Rodriguez**

**(21) Army Soldier Edeyvis Miranda Barba**

**(22) Army Soldier Juvenal Lopez Rodriguez**

**(23) Army Second Lieutenant Alvaro Giovanny Moreno Galindo**

*Status: In docket of exculpatory evidence.*

F. On September 18, 2008 the Inspector's General's Office brought disciplinary charges against **(24) Army First Sergeant David Sierra** for his alleged role in the homicide of Rosa Benavides, Gloria Sanchez, and minor Juan Guillermo. The Prosecutor General's Office has also opened an investigation. (Date and location of incident not available) (Inspector General's Office Case Number 008-115801-2005)

UNCLASSIFIED

UNCLASSIFIED

- 111 -

G. On October 18, 2008, the Inspector General's Office brought disciplinary charges against five members of the Army for their alleged role in the homicide of Gustavo de Jesús Zuleta Caño in the district of El Davio and Roldanillo (Valle de Cauca) on July 24, 2006. The Prosecutor General's Office has also opened an investigation.

(Inspector General's Office Case Number 008-146321-2006)

**(25) Army Captain Carlos Onofre Baez Suarezecer**

**(26) Army Second Lieutenant Ivan Giovanni Pachón Jimenez**

**(27) Army Soldier Werley Vidal Diaz**

**(28) Army Soldier Guillermo Sandoval Rojas**

**(29) Army Soldier Luis Andres Redondo Diaz**

*Status: In docket of exculpatory evidence.*

H. On October 22, 2008, the Inspector General's Office brought disciplinary charges against three members of the Army for their alleged involvement in the homicide of Ovidio de Jesus Florez Gaviria in the district of Narciso in Urrao (Antioquia). The Prosecutor General's Office has also opened an investigation. (Date of incident not available) (Inspector General's Office Case Number 008-126425-2005)

**(30) Army Soldier Freddy Agudelo Saldarriaga**

**(31) Army Second Corporal Samuel Ayala Diaz**

**(32) Army Soldier Juan Carlos Ochoa Orozco**

*Status: In docket of exculpatory evidence.*

I. On October 22, 2008, the Inspector General's office brought disciplinary charges against two members of the Army for their alleged involvement in the homicide of Juan de Dios Garcia Julio in district of Hoyo Hondo Otare in Rio Oro (César) The Prosecutor General's Office has also opened an investigation. (Date of incident not available) (Inspector General's Office Case Number 008-135654-2006)

**(33) Army Professional Soldier Iver Antonio Torres Celon**

**(34) Army Lieutenant Ángel Garcia Ochoa**

*Status: In docket of exculpatory evidence.*

J. On October 22, 2008, the Inspector General's Office brought disciplinary charges against seven members of the Army for their alleged involvement in the homicide of Juan Guillermo Baena Palacio in the district of Quebrada Negra (Cundinamarca). The Prosecutor General's Office has also opened an investigation. (Date of incident not available) (Inspector General's Office Case Number 008-155295-2007)

**(35) Army Second Sergeant Schell Aurelio Victorecer**

**(36) Army Soldier Luis Arias Manco**

**(37) Army Soldier José Osorio Osorio**

**(38) Army Soldier Jaime Vargas Sanchez**

UNCLASSIFIED

UNCLASSIFIED

- 112 -

- (39) Army Soldier Ricardo Higuera Suarez**
- (40) Army Soldier Wilson Chaverra Diaz**
- (41) Army Soldier David Urrego Hernandez**

*Status: In docket of exculpatory evidence.*

K. On October 29, 2008, the Inspector General's office brought disciplinary charges against eight members of the Army from the 26<sup>th</sup> Infantry Battalion ("Cacique Pigoanza"), 3<sup>rd</sup> Squadron of the "Bayoneta" Company, for their alleged responsibility in the homicide of Jhon Freddy Barco Gutierrez on January 10, 2005, in the district of La Danta in Algeciras (Huila). The soldiers allegedly presented him as killed in combat after a confrontation with the FARC, and labeled him as a no-name ("NN") FARC member, alias "El Conejo." The Inspector General's Office has classified the incident as a grave violation of human rights. The Prosecutor General's Office has also opened an investigation. (Inspector General's Office Case Number 008-129056-2005)

- (42) Army Captain César Augusto Gonzalez Caballero**
- (43) Army First Corporal Edwin Saldaña Pinzon**
- (44) Army Second Corporal Harold Corporal Gaitán Ospina**
- (45) Army Soldier Herlendy Trujillo Ordonez**
- (46) Army Soldier Pedro Guanarita Ortiz**
- (47) Army Soldier Carlos Campos Imbanchi**
- (48) Army Soldier Luis Garzon Bustos**
- (49) Army Soldier Yesid Olaya Rivera**

*Status: In docket of exculpatory evidence.*

L. On October 31, 2008, the Inspector General's Office brought disciplinary charges against two members of the Army for their alleged role in the illegal detention of various people in the district of Santo Domingo in Vista Hermosa (Meta). The Prosecutor General's Office has also opened an investigation. (Date of incident not available) (Inspector General's Office Case Number: 155-141191-2006)

- (50) Army Cornel Carlos Hugo Ramírez Zuluaga**
- (51) Army Captain Miltón Guillermo**

*Status: In docket of exculpatory evidence.*

M. On November 20, 2008, the Inspector General's Office brought disciplinary charges against three members of the Army for their alleged involvement in the homicides of Genaro Quintero Cardona and Eudilo de Jesús Loaíza. The Prosecutor General's Office has also opened an investigation. (Date and location of crime not available) (Inspector General's Office Case Number 008-116793-2005)

- (52) Army Second Lieutenant Jimmy Abril Ramirez**

UNCLASSIFIED

**(53) Army Professional Soldier Wilson Taborda Echeverri**

**(54) Army Professional Soldier Antonio Aguirre Lopez**

*Status: In docket of exculpatory evidence.*

N. On January 9, 2009, the Inspector General's Office brought disciplinary charges against five members of the Army for their alleged involvement in the homicide of Yajaira Cristina Nieves Oñate, a member of the Wiwa indigenous community, and injury to a minor, Betsy Cristina Nieves Oñate, on March 7, 2006 in the rural area of the municipality of Molino (Guajira). The Prosecutor General's Office has also opened an investigation. (Date of incident not available) (Inspector General's Office Case Number 155-149989-2006)

**(55) Army Sub Lieutenant Nixón Pabón Sandoval**

**(56) Army Second Sergeant Samir Enrique Bravo Oviedo**

**(57) Army Professional Soldier Andis Miguel Pacheco Lozano**

**(58) Army Professional Soldier Nando Miguel Padilla Quintero**

**(59) Army Professional Soldier Felipe Barriosnuevos Gutiérrez**

*Status: In docket of exculpatory evidence.*

O. On January 13, 2009, the Inspector General's Office brought disciplinary charges against five members of the Army for their alleged role in the homicide of Fabio Nelsón Rodríguez on March 18, 2005, in the district of Llanos de Urraco in the municipality of Buriticá (Antioquia). The Prosecutor General's Office has also opened an investigation. (Inspector General's Office Case Number 155-142987-2006).

**(60) Army Captain Iván Andrés González Villafane**

**(61) Army Vice First Sergeant Luis Germán Solarte Mora**

**(62) Army Professional Soldier Juan Santiago Guerra Álvarez**

**(63) Army Professional Soldier Carlos Andrés Agudelo Zapata**

**(64) Army Soldier Jeimin Valoyes Murillo**

*Status: Notification of charges.*

P. On March 30, 2009, the Inspector General's Office brought disciplinary charges against ten members of the Army for their alleged role in the arbitrary detention and subsequent death of a man from the Nasa indigenous community, Duglas Antonio Pérez Silvaja, on August 6, 2006, in the district of Villa de Leyva in Las Caramelitas de Puerto Asís (Putumayo). The Prosecutor General's Office has also opened an investigation. (Inspector General's Office Case Number 155-149991-2006)

**(65) Army Second Lieutenant Oscar Fernando Murcia Peña**

**(66) Army Second Corporal Ronald Andrés Cárdenas Fajardo**

**(67) Army Professional Soldier Nilvio Ivito Sancho**

UNCLASSIFIED

- 114 -

- (68) Army Professional Soldier Jarol Mauricio García Perdomo**
  - (69) Army Second Lieutenant José Yesid Chaparro Quintero**
  - (70) Army Second Lieutenant Abisaid Serrano Rincón**
  - (71) Army Second Sergeant Oscar Hernán Briñas Espitia**
  - (72) Army Second Corporal Carlos Alberto Beltrán Sarmiento**
  - (73) Army Second Corporal Robín Francisco Bustos Castrañeda**
  - (74) Army Professional Soldier Bleyner Salazar Quisicue**
- Status: Notification of charges.*

Q. On April 20, 2009, the Inspector General's Office brought disciplinary charges against five members of the Army for their alleged involvement in the homicide of Kennides Enrique Pedrozo Vanega and María Elena Pertuz on February 9, 2007, in the district of El Limón in Caracolí in the rural zone of San Juan del César (La Guajira). The Prosecutor General's Office has also opened an investigation. (Inspector General's Office Case Number 155-161418-2007).

- (75) Army Vice First Sergeant Claudio Verú Gómez**
  - (76) Army Third Corporal Gilwen Enrique García Escobar**
  - (77) Army Professional Soldier José Miranda Guerra**
  - (78) Army Professional Soldier José Alejandro Perea Ipuana**
  - (79) Army Professional Soldier Enrique Mieles Yorguin**
- Status: Notification of charges.*

R. The Inspector General's Office brought disciplinary charges against seven members of the Army's José Hilario López Battalion (date of charges unknown) for their role in the death of José Edwin Legarda Vasquez, husband of Aida Quilcué (leader of the Regional Indigenous Council of Cauca, or CRIC) on December 16, 2008. Vázquez was driving in a CRIC-marked SUV near an indigenous reserve in Totoro (Cauca) when the soldiers allegedly opened fire, which the police say was for his refusal to stop at a roadblock. Legarda's passenger, Liliana Valdes Penna, says she never saw a roadblock or stop sign. Quilcué, who mobilized thousands of followers this past fall as part of the Indigenous protests against the GOC, has received multiple threats and believes the shots were meant for her. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number 7000/Inspector General's Office Case Number 115-2710-08)

- (86) Army Vice First Sergeant Alexis Ramirez Vivas**
- (87) Army Third Corporal Javier Adolfo Osorio Díaz**
- (88) Army Soldier Numar Armido Buitron Cabezas**
- (89) Army Soldier Lisandro Caicedo Obando**
- (90) Army Soldier Javier Francisco Belalcazar Trochez**
- (91) Army Soldier William Weimar Lemeche Hurtado**

UNCLASSIFIED

UNCLASSIFIED

- 115 -

**(92) Army Soldier Andrea Casso Chate**

UNCLASSIFIED

**Annex F: Continuation of Proceedings by Inspector General's Office**

Between June 16, 2008 and June 15, 2009,<sup>55</sup> the Colombian government reported that the Inspector General's Office continued disciplinary proceedings against 138 members of the Armed Forces involved in 19 cases listed in previous certifications for violations of human rights and collaborating with paramilitary groups. Where known, the date disciplinary charges were originally brought against each individual is included (the count of the list below varies from the total number of individuals detained as some individuals are listed under multiple cases):

- A. The Inspector General's Office continued proceedings against four soldiers from the Army's 28<sup>th</sup> Air Transport Infantry Battalion. The four, and one other soldier from their unit (Army Sergeant Harold William Pejendino, who was convicted and sentenced to 20 years in prison on March 31, 2008), allegedly collaborated with the United Self-Defense forces in Casanare in Viota (Cundinamarca) between March and May 2003 in the homicide of civilians that the paramilitary group deemed to be guerilla sympathizers. The Prosecutor General's Office has also opened an investigation. ((Prosecutor General's Office Case Number 1765/Inspector General's Office Case Number 155-173269-2008)
- (1) Army Sergeant Harold William Pejendino**  
*(Prosecutor General's Office convicted him and sentenced him to 20 years in prison on March 31, 2008)*
  - (2) Army Colonel (retired) Rodrigo Alfonso Gonzales Medina**
  - (3) Army Major Alexander Lizarazo Parra**
  - (4) Army Major Alejandro Robayo Rodriguez**
- B. The Inspector General's Office continued proceedings against five soldiers (charges originally brought November 28, 2007) from the Army's 4<sup>th</sup> Engineering Battalion for their involvement in the murder of Juan de Jesús Rendón and threatening with death of his 13-year-old daughter on April 23, 2004, in the hamlet of Arenillal in Sonsón (Antioquia). The Prosecutor General's Office also conducted an investigation, in which the five were sentenced to 34 years in prison. (Prosecutor General's Case Number 2050/ Inspector General's Office Case Number 008-112357-2004)
- (5) Army Professional Soldier Fred Alexander Cañaveral Ramírez**
  - (6) Army Professional Soldier Elkin Edilson Orrego Palacio**
  - (7) Army Professional Soldier Carlos Andrés Ladino Monroy**
  - (8) Army Professional Soldier Yovanni Presiga Tangarife**
  - (9) Army Second Sergeant Elmer Torres Rodríguez**

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<sup>55</sup> Time frame available as of July 31, 2009.

UNCLASSIFIED

- 117 -

C. The Inspector General's Office continued proceedings against eleven Army soldiers (charges originally brought March 16, 2007) for their alleged responsibility in the homicide of a civilian during combat on January 25, 2003, in San Carlos (Antioquia). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 008-108363-2004)

**(10) Army Lieutenant Nelson Enrique Carvajal Chico**

**(11) Army Second Lieutenant Jaime Humberto Arteaga Villegas**

**(12) Army Second Lieutenant Carlos César Cabrera Vásquez**

**(13) Army Soldier Francisco Javier Bautista Payares**

**(14) Army Soldier Eder Luís Contreras Torres**

**(15) Army Soldier Walter Antonio Duque Giraldo**

**(16) Army Soldier Ely de Jesús López Giraldo**

**(17) Army Soldier Willinton Aldemar Marín Arias**

**(18) Army Soldier Luís Anibal Marín Giraldo**

**(19) Army Soldier José Raúl Ocampo Vélez**

**(20) Army Soldier Jhon Edison Rentarías Palacios**

D. The Inspector General's Office continued proceedings against three Army soldiers (charges originally brought March 26, 2007) for their alleged role in the disappearance and homicide of Jhon Jairo Sepúlveda on November 19, 2003, in Urrao (Antioquia). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 008-143276-2006)

**(21) Army (rank listed as Commander) Ali Garay Saleg**  
*(retired on January 24, 2008)*

**(22) Army (rank listed as Commander) Edinson Duarte Osma**

**(23) Second Lieutenant Roelfi Quevado Murcia**

E. The Inspector General's Office continued proceedings against twelve members of the Army's 6<sup>th</sup> Brigade (charges originally brought March 28, 2007) for allegedly colluding with paramilitaries in the disappearance of civilians in November 2003 in Cajamarca (Tolima). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number 1893/Inspector General's Office Case Number 008-96248-2003)

**(24) Army Second Sergeant Wilson Hernando Casallas Suescun**

**(25) Army Captain Esteban Francisco Blanco**

**(26) Army Lieutenant Juan Carlos Rodríguez Agudelo**

**(27) Army Third Corporal (retired) Oscar Javier Ángel González**  
*(retired on April 16, 2007)*

UNCLASSIFIED

UNCLASSIFIED

- 118 -

- (28) Army Soldier Freddy Alexander Galindo**
- (29) Army Soldier Marco Tulio Gueche Pérez**
- (30) Army Soldier José Wilson Lievano Gutierrez**
- (31) Army Soldier Alempifén Rodríguez Bermudez**
- (32) Army Edilberto Marín Malesta**
- (33) Army Soldier Albeiro Pérez Duque**
- (34) Army Soldier Jacid Rodríguez Hernández**
- (35) Army Soldier Omar Beltrán Blanco**

F. The Inspector General's Office continued proceedings against five Army soldiers (charges originally brought March 30, 2007) for their alleged responsibility for irregular operations that led to the death of José Rubiel Caicedo on March 21, 2004, in El Limón, Chaparral (Tolima). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 155-107693-2004)

- (36) Army Vice-First Sergeant William Cuervo Ruíz**
- (37) Army Soldier Rafael González Barreto**
- (38) Army Soldier Edier Mendoza García**
- (39) Army Soldier Rubén Darío Vélez Serna**
- (40) Army Soldier Jhon Jairo Totena Ducuara**

G. The Inspector General's Office continued proceedings against 17 Army soldiers (charges originally brought July 27, 2007) for their alleged responsibility in the homicide of Gildardo de Jesús Martínez and forced disappearance in Santa Rosa (Nariño) on August 3, 2005. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 008-162020-2007)

- (41) Army Lieutenant Colonel Trino Ríos Sanabria**
- (42) Army Lieutenant Colonel Juan Carlos Piza Gaviria**
- (43) Army Second Lieutenant Wilson Antonio García Silva**
- (44) Army Second Corporal Luía E. Yunda Carranza**
- (45) Army Second Corporal José Ángel Cano González**
- (46) Army Soldier Eliuth Rosales Suárez**
- (47) Army Soldier Ramiro de Jesús Carvajal**
- (48) Army Soldier Julián Garcés García**
- (49) Army Soldier Oswaldo Patino Ospina**
- (50) Army Soldier Henry Uriel Chávez Mosquera**
- (51) Army Soldier Alfredo Segundo Díaz Oquendo**
- (52) Army Soldier Andrés Alexander Lodoño Chavarria**
- (53) Army Soldier Oscar Alberto Nuño Palacio**

UNCLASSIFIED

UNCLASSIFIED

- 119 -

- (54) Army Soldier Jorge Enrique Parra Chavez**
- (55) Army Soldier Marlon Tapasco**
- (56) Army Soldier Jhon Jairo Taborda García**
- (57) Army Soldier Jhonny Daniel Sánchez Viloria**

H. The Inspector General's Office continued proceedings against seven Army soldiers (charges originally brought August 21, 2007) for their alleged role in the disappearance and homicide of Edilberto Vásquez Cardona, a member of the San José de Apartadó Peace Community, on January 12, 2006. The Prosecutor General's Office also conducted an investigation, and on March 26, 2009, sentenced the seven to 30 years in prison. (Prosecutor General's Office Case Number 3131/Inspector General's Office Case Number 155-135893-2006)

- (58) Army Second Sergeant Fredy Torres Botero**
- (59) Army First Corporal Regino Ceren Paz**
- (60) Army Soldier César Duvan Ciro Martínez**
- (61) Army Soldier Fernando Hinestroza**
- (62) Army Soldier Nelson Viloria Avendaño**
- (63) Army Soldier Germán Manuel Martínez Gómez**
- (64) Army Soldier Adelson Padilla Ramos**

I. The Inspector General's Office continued proceedings against 15 Army soldiers (charges originally brought October 10, 2007) for their alleged responsibility for the arbitrary detention, torture, and execution of Misael Alexander Guerrero, Yuber Armando Conteras Alvarez, Berney Guerrero Bohorquez, Nelson Enrique Arias Ramírez, and Hilda Blanco Cruz Montejo on May 25, 2005. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 155-126297-2005)

- (65) Army Colonel Juan Enrique Martínez Puello**
- (66) Army Second Lieutenant Hizer Etiel Melendez**
- (67) Army Soldier José Humberto Barrera Lizarazo**
- (68) Army Soldier Didier Calderón Rodríguez**
- (69) Army Soldier Ricardo Pérez Garzón**
- (70) Army Soldier Jairo Oros Morales**
- (71) Army Soldier Luís Mancipe Peroza**
- (72) Army Soldier César Augusto Martínez Arias**
- (73) Army Soldier Rodrigo Osuna Rivera**
- (74) Army Soldier Melquia Edilson Ortíz Bosa**
- (75) Army Soldier Eider Manuel Vásquez Martínez**
- (76) Army Soldier Juan Alberto Murillo**
- (77) Army Soldier Tito Alexander González Avella**

UNCLASSIFIED

UNCLASSIFIED

- 120 -

**(78) Army Soldier Jorge Eliecer Hernández Camargo**

**(79) Army Soldier Rutbel Chavita Tumay**

J. The Inspector General's Office continued proceedings against three Army soldiers (charges originally brought October 30, 2007) for their alleged responsibility for the extrajudicial killing of Marco Tulio Moreno Torres on July 14, 2005, in Valdivia (Antioquia). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 155-142047-2006)

**(80) Army Second Sergeant Willian Pinta Vásquez**

**(81) Army Soldier Elidor Valoyes Córdoba**

**(82) Army Soldier Giovanni Rafael Salgado Hoyos**

K. The Inspector General's Office continued proceedings against five Army soldiers (charges originally brought November 19, 2007) for their alleged responsibility in the detention and forced displacement of Saul Lamfrey Manco Jaramillo on June 1, 2006, in Bello (Antioquia). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 155-143397-2006)

**(83) Army Major Luís Carlos Martínez Cristancho**

*(removed through discretionary authority on August 15, 2006)*

**(84) Army Captain Eduardo Andrés Delgado Villalba**

*(removed through discretionary authority on August 15, 2006)*

**(85) Army Second Lieutenant Oscar Fabian Vargas Barrera**

*(removed through discretionary authority on June 9, 2006)*

**(86) Army Soldier Luís Edison Marín Trujillo**

*(removed through discretionary authority on June 9, 2006)*

**(87) Army Soldier Davinson Mosquera Berrio**

L. The Inspector General's Office continued proceedings against four Army soldiers (charges originally brought December 10, 2007) for their alleged role in the forced disappearance of Arnaldo Naranjo Ramírez near the Picudo River in Pradera, Puerto Caicedo (Putumayo) on January 23, 2005. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 155-136642-2005)

**(88) Army Second Lieutenant Andrés Augusto Ayala Corredor**

**(89) Army Soldier Giovanni Cardenas Giron**

**(90) Army Soldier Jairo Peña Guetio**

**(91) Army Soldier Ledwin Mina Larrahondo**

UNCLASSIFIED

UNCLASSIFIED

- 121 -

M. The Inspector General's Office continued proceedings against two Army soldiers (charges originally brought December 10, 2007) for not stopping a raid by a paramilitary group that caused the death of two people on December 1, 2003, in Llorete (Nariño). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 009-116126-205)

**(92) Army Major José David Vásquez Acevado**

*(also listed as #137 on this list)*

**(93) Army Captain Juan Carlos Dueas Mejía**

N. The Inspector General's Office continued proceedings against four Army soldiers (charges originally brought December 14, 2007) for their alleged responsibility for the irregular capture of, and possible false testimony against, Pedro Antonio Henao Rincón on May 5, 2004, in Planadas (Tolima). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 022-148685-2006)

**(94) Army Lieutenant Colonel José Dumar Giraldo Hernández**

**(95) Army Major William Fernando Rubio Moreno**

**(96) Army Captain Berardo Siachoque Celys**

**(97) Army Soldier (retired) Adolfo Osorio Sarmiento**

*(retired on July 30, 2004)*

O. The Inspector General's Office continued proceedings against three Army soldiers (charges originally brought December 18, 2007) for alleged irregularities in expediting the transportation of fuels and paramilitary collusion in Caquetá between 2002 and 2003. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 009-98722-2004)

**(98) Army Colonel (retired) Ángel Sierra Santos**

**(99) Army Lieutenant Colonel José Fernando Mejía Araujo**

**(100) Army Major Javier Alberto Carreño Vargas**

**(101) Army Soldier Luís Fernando Cadavid Florez**

P. The Inspector General's Office continued proceedings against 17 Army soldiers (charges originally brought September 7, 2007) for the illegal detention and homicide of civilians, as well as embezzlement, during Operation Feroz on November 24, 2003 in Bogotá (Cundinamarca). The Prosecutor General's Office has also opened an investigation, which is being handled by the 1<sup>st</sup> Penal Circuit Court in Villavicencio. (Prosecutor General's Office Case Number 2005-0062-00/Inspector General's Office Case Number 009-129388-2005)

UNCLASSIFIED

UNCLASSIFIED

- 122 -

- (102) Army Captain Dario Clemente Fajardo Barco**
- (103) Army Second Sergeant Jorge Armando Bernal Cruz**
- (104) Army Second Sergeant Fabio Orlando Vargas Higueta**
- (105) Army First Corporal José Antonio Mena Mosquera**
- (106) Army Professional Soldier Humberto Alexis Sánchez González**
- (107) Army Professional Soldier Carlos Alberto Moreno Ortíz**
- (108) Army Professional Soldier Nolberto Martínez Aguilera**
- (109) Army Professional Soldier Giovanni León Méndoz**
- (110) Army Professional Soldier Marco Enrique Moreno Abril**
- (111) Army Professional Soldier Francisco Forero García (alias “Patacón”)**
- (112) Army Professional Soldier Jesús Albarraín Galvis**
- (113) Army Professional Soldier Luís Moreno Parra (alias “Cachetes”)**
- (114) Army Professional Soldier Bayron Rodríguez Salinas**
- (115) Army Professional Soldier Geovanny Martínez Mateus**
- (116) Army Professional Soldier Iván Grajales Rendón**
- (117) Army Professional Soldier Jhon Zapata Duarte**
- (118) Army Professional Soldier Javier León Barreto**

Q. The Inspector General’s Office continued proceedings against 18 Army soldiers (date of charges unknown) for cruel, inhumane, and degrading treatment and torture of 21 soldiers at the Army Instruction and Training Center in Piedras (Tolima) on January 25, 2006. The Prosecutor General’s Office has also opened an investigation into the incident, which is being handled by 1<sup>st</sup> Specialized Judge in Ibague (Tolima), and has indicted 20 soldiers. (Prosecutor General’s Office Case Number Unknown/Inspector General’s Office Case Number 156-137341-2006)

- (119) Army Lieutenant Jesús Alfonso Rojas Quintero**
- (120) Army Professional Soldier Giovanni Arévalo Ballén**
- (121) Army Professional Soldier Edwin Daniel Roza Gutiérrez**
- (122) Army Professional Soldier Jhon Cadena Gutiérrez**
- (123) Army First Corporal José Rafael Tarazona**
- (124) Army Third Corporal Jairo Alonso Lora Fuentes**
- (125) Army Third Corporal Sergio Andrés Muriel Quiroga**
- (126) Army Third Corporal Hugo Alberto Mestra Agudelo**
- (127) Army Third Corporal Inalberto Avila Mesa**
- (128) Army Professional Soldier Álvaro Yeisson Acosta Sánchez**
- (129) Army Second Lieutenant Hair Alexander Monroy González**
- (130) Army Third Corporal Juan Pablo Rodríguez Bermudez**
- (131) Army Second Lieutenant Cristian Camilo Barrera Echeverri**
- (132) Army Second Lieutenant Javier Arturo Pachon Reina**
- (133) Army Third Corporal Yeison Díaz Mosquera**

UNCLASSIFIED

UNCLASSIFIED

- 123 -

**(134) Army Third Corporal Deby de Jesús Restrepo Padilla**

**(135) Army Second Lieutenant José Ilber Bernal Pinilla**

**(136) Army Third Corporal Javier Albeiro Cardona Graciano**

- R. The Inspector General's Office continued proceedings against **(137) Army Major José David Vásquez Acevado** (*also listed as #92 on this list*) (charges originally brought December 14, 2007) for alleged irregularities in soliciting a modification to a report turned over by Army Captain Reyes Bottia on December 5, 2003, on actions that occurred on December 1-2, 2003, in Bogotá (Cundinamarca). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 009-166291-2007)
- S. The Inspector General's Office continued proceedings against **(138) Army Lieutenant Colonel César Enrique de la Cruz Paez** (charges originally brought November 13, 2007) for allegedly torturing and depriving of freedom a 12-year-old minor in Puerto Rico (Caquetá). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 008-91679-2003)

UNCLASSIFIED

**Annex G: Resolution of Cases by Inspector General's Office**

Between June 16, 2008, and June 15, 2009,<sup>56</sup> the Colombian government reported that the Inspector General's Office concluded case proceedings against 70 members of the Armed Forces involved in 25 cases of violations of human rights and/or collaborating with paramilitary groups. In concluding these cases, the Inspector General's Office suspended 13 members of the Colombian Armed Forces, removed 44 from duty and barred them from public service for a period of time, and 14 were absolved of charges.

- A. On June 16, 2008, the Inspector General's Office closed its investigation against **(1) Army Soldier Wilfer Cardona García** (charges originally brought September 18, 2007), finding that he did not sexually abuse a woman in Fortul (Arauca) on March 3, 2003, as alleged. The Prosecutor General's Office has not opened an investigation. (Inspector General's Office Case Number 065-3162-2006)
- B. On August 5, 2008, the Inspector General's Office removed two Army soldiers (charges originally brought October 30, 2007) from duty and barred them from public service for 20 years for their alleged role in homicides and displacements in Badillo-Patillal on August 30, 2003. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 155-108529-2004)
- (2) Army Third Corporal Carmelo Antonio Pacheco Ramírez**  
**(3) Army Second Lieutenant José Emiliano Moreno Trigos**
- C. On August 28, 2008, the Inspector General's Office removed seven Army soldiers (date of charges unknown) from duty and barred them from public service for 20 years for their involvement in the homicide of Jorge Eduardo Prieto (President of Anthoc Arauca), Leonel Goyeneche (Regional Treasurer of the CUT Labor Union) and Héctor Martínez (regional peasant leader) during a military operation on August 5, 2004, in Saravena (Arauca). The soldiers are appealing the decision. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 155-107222-2004)
- (4) Army Colonel Luís Francisco Medina Corredor**  
**(5) Army Captain Hiznardo Alberto Bravo Zambrano**  
**(6) Army Captain Luís Eduardo Castillo Arbeláez**  
**(7) Army Second Lieutenant Juan Pablo Ordóñez Cañón**  
**(8) Army Soldier Oscar Saúl Cuta Hernández**  
**(9) Army Soldier Jhon Alejandro Hernández Suárez**  
**(10) Army Soldier Walter Loaiza Culma**

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<sup>56</sup> Time frame available as of July 31, 2009.

UNCLASSIFIED

- 125 -

- D. On October 12, 2008, the Inspector General's Office closed its case against **(11) Army Soldier José Mauricio Camacho Guarín** (charges originally brought December 18, 2007), absolving him of charges for allegedly conducting a raid without a judicial order on December 23, 2003, in Bogotá (Cundinamarca). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 022-097428-2004)
- E. On October 27, 2008, the Inspector General's Office removed **(12) Army Captain Jhon Henry Paredes Céspedes** (charges originally brought November 14, 2007) from duty and barred him from public service for 12 years for allegedly torturing Miguel Dario and Natanael Aias Mauje on September 26, 2002, in Tame (Arauca). Paredes Céspedes has appealed this decision. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 008-139444-2006)
- F. On October 29, 2008, the Inspector General's Office archived its case (no further information given) against three Army soldiers (charges originally brought December 7, 2007) for allegedly intimidating voters, while armed and wearing their camouflage uniforms on October 25, 2003, in Saravena (Arauca). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 022-96402-2003)
- (13) Army Colonel Santiago Herrera Fajardo**  
**(14) Army Captain Marco Aurelio Capacho Gómez**  
**(15) Army Soldier Joseph May Rodríguez Cuervo**
- G. On November 6, 2008, the Inspector General's Office closed its case against two Army soldiers (charges originally brought August 10, 2007; decisions listed below) for their alleged involvement in the murder of Guajibo Antonio Chanique Sarmiento, a member of the indigenous community of Cusay la Colorada in Municipality of Fortul (Arauca) on January 6, 2005. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 155-122923-2005)
- (16) Army Second Sergeant Fruccen Kennedy Casas Antonio**  
*(suspended from service for two months)*  
**(17) Army Soldier (retired) Luía Parada Luna**  
*(removed from duty and barred from public service for 10 years; retired June 26, 2004)*
- H. On November 11, 2008, the Inspector General's Office closed its case against **(18)**

UNCLASSIFIED

UNCLASSIFIED

- 126 -

**Army Second Lieutenant Carlos Eduardo Godoy Urrea** (charges originally brought August 24, 2007) absolving him of charges in the death of Carlos Alberto Gómez Ruíz between Apartadó, Pepe, and Jurado (Antioquia) on November 1, 2003. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 008-108033-2004)

- I. On December 10, 2008, the Inspector General's Office closed its case against five Army soldiers (charges originally brought December 18, 2007), suspending them from duty for allegedly conducting a raid without a judicial order on December 26, 2003, in Bogotá (Cundinamarca). Upon completion of disciplinary action, on January 21, 2009, the Inspector General's Office archived the case. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number 536/Inspector General's Office Case Number 022-097428-2004)

**(19) Army Lieutenant Colonel Alfonso Otto Quinones Arboleda**

*(retired on January 28, 2004)*

**(20) Army Major Mauricio Armando Trivino Sierra**

*(retired on January 28, 2004)*

**(21) Army Major Mauricio Llorente Chavez**

*(retired through discretionary authority on March 11, 2004)*

**(22) Army Captain Jhon Jaiber Cardenas Osorio**

*(retired through discretionary authority on March 3, 2004)*

**(23) Army Soldier Vera Ismael Hernández**

*(retired through discretionary authority on January 3, 2004)*

- J. On December 16, 2008, the Inspector General's Office removed **(24) Navy Second Lieutenant Alfonso Iván Colmenares Jimenez** (charges originally brought February 14, 2007) from duty and barred him from public service for 12 years for his alleged role in the homicide of two civilians, Ladys Tatiana Blanco Jaraba and Leonardo de Jesús Blanco, on December 2, 2004 on the Western Troncal Highway, which connects Carmen de Bolívar and Ovejas (Sucre). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Number Unknown/Inspector General's Office Case Number 008-123465-2005)

- K. On December 18, 2008, the Inspector General's Office removed **(25) Army First Sergeant José Nolberto Díaz Cortes** (charges originally brought July 24, 2007) from duty and barred him from public service for 12 years for his role in the homicide of two civilians, Sabarain Calvo Aricapa and Carlos Norberto Calvo Tapasco, in Bajosevilla, Supia (Caldas) on December 27, 2003. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number

UNCLASSIFIED

UNCLASSIFIED

- 127 -

Unknown/Inspector General's Office Case Number 008-128241-2005)

L. On February 2, 2009, the Inspector General's Office removed five Army soldiers from duty and barred them from public service for their alleged involvement in the homicide of Jhon Jairo Cespedes on July 16, 2003, in the district of Roble in the municipality of Palermo (Huila). (Unknown whether the Prosecutor General's Office has also opened an investigation.) (Inspector General's Office Process Number 008-091217-2003)

**(26) Army Captain Gustavo Adolfo Mosquera Copete**

**(27) Army Soldier Henry Espitia Rojas**

**(28) Army Second Lieutenant César Augusto Pena Rodriguez**

**(29) Army Second Lieutenant John Carlos Guzman Acevedo**

**(30) Army Soldier Francisco Javier Franco Franco**

M. On February 9, 2009, the Inspector General's Office removed 13 Army soldiers (date of charges unknown) from duty and barred them from public service for their alleged involvement in the homicide of Diosides Caicedo Palomar (date and location of crime not given). (Unknown whether the Prosecutor General's Office has also opened an investigation.) (Inspector General's Office Case Number 008-098537-2004)

**(31) Army Soldier Héctor Alonso Lodoño Ortiz**

**(32) Army Soldier Dinael Antonio Sierra Franco**

**(33) Army Soldier John Jawin Caicedo Sanchez**

**(34) Army Soldier Wilinton Oliveros Lopez**

**(35) Army Soldier Angel Vicente Clavijo Martinez**

**(36) Army Soldier Luis Leisy Delbasto Arias**

**(37) Army Soldier Richar Hernan Espinosa Dazza**

**(38) Army Soldier Fernando Vargas Chavarro**

**(39) Army Soldier Marco Aurelio Millan Duran**

**(40) Army Soldier Diego Arturo Mongragon Cortes**

**(41) Army Soldier Jorge Alexander Arias Florez**

**(42) Unnamed Soldier, listed as 008-103553-2004**

**(43) Unnamed Soldier, listed as 008-103553-2004**

N. On March 3, 2009, the Inspector General's Office nullified the charges against three Army soldiers (charges originally brought September 28, 2007, for the injuries caused to and theft against Héctor José Camargo Mora in Saravena (Arauca) on February 20, 2007. The Prosecutor General's Office has not opened an investigation. (Inspector General's Office Case Number 065-3531-2007)

**(44) Army Soldier Miguel Ángel Roa Reyes**

**(45) Army Soldier Wilmer Giovanni Prieto Mora**

UNCLASSIFIED

**(46) Army Soldier Oscar Andrés Delgado**

O. On April 13, 2009, the Inspector General's Office removed four Army soldiers (charges originally brought September 3, 2007) from duty and barred them from public service for 10 years for illegally detaining, and physically and psychologically torturing Eniel Estrada Ruíz, Estrada Alberto Cuesta, and Juliao Pallares Elvis in Morales (Bolívar) on May 18, 2005. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 008-127734-2005)

**(47) Army Sergeant Robinson Guarín Hernández**

**(48) Army Third Corporal José Vicente Peña Sánchez**

**(49) Army Third Corporal Wilson Sánchez Espinoza**

**(50) Army Soldier Martín Rodríguez González**

P. On April 13, 2009, the Inspector General's Office closed its case against six Army soldiers (date of charges unknown), suspending them from duty for 12 months for alleged infractions of international humanitarian law for their involvement in the homicide of a protected person, Maria Pan Sativa, on October 12, 2003. (Unknown whether the Prosecutor General's Office has also opened an investigation) (Inspector General's Office Case Number 008-095138-2003).

**(51) Army Soldier Dorian Campo Vergara**

**(52) Army Soldier Argiro De Jesus Cardona Mejia**

**(53) Army Soldier Alexander Gonzalez Almario**

**(54) Army Soldier Roger Eduardo Estrada Gonzalez**

**(55) Army First Corporal Carlos Andrés Ortiz Ochoa**

**(56) Army Soldier Ricaute Catano Cachay**

Q. On April 13, 2009, the Inspector General's Office closed its case against four Army soldiers (date of charges unknown; decisions listed below) regarding the death of Oswaldo Sanchez Campo in the district of El Cabuyo y Clarete (date of incident unknown). (Unknown whether the Prosecutor General's Office has also opened an investigation) (Inspector General's Office Case Number 008-108899-2004)

**(57) Army Second Lieutenant Heiner Rativa Rodríguez**

*(absolved of charges)*

**(58) Army Soldier Edgar Fernando Poveda Perilla**

*(removed from duty and barred from public service)*

**(59) Army Soldier Octavio Corredor Castro**

*(removed from duty and barred from public service)*

**(60) Army Soldier Pedro Nel Martínez**

*(removed from duty and barred from public service)*

UNCLASSIFIED

- 129 -

- R. On May 4, 2009, the Inspector General's Office closed its case against **(61) Army Lieutenant Carlos Andrés Lora Cabrales**, suspending him from duty for his alleged involvement in human rights-related crimes. (Date and location of the crime not available) (Prosecutor General's Office Case Number 3139/Inspector General's Office Case Number Unknown).
- S. On May 8, 2009, the Inspector General's Office closed its case against two Army soldiers (charges originally brought October 25, 2007; decisions listed below) for their alleged aggression against a police unit in Anonio Nariño de Bogotá on May 8, 2005. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 025-103236-2004)
- (62) Army Second Lieutenant Luís Fernando Rondón Barrios**  
*(investigation archived May 8, 2009; removed from service June 11, 2004)*
- (63) Army Second Lieutenant José Javier Muñoz Morales**  
*(investigation archived January 10, 2005 due to lack of disciplinary responsibility)*
- T. On May 8, 2009, the Inspector General's Office removed **(64) Army Captain Hermes Mauricio Alvarado Sachica** from duty and barred him from public service for his alleged involvement in the homicide of Edison Lexander Lezcano Hurtado and injury of Jorge Lopez Samuel Roldan. (Date and location of crime not available) (Unknown whether the Prosecutor General's Office has also opened an investigation) (Inspector General's Office Number Process 008-098537-2004)
- U. The Inspector General's Office resolved its case against two Army soldiers (charges originally brought July 27, 2007) for their role in the death of Octavio Castaño Quintero on January 17, 2004, in Caserío Aguas Claras in Granada (Meta). The Prosecutor General's Office also conducted an investigation, and the two were sentenced to 24 months in prison (date of sentencing not available). (Date case resolved unknown) (Prosecutor General's Case Number 2042/Inspector General's Office Case Number 008-103453-2004)
- (65) Army Major Wilson Orlando Cárdenas Lizarazo**  
*(removed from duty and barred from public service for 20 years)*
- (66) Army Second Sergeant Antonio García Caicedo**  
*(absolved of charges)*
- V. The Inspector General's Office removed **(67) Army Soldier Hugo Ferney Cárdenas Duque** (charges originally brought August 15, 2007) from duty and barred him from

UNCLASSIFIED

UNCLASSIFIED

- 130 -

public service for 10 years for threatening and sexually abusing Corado Gómez and Ana Ciro Cardenas in San Francisco (Antioquia) on August 1, 2004. The Prosecutor General's Office has also opened an investigation. (Date case resolved unknown) (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 043-1766-2004)

- W. The Inspector General's Office removed **(68) Army Soldier Elver Enrique Orozco Zabaleta** (charges originally brought December 18, 2007; no date given for removal) from duty and barred him from public service for five years for sexually abusing a 14-year-old minor in Puerto Rondón (Arauca) on March 1, 2003. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 065-1703-2003)
- X. The Inspector General's Office closed its case against **(69) Army Second Lieutenant Alex Alfonso Bernal Correa** (charges originally brought) and absolved him of responsibility in the alleged torture, deprivation of freedom, and domestic violence on July 7, 2003, in Sabanalarga (Casanare). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 008-19242-2003)
- Y. The Inspector General's Office closed the case against **(70) Army Lieutenant Rafael Fernando Cristancho Prada** (charges originally brought April 30, 2007) for his alleged responsibility in depriving Luís Yogni Millan Montoya of freedom in Tame (Arauca) on March 21, 2002. The Prosecutor General's Office has not opened an investigation. (Date of case closure unknown) (Inspector General's Office Case Number)

In addition, during the previous certification period, the Inspector General's Office concluded case proceedings against eight members of the Armed Forces in four cases for violations of human rights and for collaborating with paramilitary groups. In concluding these cases, the Inspector General's Office removed three from duty and barred them from public service for a period of time, and five were absolved of charges. These cases were not included in the previous certification because information was not available on them at that time.

- A. On March 12, 2007, the same day charges were brought, the Inspector General's Office archived the case against **(1) Army Professional Soldier César Nixon Herrera Loaiza** from the Army's Manosalva Florez Battalion for his alleged responsibility in the death of Leonardo Martínez Renteria on April 7, 2002, in Canchido Lloró (Chocó). The Prosecutor General's Office has also opened an

UNCLASSIFIED

UNCLASSIFIED

- 131 -

investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 156-72414-2002)

B. On May 30, 2007, the Inspector General's Office closed its case against three Army soldiers (charges originally brought October 30, 2007) due to a lack of disciplinary responsibility for their alleged role in homicides and displacements in Badillo-Patillal on August 30, 2003. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 155-108529-2004)

**(2) Army Soldier Juan Carlos Sepúlveda Soto**

**(3) Army Soldier Hugo Alberto Martínez Delgado**

**(4) Army Soldier Joyber Yecith Alquerque Avila**

C. On August 9, 2007, the Inspector General's Office archived its case (due to lack of disciplinary responsibility) against two Army soldiers (charges originally brought December 10, 2007) for not stopping a raid by a paramilitary group that caused the death of two people on December 1, 2003, in Llorente (Nariño). The Prosecutor General's Office did not open an investigation. (Inspector General's Office Case Number 009-116126-205)

**(5) Army First Corporal Edwin Rodrigo Soto Barrios**

**(6) Army Lieutenant Colonel José David Vargas Escobar**

D. On February 18, 2008, the Inspector General's Office concluded proceedings against two soldiers (charges originally brought March 26, 2007) from the Army's 28<sup>th</sup> Air Transport Infantry Battalion for allegedly collaborating with illegally armed groups to commit human rights violations in Viotá (Cundinamarca) on June 26, 2003. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number 1765/Inspector General's Office Case Number 155-86192-2003)

**(7) Army First Corporal Eduardo Enrique Marques Martinez**

*(absolved of charges)*

**(8) Army Captain Edgar Mauricio Arbeláez Sanchez**

*(removed from duty and barred from public service for 20 years)*

UNCLASSIFIED

**Annex H: Progress on 15 Measures to Improve the Human Rights Performance of Colombian Armed Forces**

Review of Human Rights Training (responds to measures 3, 4, and 5)

Working with the Pontificia Universidad Javeriana, the Armed Forces developed and implemented a Single Teaching Model (MUP) on human rights and international humanitarian law, and created a book on the subject, as well as instructor guidelines. The Inspector General of the Military General Commission, together with representatives from the Joint Doctrine and Education Directorate, conducted special visits to 11 of the Armed Force's training and instruction schools and 4 Army education and training centers in order to assess the implementation of the Single Teaching Model (MUP) on human rights. The Navy also revised its teaching practices, issuing a manual on human rights, and is in the process of implementing an exam on human rights entitled the "Periodic Examination of Knowledge" (PEK).

On December 15, 2008, General Padilla announced the creation of the Armed Forces School for Human Rights, which opened in May 2009. The school will not only provide instruction in human rights to 99,780 soldiers, it will also house a system called Compartel (communication structure for isolated populations) that civil society can use to present complaints of alleged violations of human rights.

With the ICRC, in May 2009 the Armed Forces carried out workshops at the Second and Seventh Divisions on lessons learned from past human rights violations. Case studies provided the Divisions with models for how to respect human rights and international humanitarian law when carrying out their duties.

To ensure that commanders know the extent of their responsibility – both in terms of their actions and omission – and that they take all the proper preventative measures to prevent human rights violations, the Joint Education and Doctrine Directorate developed five seminars on the subject, which have been given in Santa Marta, Bogotá, Florencia and Tolomaida. In addition, the Ministry of Defense has given presentations on the issue to the commanders of all divisions, brigades, and battalions in Medellín and Bucaramanaga.

The Army created a new Human Rights Department, under the command of a Brigadier General and comprised of six directorates that are headed up by Colonels. This department is in charge of the implementation of the Army's Comprehensive Human Rights and International Humanitarian Law Policy, and serves as the collection point and clearing house for reports of allegations of human rights violations by military officials.

UNCLASSIFIED

- 133 -

Application of Doctrine (responds to measures 1 and 2)

The Department of Joint Operations is in the process of creating a handbook that enables the standardization of operational doctrine within the three services. The Ministry of Defense is also in the process of creating the first ever Joint Operational Law Handbook, which will encapsulate all national and international norms applicable to military operations. The draft for this handbook was presented to the commanders of the services of the Armed Forces in April 2009, and is being reviewed by each for approval.

Law 1288, issued March 5, 2009, strengthens the legal framework for the Armed Forces and other Colombian government agencies to carry out intelligence and counterintelligence activities. Amongst other things, the law establishes a series of controls for respecting constitutional and legal frameworks for these activities.

Law 1097 of 2006 establishes that the monitoring of fiscal control and the control of outcomes in the execution of confidential costs will be carried out by an audit group that reports directly to the Controller General of the Republic. As such, the Controller General has annually audited all confidential costs within the Armed Forces. In addition, the Ministry of Defense's policy of rewards has been controlled by a series of directives since 1998, which includes the following provisions:

- Rewards are only paid for information that leads to a successful operational outcome by Colombia's Security Forces;
- Rewards are not paid to public officials;
- All reward payments must be approved by written authority from the Technical Follow-up Committee (comprised of the Minister of Defense, or a representative, and the heads of intelligence for both the Armed Forces and the Police) or the Central Committee (comprised of the intelligence chiefs from each service, government analysts, and administrative officials), depending on the amount of the award; and
- Reward payments are only made after the appropriate committee completes its review of the supporting documents for the operation.

Operational Legal Advisors (responds to measures 8 and 9)

The Ministry of Defense created the position of Operational Legal Advisors (AJO) to give commanders legal advice on the planning, follow-up, and control of operations from a human rights and international humanitarian law perspective. To manage these posts, the Army created the Office of Operational Legal Advice within the Department of Operations and the position of Operational Legal Advisor is now part of the Commander's Staff within all units. The Air Force created a Directorate for Legal Affairs and Human Rights, which centralizes all operational legal advice, and AJOs have been assigned to all air commands and units. Reorganization for AJOs within the Navy is

UNCLASSIFIED

UNCLASSIFIED

- 134 -

still underway to ensure that all AJOs answer directly to the Department of Naval Operations. As a resource for AJOs, in February 2008, the Ministry of Defense created the Office of Doctrine and Legal Advice (ODA). The ODA offers legal advice to all commanders on the ground, and develops operational legal doctrine that ensures human rights and International humanitarian law obligations are met during the execution of military operations. The ODA maintains direct contact with AJOs throughout the country, offering them advice and legal resources as needed.

The Armed Forces has increased the number of active AJOs from 54 in 2008 to 92 in 2009: 73 in the Army, 7 in the Navy, and 12 in the Air Force. Of these, 46 are still in training at the Army Cadet School and will begin their duties upon completion of the required courses to graduate with the title of Specialized Administrative Officers in Operational Legal Advice.

Rules of Engagement (responds to measure 12)

On May 22, 2009, the Ministry of Defense issued Directive 17, which lays out two sets of ROEs for the Armed Forces, one on combat operations, and one on security operations. The Directive also orders the implementation of a system for their application, and training on ROEs for all members of the Armed Forces. Following this, the Department of Joint Education and Doctrine issued Directive 30 of 2009, which implements a Regional Scenarios Training Group (GEPER), a pilot project for running and putting into practice operational exercises for training and retraining of troops and officers on ROEs. Also in May 2009, the Ministry of Defense held an ROEs training workshop, which – with the help of U.S. Southern Command – developed a contingency training plan for the implementation of ROEs. This plan is divided into three stages: command awareness, train the trainers, and ROE drills.

Inspector Delegates (responds to measure 7)

Through Directive 40, issued March 10, 2009, the General Command of the Armed Forces issued instructions for the organization and functioning of Inspector Delegates within the Armed Forces. Responsible for monitoring human rights and International humanitarian law issues, the Armed Forces appointed ten Inspector Delegates, who report directly to the Inspector General of the Armed Forces. Seven of these are assigned to the Army, 2 to the Navy, and 1 to the Air Force. These Inspector Delegates are currently reviewing operational and intelligence procedures of the units under their jurisdiction, the role of the AJO, operational files, and education in human rights and International humanitarian law issues in the Armed Forces' Educational Schools and Centers of Instruction and Training. As of May 2009, the Inspector Delegates had reviewed 70 units within the Army.

UNCLASSIFIED

UNCLASSIFIED

- 135 -

Immediate Inspection Commission (responds to measure 6)

The functioning of the Immediate Inspection Commission (IIC) is regulated through Annex B of Directive 208 of 2008. This establishes that any complaints received are entered into the system and sent to the General Command, which decides whether it will be assigned to the Inspector Delegate, or the Service Inspectorate to activate the IIC. Once the IIC is activated, the commission analyzes the case from an operational viewpoint and recommends to the Inspector General any administrative actions that may be warranted, as well as any reviews of intelligence and operational procedures that may be needed. Following this, the IIC produces an executive report of its findings and recommendations for the Commander in Chief or Service Commander, depending on the case. Since the Soacha murders, the IIC has carried out inspections in Montería, Jiguamandó/Curvaradó, Valledupar, and Córdoba.

Procedures for Authorizing Military Objectives (responds to measure 10)

The Ministry of Defense has established that the National Police have jurisdiction over the fight against criminal gangs (“BACRIM”), though – in accordance with Directive 208 of 2008, the Police may request assistance from the Armed Forces when necessary. Such requests must be approved by a special Advisory Group, which determines the applicable ROEs for each illegal armed group according to group’s level of hostility, and which criminal gangs the Armed Forces may assist against. The Advisory Group meets at the request of the Director of the National Police when threats arise that he deems to be beyond the operational capacity of the Police; or at the request of the military service or division commanders or their equivalents in the Air Force or Navy when the circumstances demand it.

Evaluation and Performance (responds to measure 11)

The Armed Forces has changed the way it evaluates success. Through Directive 300-28, the Armed Forces General Command decreed that more credit is to be given for demobilizations than captures, and – in turn – more credit is to be given for captures than deaths in combat. Operational outcomes show that this directive is being followed. In 2007, 3,037 members of illegal armed groups were demobilized; 3,362 were captured; and 2,058 were killed in combat. In 2008, these numbers shifted to 3,461 demobilized; 2,483 captured; and 1,184 killed in combat. Though complete 2009 information is not available, this trend appears to be continuing. Between January and May 2009,<sup>57</sup> 733 members of illegal 1,138 had demobilized; 1,017 had been captured; and 250 had been killed in combat. To ensure continued progress, the Armed Forces implemented a Balance Score Card (BSC) to evaluate performance, looking at both management and outcome.

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<sup>57</sup>Time period available as of June 15, 2009.

UNCLASSIFIED

Accomplishments by the Judicial Police (responds to measure 14)

Since 2006, communication channels between the Prosecutor General's Office and the Technical Investigative Body (CTI) have been strengthened through inter-institutional agreements. To improve this relationship and to decrease impunity, that same year the Ministry of Defense implemented Specialized Judicial Support Structures (EDAs) to bolster the work of the specialized justice structures in zones with public order problems. Equipped with specialized prosecutors, investigators, and judges, EDAs help to ensure that members of illegal organizations are swiftly brought to justice, guarantee the transparency and legitimacy of operations, and allow effective and legal collection of evidence. As of May 2009, five EDAs were dedicated to combating hydrocarbon theft, terrorism, and related crimes in Barrancabermeja, Puerto Berrío, Cali, Orito, and Arauca.

The Ministry of Defense has received support from the Prosecutor General's Office and CTI in training members of the Armed Forces in first respondent procedures and activities that should be carried out by the judicial police. CTI designed a first responder's packet, which is being included in the Operational Law Handbook that is pending approval.

Per Agreement 025 of 2007, there were – as of May 2009 – 52 investigations undertaken by the CTI as liaisons in military units. The protection offered to them by the Armed Forces enables them to carry out their investigations in isolated locations throughout the country.

Certification in Human Rights (responds to measure 13)

Since 1997, the Ministry of Defense has employed a system of certification in human rights and international humanitarian law for overseas commissions, eligibility for training, and to determine eligibility for financial support from the United States for educational purposes. In 2009, the Ministry of Defense revamped this certification program to include it as a requirement for officers seeking promotion to Lieutenant Colonel or Brigadier General. Each such candidate will have five days to study for and complete the certification. If the applicant passes, the certification is issued pending verification by the Prosecutor General's Office and the Inspector General's Office that there are no criminal or disciplinary investigations pending against the individual. As of May 2009, there were 230 aspirants in the Armed Forces who participated in the certification process, which was given in June, and will be given again in December.

Complaint Reception System (responds to measure 15)

Throughout the certification period, the Armed Forces continued to implement Directive 025, issued November 14, 2008, which created a national-level human rights

UNCLASSIFIED

- 137 -

complaint system with three methods for receiving complaints: human rights offices within military and police units (must be easily accessible by the public); free phone lines for reporting complaints; and special links on the web pages of the Armed Forces and National Police. The Directive also established a system for directing complaints so that they are brought to the attention of the proper judicial authorities, and are referred to the Inspectorate General of the Armed Forces Command so that administrative and disciplinary measures are taken. As of May 2009, six televised accountability hearings on human rights had been held. By presidential order, the hearings will continue into the second half of 2009. The UN High Commissioner for Human Rights and pertinent Colombian government agencies participate in this process.

During the second half of 2008, the Inspector General of the Armed Forces carried out special inspection visits to each of the Army's seven divisions to verify that the complaint reception system was in place and functioning properly. The Inspector General also reviewed the allegations received in order to confirm or refute complaints received, as well as the adoption of measures to establish the responsibility of military personnel in the alleged events. As of May 2009, plans were underway to improve the effectiveness of the complaint reception system in evaluating the validity of reports of human rights violations.

UNCLASSIFIED

**Annex I: Status of Soacha Murder Cases**

Below is a list of the 13 victims of the Soacha Massacre, and the 75 members (ten of the individuals listed below are listed for multiple cases) of the Armed Forces found to be linked to their murders as of May 20, 2009.<sup>58</sup>

A. **Fair Leonardo Porras Bernal**, a mentally challenged resident of the San Nicolas de Soacha neighborhood, disappeared from the area on January 8, 2008, and appeared dead on January 12, 2008, in the district of La Esperanza in the municipality of Abrego (Norte de Santander). Six members from the Army's 15<sup>th</sup> Infantry Battalion "General Francisco de Paula Santander" of Ocaña were charged with aggravated homicide, aggravated forced disappearance, and criminal conspiracy in connection with his murder, and were preventatively detained on May 14, 2009:

1. **Army Major General Marco Wilson Quihano** (also charged with false presentation of public documents)
2. **Army Lieutenant Sergeant Diego Adail Vargas Cortes** (also charged with false presentation of public documents)
3. **Army Second Corporal Carlos Manuel Gonzales Alfonso**
4. **Army Professional Soldier Richard Contreras Aguilar**
5. **Army Professional Soldier Garcia Corzo Ricardo**
6. **Army Professional Soldier Zapata Roldan Carlos Antonio**

B. **Julio Cesar Mesa**, a construction worker and resident of the San Nicolás de Soacha neighborhood, disappeared on January 26, 2008, and was found dead on January 27, 2008, in the district of El Espejo in the municipality of San Calixto (Norte de Santander). **Jonathan Orlando Soto Bermudez**, a minor and student, disappeared on January 26, 2008, in the San Nicholas de Soacha neighborhood and was found dead on January 27, 2008, in the district of Chircas in Ocaña municipality (Norte de Santander). Nine members of the Army's 15<sup>th</sup> Infantry Battalion "General Francisco de Paula of Santander" of Ocaña were charged with aggravated homicide, aggravated forced disappearance, and aggravated criminal conspiracy in connection with their murders, and were preventatively detained on May 15, 2009:

7. **Army Major Henry Mauricio Blanco Barbosa** (also charged with false presentation of public documents)
8. **Army First Corporal Manuel Zorrilla Agamez** (also charged with false presentation of public documents)
9. **Army Professional Soldier Jose Orlando Gonzales Ceballos** (also listed

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<sup>58</sup> Time frame available as of July 31, 2009.

UNCLASSIFIED

- 139 -

as number 20 in this list)

10. **Army Professional Soldier Juan Gabriel Espinosa Restrepo**
11. **Army Professional Soldier Kevis Alberto Jimenez Escalante**
12. **Army Professional Soldier Luis Alrio Lopez** (also listed as number 31 in this list)
13. **Army Professional Soldier Merardo Rios Diaz** (also listed as numbers 42 and 76 in this list)
14. **Army Lieutenant Coronel (retired) Gabriel de Jesús Rincon Amado**
15. **Army Second Sergeant (retired) Sandro Mauricio Perez Contreras** (indicted with an order for capture) (also listed as numbers 79 and 84 in this list)

C. **Diego Alberto Tamayo Garcera**, (profession unknown) a resident of the Ducales neighborhood in the municipality of Soacha, disappeared on August 23, 2008, and was found dead on August 25, 2008, in the district of Papamito in the municipality of Ocaña (Norte de Santander). **Víctor Fernando Gómez Romero** (profession unknown), a resident of the San Mateo neighborhood in the municipality of Soacha, disappeared on August 23, 2008, and was found dead on August 25, 2008, in the district of Papamito in the municipality of Ocaña (Norte de Santander). **Jader Andrés Palacio Bustamante** (construction worker), a resident of the Ducales neighborhood in the municipality of Soacha, disappeared August 23, 2008, and was found dead on August 25, 2008, in the district of Papamito in the municipality of Ocaña (Norte de Santander). Seventeen members of the Army's 15<sup>th</sup> Infantry Battalion "Cabecillas Espada Uno" were charged with aggravated forced disappearance, aggravated homicide, and aggravated criminal conspiracy, and were preventatively detained on May 21, 2009:

16. **Army Second Sergeant Janer Ediel Duque Martinez**
17. **Army Second Corporal Richard Armando JoJoa Bastidas**
18. **Army Professional Soldier Nixon Arturo Cubides Cuesta**
19. **Army Professional Soldier Maurico Cuniche Delgadillo**
20. **Army Professional Soldier Jose Orlando Gonzales Ceballos** (also listed as number 9 in this list)
21. **Army Professional Soldier Jose Adolfo Fernandez Ramirez**
22. **Army First Corporal Manuel Zorrila Agamez**
23. **Army Third Corporal Ricardo Coronado Martinez**
24. **Army Professional Soldier John Anderson Diaz Ortega**
25. **Army Professional Soldier Ricardo Eluid Gonzales Gomez**
26. **Army Professional Soldier Ferney Grijalba Flor**
27. **Army Professional Soldier Eider Andres Guerrero Andrade**
28. **Army Professional Soldier Geiner Guertes Billermo**

UNCLASSIFIED

UNCLASSIFIED

- 140 -

- 29. Army Professional Soldier Pedro Johan Hernandez Malagon**
- 30. Army Professional Soldier Kevis Alberto Jimenez Escalante**
- 31. Army Professional Soldier Luis Alirio Lopez** (also listed as number 12 in this list)
- 32. Army Professional Soldier Juan Ramon Marin Ramirez.**

D. **Elkin Gustavo Verano Hernández** (welder), a resident in the municipality of Soacha, disappeared on January 13, 2008, and was found dead January 15, 2008, in the district of Capitan Largo in the municipality of Abrego (Norte de Santander). **Joaquín Castro Vásquez** (welder), a resident of the neighborhood of Villa Sofia in the municipality of Soacha, disappeared on January 13, 2008, and was found dead on January 15, 2008, in the district of Captain Largo in the municipality of Abrego (Norte de Santander). Eleven members of the Army's 15<sup>th</sup> Infantry Battalion "General Francisco de Paula Santander" of Ocaña were preventatively detained on June 10, 2009:

- 33. Army Lieutenant Colonel (retired) Alvaro Diego Tamayo Hoyos** (also listed as number 71 in this list)
- 34. Army Second Sergeant Rolando Rafael Consuegra Estupinan**
- 35. Army First Corporal Yilver Alfonso Ovalle Pineda**
- 36. Army Professional Soldier Lorenzo Aguas Robles**
- 37. Army Professional Soldier Alexander Suarez Rozo**
- 38. Army Professional Soldier Tomas Contreras Duarte** (also listed as number 75 in this list)
- 39. Army Professional Soldier Inocencio Abelino Gil Gonzales**
- 40. Army Professional Soldier Elibardo Portillo Zambrano**
- 41. Army Professional Soldier Ever Jaime Garzon**
- 42. Army Professional Soldier Medardo Rios Diaz** (also listed as numbers 13 and 76 in this list)
- 43. Army Professional Soldier Obdulio Medina Jouro.**

E. **Julian Oviedo Monroy** (construction worker), a resident of the neighborhood of Villa Juliana in the municipality of Soacha, disappeared on March 2, 2008, and was found dead on March 3, 2008, in the district of Aguas Blancas in the municipality of Ocaña (Norte de Santander). Nineteen members of the Army's 15<sup>th</sup> Infantry Battalion "General Francisco de Paula Santander" of Ocaña were charged with aggravated homicide, aggravated forced disappearance, and aggravated criminal conspiracy, and the majority were preventatively detained on June 2, 2009:

- 44. Army Lieutenant Colonel (retired) Alvaro Diego Tamayo Hoyos** (also charged with false presentation of public documents)

UNCLASSIFIED

UNCLASSIFIED

- 141 -

45. **Army Second Sergeant Nestor Jaime Mosquera Blanco** (also charged with false presentation of public documents)
46. **Army First Corporal Edward Vera Zapata** (also charged with false presentation of public documents)
47. **Army Second Corporal Wilson Virgilio Suarez Gaitan** (also charged with false presentation of public documents)
48. **Army Third Corporal Jhon Jairo Castillo Cruz**
49. **Army Professional Soldier Miguel Antonio Jerez Plata**
50. **Army Professional Soldier Uvaldo Ronderos Poveda**
51. **Army Professional Soldier Salvador Renoga Osorio**
52. **Army Professional Soldier Juan de Dios Suarez**
53. **Army Professional Soldier Moises Barbosa Carrascal**
54. **Army Professional Soldier Ciro Alfonso Gutierrez Silva**
55. **Army Professional Soldier Jose Gregario Mendoza Pinzon**
56. **Army Professional Soldier Jesus Enrique Dominguez Caballero** (a preventative detention was not issued)
57. **Army Professional Soldier Fernando San Juan San Juan** (a preventative detention was not issued)
58. **Army Professional Soldier Jose Eliseo Toscano**
59. **Army Professional Soldier Orlando Antonio Pallares Uribe**
60. **Army Professional Soldier Mauricio Delgado Zayas**
61. **Army Professional Soldier Rodriguez Duarte Libaner**
62. **Army Second Sergeant Jader Alvarado Sequea.**

F. **Eduardo Garzon Paez**, a resident of Bogotá (Cundinamarca), disappeared on March 4, 2008, and was found dead on March 5, 2008, in the El Brasil neighborhood in the municipality of Cimitarra (Norte de Santander). **Daniel Andres Pesca Olaya**, a resident of the Santa Lucia neighborhood in the municipality of Bogotá (Cundinamarca), disappeared in the municipality of Soacha on March 2, 2008, and was found dead on March 5, 2008, in the neighborhood of El Brasil in the municipality of Cimitarra (Norte de Santander). Two members of the Army's 5<sup>th</sup> Battalion "Caldas" of Bucaramanga were charged on April 30, 2009, with aggravated homicide, aggravated forced disappearance, and embezzlement:

63. **Army Colonel (retired) Wilson Javier Castro Pinto**
64. **Army Lieutenant (retired) Eduardo Antonio Vilany Realpe**

Four members of the Army's 5<sup>th</sup> Battalion "Caldas" of Bucaramanga were charged on April 30, 2009, with aggravated homicide and aggravated forced disappearance:

65. **Army Professional Soldier German Augusto Oliveros Tabares**

UNCLASSIFIED

UNCLASSIFIED

- 142 -

- 66. Army Professional Soldier Juan Carlos Alvarez**
- 67. Army Professional Soldier Benancio Puentes Guapacha**
- 68. Army Professional Soldier Nelson Ospina Puentes Tabares**

On May 8, 2009, two members of the Army's 5<sup>th</sup> Batallion "Caldas" were charged with aggravated homicide, aggravated forced disappearance, embezzlement, and false presentation of public documents:

- 69. Army Vice First Sergeant (retired) Jesus Eduardo Niampira Benavide**
- 70. Army Professional Soldier Guillermo Pacheco Anzola**

On May 28, 2009, the charges pressed against the members of the Army listed above were outlined in a written document, which was presented to the Colombian Judicial Services Center.

G. **Daniel Suarez Martinez** (construction worker), a resident of the state of Merida in Venezuela, left on December 5, 2007, at 2:00 pm in the afternoon for Ocaña (Norte de Santander), where he was going to meet with the mother of his daughters. On December 6, 2007, he was found dead and reported as a combat death in the district of El Paramo in Otaré (Norte de Santander). **Camilo Andres Valencia** (construction worker), a resident of the municipality of Soacha (Cundinamarca), disappeared in Soacha on December 5, 2007, and was found dead and reported as a combat death on December 7, 2007, in the district of Pavez in the municipality of Abrego. Eleven members of the Army's 15<sup>th</sup> Infantry Batallion "Francisco de Paula Santander" of Boyacá were charged with aggravated homicide, aggravated forced disappearance, and aggravated criminal conspiracy, and were preventatively detained:

- 71. Army Lieutenant Colonel (retired) Alvaro Diego Tamayo Hoyos** (also charged with false presentation of public documents), May 7, 2009 (also listed as number 33 in this list)
- 72. Army Professional Soldier Oscar Franco Valderrama**, April 24, 2009
- 73. Army Professional Soldier Robinson Alvarez Pava**, April 24, 2009
- 74. Army Professional Soldier Olinto Ochoa Gelvez**, April 24, 2009
- 75. Army Professional Soldier Tomas Contrares Duarte**, April 24, 2009 (also listed as number 38 in this list)
- 76. Army Second Sergeant Merardo Rios Diaz**, April 24, 2009 (also listed as numbers 13 and 42 in this list)
- 77. Army Professional Soldier Inocencio Abelino Gil Gonzales**, April 24, 2009 (also listed as number 39 in this list)
- 78. Army Professional Soldier Daniel Coloma**, April 24, 2009
- 79. Army Second Sergeant (retired) Sandro Mauricio Perez Contreras**,

UNCLASSIFIED

UNCLASSIFIED

- 143 -

April 24, 2009 (also listed as numbers 15 and 84 in this list)

**80. Army Professional Soldier Alexander Arroyo, April 24, 2009**

**81. Army Civilian Victor Manuel Lopez Manosalva, April 29, 2009**

The two members of the Army's 15<sup>th</sup> Infantry Battalion "Francisco de Paula Santander" of Boyacá listed below were preventatively detained on May 11, 2009:

**82. Army Civilian Alexander Carretero Diaz**

**83. Army Civilian Edith del Carmen Palomino**

An order for capture for the two members of the Army's 15<sup>th</sup> Infantry Battalion "Francisco de Paula Santander" of Boyacá listed below was issued on April 14, 2009:

**84. Army Second Sergeant (retired) Sandro Mauricio Perez Contreras**  
(also listed as numbers 15 and 79 in this list)

**85. Army Professional Soldier Dairo Palomino**

UNCLASSIFIED

**Annex J: Government Officials Involved in Para-Political Scandal**

According to the Prosecutor General's Office, as of June 15, 2009,<sup>59</sup> 17 of the former Colombian government officials under investigation for alleged paramilitary ties include:

- 1) **Jorge Noguera Cotes:** Following the Supreme Court's February 22, 2007, order for his arrest for criminal conspiracy and aggravated homicide, the former Director of the Department of Administrative Security (DAS) was freed one month later due to irregularities in processing his detention but was then recaptured on July 6, 2007. Once again, on June 11, 2008, he was released from detention due to a procedural error. However, on December 12, 2008, on direct order from Prosecutor General Mario Iguaran, Noguera was re-arrested on charges of paramilitary collaboration.
- 2) **Trino Luna Correa:** The former governor of the Magdalena Department was arrested March 12, 2007, for aggravated criminal conspiracy for his ties to paramilitary leader Hernán Giraldo (alias "Jorge 40") from the Tayrona Resistance Bloc that operated in the region. On November 26, 2007, he was the first to be sentenced in the "para-political" investigations, receiving three years and six months in jail in addition to a fine of ten months salary.
- 3) **Hernando Molina Araujo:** The former governor of the César Department was arrested on May 17, 2007, for alleged ties to paramilitary leader "Jorge 40." He is currently on trial. On March 9, 2009, former AUC members Guillermo de Hoyos stated in a hearing that Molina met with Rodrigo Tovar Pupo, aka "Jorge 40," several times.
- 4) **Ramiro Suárez Corzo:** The former mayor of Cúcuta was arrested on September 7, 2007, for aggravated homicide for his alleged role in the October 6, 2003, homicide of lawyer Alfredo Enrique Florez Ramírez, who was an assistant in the mayor's office. Suárez Corzo, who is detained at a prison in Bucaramanga, is also under investigation for the August 12, 2003, homicide of Pedro Duran Franco. On April 3, 2009, Suarez was acquitted on the grounds that evidence against him had been manipulated. Suarez was freed immediately. On May 25, 2009, a prosecutor in the human rights unit appealed the ruling before Bogotá's Superior Tribunal.
- 5) **Salvador Arana Sus:** The former governor of Sucre and former counselor at the Colombian Embassy in Chile was arrested May 29, 2008, by the Technical

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<sup>59</sup> Time frame available as of July 31, 2009.

UNCLASSIFIED

- 145 -

Investigations Unit (CTI) in an apartment in Santa Marta. A prosecutor for human rights and international humanitarian law charged him on November 15, 2006, for his alleged role as intellectual author in aggravated criminal conspiracy, aggravated forced disappearance, and aggravated homicide. Eudaldo Leon Diaz Salgado, the mayor of El Roble (Sucre), disappeared on April 5, 2003, and his body was discovered five days later near Sincelejo. Evidently, Arana Sus recruited Rodrigo Mercado Peluffo, alias “Cadena,” head of the Heroes of Montes de Maria bloc, to assassinate Diaz Salgado. The case will be processed under the Criminal Court of the Special Circuit in Sincelejo. On April 22, 2009, the Prosecutor General’s Office and the Inspector General’s Office presented their cases to the First Specialized Judge of Bogotá; the case is still under review.

- 6) **Luis Carlos Ordosgoitia:** The former Congressman from Cordoba and Director of the National Concessions Institute (INCO) in the Ministry of Transportation, was arrested in May 2007 for his involvement in the signing of the 2001 “Pact of Ralito.” The Attorney General’s Office ruled out the case once it was established that there was no political benefit related to his signing of the Ralito document. Ordosgoitia was absolved in September 2008 after spending 16 months in prison.
- 7) **Hugo Aguilar Naranjo:** The retired Lieutenant Colonel of the Colombian National Police and former Governor of Santander department is under investigation by the Prosecutor General’s Office (Fiscalia). He was charged on February 16, 2007, for the crimes of appropriation of public funds, irregular adjudication of contracts in liquor and gambling industries in Santander. On June 25, 2009, the demobilized AUC member Alexander Gutierrez, aka “Picua,” reported in his voluntary confession that Aguilar had offered weapons and ammunition in exchange for Picua’s assistance on Aguilar’s campaign for governor’s office.
- 8) **Álvaro Araujo Noguera:** The former Minister of Agriculture is being investigated by the Prosecutor General’s office (Fiscalia), by request of the Supreme Court, for the crimes of aggravated kidnapping and conspiracy to commit a crime (colluding with paramilitary groups). He was arrested in Maracaibo, Venezuela on September 4, 2008. On April 17, 2009, a prosecutor of the National Unit Against Kidnapping and Extortion (UNASE) gave a resolution of accusation against Noguera and his son, **Álvaro Araujo Castro**, former Senator of Cesar department, during the investigation of the kidnapping of political rival Victor Ochoa Daza on January 13, 2002, in Valledupar. Alvaro Araujo Noguera is imprisoned in the La Picota prison in Bogota while Castro is under house arrest due to medical reasons.

UNCLASSIFIED

UNCLASSIFIED

- 146 -

- 9) **Arnulfo Peñuela Marín:** The former Mayor of Carepa (Antioquia) was preventatively detained for conspiracy to commit aggravated crime. **Epitacio Antonio Arboleda** and **Jaime Alonso Castrillon**, representatives of the Convivir Papagayo (cooperative), were issued the same. The detention was issued by the Prosecutor General's Office (Fiscalia) after, for the second time, a prosecutor before the Supreme Court of Medellin denied the resources for appeal and legal control imposed by the defense of the accused and ratified the preventative detention issued in April 2008. To sustain the decision, the specialized prosecutor transferred the testimony from former AUC paramilitary ringleaders to the investigation before the Justice and Peace Unit. In their "versiones libres," they explained how illegal armed groups in the banana region of Antioquia were financed.
- 10) **Rafael Antonio Garcia Garay:** On March 24, 2009, the former mayor of Coveñas (Sucre) was preventatively detained without prisoner release benefits by a prosecutor of the National Anti-Terrorism Unit. The prosecutor charged Garcia and former Coveñas Councilor **Manuel Ortiz Jimenez** for their alleged responsibility in conspiracy to commit aggravated crime. According to the investigation, they allegedly had ties to Rodrigo Mercado Peluffo alias "Cadena," head of the "Heroes de los Montes de Mari" bloc of the AUC.
- 11) **Jorge Palacios Ávila, Jorge Moreno Meza, and Augusto Ariza Muñoz:** The former Administrative Security Department (DAS) officials were sentenced on March 18, 2009, to nine years in prison and a fine of \$2,250 in monthly quotas, after the Fiscalia confirmed they had collaborated with self-defense groups. They were deemed responsible for conspiracy to commit crime with the intent of organizing, promoting, arming, or financing illegal armed groups and bribery by the First Penal Specialized Circuit Court of Ibagué. The investigation began in April 2005 when informants from the Technical Investigations Unit (CTI) found that in Falan, Frias, Mendez, Palocabildo, and Mariquita (Department of Tolima), the self-defense groups headed by alias "Lucas" or "Pateviela" and belonging to the "Omar Isaza" front carried out activities with the consent of DAS officials. During the trial, the prosecutor from the Human Rights and International humanitarian law unit also proved that the former DAS officials received monthly sums of money from the illegal armed groups.
- 12) **Óscar de Jesús López:** The former governor of Guaviare was preventatively detained without prisoner release benefits by Prosecutor General Mario Iguarán Arana on March 16, 2009, for his alleged ties with Vicente Castaño, alias "El Profe" and Pedro Oliverio Guerrero Castillo, alias "Cuchillo." As Jesús López was

UNCLASSIFIED

UNCLASSIFIED

- 147 -

a practicing governor at the time, the Prosecutor General requested the President suspend him of his office. Óscar de Jesús López turned himself in ten days after the Prosecutor General ordered his arrest. López' links to the Sociedad de Exploracion y Exportacion Minera del Llano Limitada, a company in which Guerrero Castillo, a fugitive, is a shareholder, are under investigation. The former governor is being investigated for the charge of conspiracy to commit aggravated crime.

- 13) **Enrique Osorio De La Rosa:** The former official from the National Registry of Civil Status (the agency responsible for issuing citizens papers headquartered in Bogota) was indicted on March 4, 2009, by a specialized court prosecutor for his alleged role as co-author in a conspiracy to commit aggravated crime by altering electoral results. The investigation is related to the alleged fraud committed in the March 10, 2002, elections in Magdalena, where Salomón Saade Abdala and José Rosario Gamarra Sierra were elected to the Senate and House of Representatives, respectively. According to the findings, these political leaders obtained the greatest number of votes for this department with atypical election results. Osorio De La Rosa, Saade Abdala, and Gamarra Sierra appear to have collaborated with the political wing of the self-defense groups headed by Rodrigo Tovar Pupo, alias "Jorge 40," with regard to the preparation and execution of electoral fraud. The prosecutor imposed upon Osorio De La Rosa a preventative detention without prisoner release benefits in May 2008. Saade Abdala and Gamarra Sierra in anticipation of an impending sentence, accepted their responsibility in the fraud and will complete the punishment imposed by the judge.
- 14) **Jaime Gutiérrez Angel:** On April 29, 2009, in Manizales, members of the Technical Investigations Unit (CTI) brought resolution to an order for capture issued by the National Anti-terrorism Unit to the former Mayor of La Dorada (Caldas) for his alleged role in a conspiracy to commit crime through paramilitarism. Gutiérrez Angel, who served as a local political leader for the U Party from 2004 to 2007 and was affiliated with the Peasant Self-defense Force of Magdalena Medio, was apprehended in his residence in La Dorada and has been transferred to Bogotá.
- 15) **Rubén Darío Gómez Bermúdez:** The former Mayor of Puerto Tejada (who served between January 2002 and January 2003) was captured on April 24, 2009, for his alleged role in the crimes of homicide of a protected person; the fabrication, trafficking, and bearing of firearms or munitions; and conspiracy to commit crime. According to the investigation carried out by a prosecutor from the Human Rights and International Humanitarian Law Unit, Gómez Bermúdez is on trial for his

UNCLASSIFIED

UNCLASSIFIED

- 148 -

alleged role in the January 21, 2003, murder of a Cali Municipal Corporation Workers Union (Sintraemcali) activist, Freddy Perilla Montoya. The former local politician was apprehended in Caloto (Cauca) and has been mentioned in the testimonies (versiones libres) of several former paramilitaries with regard to his alleged ties to the “Calima” bloc.

- 16) **José Francisco Zúñiga Riascos:** The former Mayor of Santa Marta was sentenced on April 2, 2009, by the Specialized Circuit Penal Court in Bogotá to four years and two months in prison as a co-conspirator to aggravated crime and hindering voters. In anticipation of his sentence, Zúñiga Riascos has admitted to a prosecutor from the National Anti-Terrorism Unit of having received support from Hernán Giraldo Serna, head of the “Resistencia Tayrona” front of the AUC, in his attempt to become the Mayor of Santa Marta from 2004-2007. According to the investigation by the Prosecutor General’s office, the heads of the illegal armed group pressured the citizens, inhabiting the neighborhoods and districts in the foothills of the Sierra Nevada of Santa Marta and areas next to the “Troncal del Caribe” highway, into voting for Zúñiga Riascos in the October 2003 elections. Zúñiga Riascos will be held under house arrest for health reasons. He was also sentenced to a fine of \$1,333 in monthly salaries and has been stripped of his rights to hold public service during the period of his sentence.
  
- 17) **José Ignacio Mercado Colón:** The former Mayor of Concordia (Magdalena) surrendered to the Technical Investigations Unit (CTI) on May 22, 2009, in Santa Marta. He is being investigated for his alleged links to paramilitary groups. According to the facts, he participated in was known as the “Chivolo Pact,” signed in March 2002 among political leaders and the former head of the “Norte” bloc Rodrigo Toval Pupo, alias “Jorge 40.” The former Mayor, who held office between 2005 and 2007, is imprisoned in the Judicial Prison in Santa Marta. He was secured by a prosecutor from the National Anti-Terrorism Unit for his alleged role in the conspiracy to commit crime and embezzlement for the unlawful appropriation and concluding of contracts.

UNCLASSIFIED

**Annex K: Military Orders and Training on Human Rights**

Between June 16, 2008, and May 31, 2009,<sup>60</sup> the Ministry of Defense issued 48 orders aimed at reducing the incidence of human rights abuses amongst its ranks.

1. Circular Number 0783 – Issued by the Commander of the Navy on October 24, 2008 –Regarding procedures for complaints about human rights violations.
2. Directive Number 25 – Issued by the Minister of Defense on November 14, 2008: Established a system to collect citizen complaints nation-wide in order to facilitate transparency, credibility, and increase public trust in the Armed Forces.
3. Circular Number 0809 – Issued by the Commander of the Navy on November 19, 2008: Regarding evaluations for instructors on human rights and international humanitarian law.
4. Permanent Directive Number 208 – Issued by the Commander of the Armed Forces on November 20, 2008: Strengthened policies pertaining to respect and protection of human rights and implementation of international humanitarian law in accordance with the regulations set forth by the Minister of Defense.
5. Circular Number 0857 – Issued by the Commander of the National Navy on December 4, 2008: Regarding investigations involving minors.
6. Permanent Directive Number 222 – Issued by the Commander of the Armed Forces on December 10, 2008: Implemented a system to submit complaints of alleged human rights violations and infractions of international humanitarian law.
7. Circular Number 0883 – Issued by the Commander of the Navy on December 13, 2008 – Joint declaration of the collaboration between the USAID and the Ministry of Defense.
8. Circular Number 2339 – Issued by the Commander of the Navy on December 13, 2008: Reiteration of homicide prevention.
9. Circular Number 619006 – Issued by the Commander of the Army on January 2, 2009: Facilitated the transparent and efficient disciplinary action for human rights violations after petitions, complaints, and alleged violations are filed and investigated.

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<sup>60</sup> Time frame available as of July 31, 2009.

UNCLASSIFIED

- 150 -

10. Circular Number 0908 – Issued by the Commander of the Navy on January 5, 2009: Reiteration of collaboration amongst entities with judicial functions.
11. Directive Number 01 – Issued by the Commander of Army on January 06, 2009: Established a seminar on respect for the human rights of special groups.
12. Directive Number 2 – Issued by the Commander of the Army on January 07, 2009: Verified advances on human rights and international humanitarian law within the Army's divisions and brigades.
13. Circular Number 0032 – Issued by the Commander of the Army on January 7, 2009: Bulletin on responsibility.
14. Circular Number 058 – Issued by the Commander of the Air Force on January 11, 2009: Invitation to the leaders of organizations that help people displaced by violence to participate in committees at the municipality and department level in order to give displaced persons a way to be active in community decision-making.
15. Directive Number 003 – Issued by the Commander of the Navy on January 14, 2009: Regarding the complaints system for alleged violations of human rights and International humanitarian law by the Navy.
16. Directive Number 3 – Issued by the Commander of the Army on January 27, 2009: Implemented comprehensive legal support for operations.
17. Bulletin Number 01-09 – Issued by the Commander of the Army on February 9, 2009: On leadership and responsibility of commanding officers.
18. Bulletin Number 2-16 – Issued by the Commander of the Army on February 9, 2009: On how respect for human rights and international humanitarian law serve as a force multiplier in combat.
19. Bulletin Number 03-09 – Issued by the Commander of the Army on February 16, 2009: On policy integration of human rights and international humanitarian law Line Action Number 1 (“Instruction”).
20. Directive Number 3A – Issued by the Commander of the Army on February 16, 2009: Implemented the Permanent Consultancy Plan for Human Rights and International Humanitarian Law.

UNCLASSIFIED

UNCLASSIFIED

- 151 -

21. Directive Number 4 – Issued by the Commander of the Army on February 16, 2009: Consolidated respect for the rights of displaced persons within the Army.
22. Directive Number 5 – Issued by the Commander of the Army on February 21, 2009: Strengthen the policies of the Commanders of the Armed Forces and the Army, in accordance with Directive 208.
23. Directive Number 0078 – Issued by the Headquarters on Education and Doctrine on February 25, 2009: Facilitated integral management for the protection of minors involved in illegally armed groups.
24. Directive Number 003 – Issued by the Commander of the Army on February 27, 2009: Strengthening of the Commander of the Armed Forces' policies to guarantee the protection of human rights during naval and land operations.
25. Bulletin Number 04-09 – Issued by the Commander of the Army on March 2, 2009: On the role of the Legal Military Coordinator.
26. Bulletin Number 05-09 – Issued by the Commander of the Army on March 9, 2009: On evaluating operations and incentives systems.
27. Bulletin Number 06-09 – Issued by the Commander of the Army on March 16, 2009: States that no member of the Armed Forces can tarnish the reputation of their position, by conducting themselves in a manner that is above the law and without honor.
28. Permanent Directive Number 040 – Issued by the Commander of the Armed Forces on March 10, 2009: Improved the organization and execution of the inspections by the Inspector General for Human Rights within the Armed Forces.
29. Permanent Directive Number 046 – Issued by the Commander of the Armed Forces on March 17, 2009: Create a virtual classroom to train members of the Armed Forces on the rights of children, including those separated and/or recovered from illegal armed groups.
30. Circular Number 0611 – Issued by the Commander of the Army on March 27, 2009: Regarding the prevention of violations of the human rights of adolescents and women.

UNCLASSIFIED

UNCLASSIFIED

- 152 -

31. Bulletin Number 07-09 – Issued by the Commander of the Army on April 13, 2009: States that troop morale is strengthened by respect for human rights.
32. Directive Number 008 – Issued by the Commander of the Navy on April 17, 2009: Implemented a virtual classroom to train members of the Navy on human rights of children and women, including those sequestered by or involved in illegally armed group activities.
33. Circular Number 0907 – Issued by the Commander of the Army on April 21, 2009: Regarding the role of the Group for Doctrine and Judicial Consultation from the Office of Human Rights and International humanitarian law within the Ministry of Defense.
34. Directive Number 0135 – Issued by the Deputy Commander of the Army on April 21, 2009: Facilitated the execution of the project “Health, Sexual and Reproductive Rights, and Gender Equality.”
35. Directive Number 0093 – Issued by the Deputy Commander of the Army on April 21, 2009: Executed the workshop to improve the integration process.
36. Bulletin Number 08-09 – Issued by the Commander of the Army on April 27, 2009: Regarding the processing of and response to complaints.
37. Directive Number 0143 – Issued by the Deputy Commander of the Army on May 2, 2009: Confirmed progress towards the implementation of a pedagogical model.
38. Bulletin Number 09-09 – Issued by the Commander of the Army on May 04, 2009: Regarding violence and discrimination against women and violations of human rights.
39. Circular Number 0348 – Issued by the Commander of the Army on May 5, 2009: Regarding legal oversight of the military operations, organization, maintenance, and management of probing documents and recommendations for human rights improvements
40. Circular Number 630133 – Issued by the Commander of the Army on May 7, 2009: Implemented mandatory policies on protection and respect for human rights defenders.

UNCLASSIFIED

UNCLASSIFIED

- 153 -

41. Circular Number 630134 – Issued by the Commander of the Army on May 7, 2009: Implemented mandatory policies on the observance and respect for women’s human rights.
42. Circular Number 0381 – Issued by the Commander of the Army on May 21, 2009: Report on the 134<sup>th</sup> Session of the Inter-American Commission on Human Rights.
43. Directive Number 17 – Issued by the Minister of National Defense on May 22, 2009: Establish ROEs for the Navy, focusing on training and combat operations.
44. Directive Number 17/09 – Issued by the Commander of the Air Force in 2009 (date not given): Strengthened policies of respect and protection of human rights so that the application of international humanitarian rights is tactical, operational, and strategic.

Between June 16, 2009 and May 31, 2009,<sup>61</sup> the Armed Forces conducted 6 seminars related to human rights. In addition, the Army held 18 courses and sent 32 people to 6 international courses on human rights. The Air Force and Navy also conducted training on human rights during the certification period, and those courses are listed below as well.

Armed Forces (General)

1. Workshop held May 14, 2009, to examine resolutions to common and grave infractions to International humanitarian law and to discuss the order of operations, ROEs, and captain responsibility. Participants included representatives from the ICRC, the Ministry of National Defense, and Captain of the 7<sup>th</sup> Division of the National Army.
2. Seminar held on June 4, 2009, to examine resolutions to common and grave infractions to the DIH and discuss order of operations, ROEs, and captain responsibility (Bucaramanga). Participants included representatives from the ICRC, Ministry of National Defense, and the Captain of the 7<sup>th</sup> Division of the National Army.
3. Seminar held in September 2008, the first to discuss the laws applicable to the actions of the public security forces and to present the first draft of the manual on the subject. Participants included representatives from the Colombian government in Bogotá, Captains of the military forces, and the Ministry of National Defense.

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<sup>61</sup> Time period available as of June 15, 2009.

UNCLASSIFIED

UNCLASSIFIED

- 154 -

4. Workshop held in January 2009, regarding the incorporation of a system of ROEs into the Operational Rights Manual (Paipa). Participants included representatives from the Director of Education and Doctrine of the Army, Director of Human Rights of the Army, and Legal Consultants to the Army.
5. Joint Course held from February 6-21, 2009, on the training and strengthening of operational legal advisors. Participants included Legal Advisers from the Army.
6. Presentation April 16 and 17, 2009, on the analysis of the final draft of the Manual of Operational Rights. Participants included representatives from the Directors of Operations of the Military Forces, Captains of the Senior Operations Units, and Operational Legal Advisers.

Army

1. Workshop held August 13, 2008, in Pasto on Human Rights and International Humanitarian Law and Public Security Forces, 80 people attended from the 29<sup>th</sup> Brigade.
2. Workshop held September 10, 2008, in Villagarzon on Human Rights and International Humanitarian Law and Public Security Forces, 85 people attended from the 27<sup>th</sup> Brigade.
3. Workshop held October 8, 2008, in Riohacha on Human Rights and International Humanitarian Law and Public Security Forces, 83 people attended from the 10<sup>th</sup> Brigade.
4. Workshop held October 8, 2008, in Valledupar on Human Rights and International Humanitarian Law and Public Security Forces, 82 people attended from the 10<sup>th</sup> Brigade.
5. Workshop held October 22, 2008, in Ibague on Human Rights and International Humanitarian Law and Public Security Forces, 80 people attended from the 6<sup>th</sup> Brigade.
6. Seminar held October 30, 2008, on the penal system and operational results. Participants included representatives from legal units, 60 people attended.

UNCLASSIFIED

UNCLASSIFIED

- 155 -

7. Workshop held November 26, 2008, in Villavicencio on Human Rights and International Humanitarian Law and Public Security Forces, 74 people attended from the 4<sup>th</sup> Division.
8. Training held January 08, 2009, on human rights, 720 people attended from the Training and Instruction Center (CIE).
9. Seminar held January 30, 2009, on respect for the human rights, 98 people attended from the Military Cadet School (ESMIC).
10. Conference held February 02, 2009, on political expansion, 1,503 people attended from the Military Education Center (CEMIL).
11. Seminar held February 23, 2009, on respect for human rights, 928 people attended from the Military Sub-Officials School of Colombia (EMSUB).
12. Training held March 16, 2009, on human rights, 6 people attended from the Intelligence and Counter Intelligence School.
13. Seminar held March 10, 2009, on the installation plan for the integral legal support, 55 people attended from the 2<sup>nd</sup> Division.
14. Seminar held April 15, 2009, on respect for the Human Rights Units within the 10<sup>th</sup> Brigade, 67 people attended.
15. Seminar held April 22, 2009, on leadership training focused on efficiency and transparency, 106 people attended from the Military Cadet School (ESMIC).
16. Seminar held April 28, 2009, on respect for the Human Rights Units within the 12<sup>th</sup> Brigade, 47 people attended.

Army - International Courses (32 people trained total, dates not given)

1. Operations for maintaining the peace (held in Uruguay)
2. Course about maintaining the peace (held in the United States)
3. Instructor's course on human rights (held in the United States)
4. Instructor training (held in the United States)

UNCLASSIFIED

UNCLASSIFIED

- 156 -

5. Instructor's course on human rights (held in the United States)
6. Citizenship and human rights (held in the United States)

Air Force

1. Specializations – in 2008, four officials pursued specializations in human rights and DICA in the Military Cadet School: General Jose Maria Cordova and three officials from the Externado University of Colombia.
2. International Courses – two officials participated in an international course on rights in armed conflicts in San Remo, Italy: The Human Rights Director of Air Combat Command Number 2 (CACOM-2) and the Commander Air Maintenance (CACAM).

Navy

1. Specialization on International Law for the Armed Conflicts (DICA) held in Bogotá, 8 officials attended.
2. Specialization on Human Rights and International humanitarian law held in Bogotá, 11 officials attended.
3. Course for Legal Advisers held in Bogotá, 21 officials attended.
4. Workshop on "Women in the Workforce" held in Melgar, 9 officials attended.
5. Workshop on Interdisciplinary Policy Integration held in Paso, 2 officials attended.
6. Seminar on the implementation of human rights and International Humanitarian Law held in Coveñas, 7 officials attended.
7. Seminar on preventative measures held in Bogotá, 15 officials attended.
8. Seminar on legal action in human rights and International humanitarian law held in Bogotá, 4 officials attended.
9. Seminar/Workshop on normative instruments and national mechanisms for international crime and refugees held in Barranquilla, 1 official attended.
10. Instructor's course on human rights held in Fort Benning, USA, 4 officials attended.
11. Course on International Law for the Armed Conflicts (DICA) held in San Remo, Italy, 1 official attended.

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Approved: WHA – Craig Kelly, Acting

Cleared:	WHA – CMcMullen	
	WHA/AND –KWhitaker	ok
	DRL – SMoody	ok
	WHA/PPC – KStiansen	ok
	P – PAguilera	ok
	D(S) – LCue	provisional ok
	D(L) – ETurover	ok
	INL/LP – CLang	ok
	PM/PPA – CMarchese	ok
	PM/RSAT – SWolf	ok
	PRM/ECA – JYutacom	ok
	S/P – PHarrell	ok
	H – JBulgrin	ok
	L/WHA – RLahne	ok
	L/LEI – PPrugh	ok
	L/HRR – KGrove	ok
	L/LFA – MTaylor	ok
	L/M – AKottmyer	ok
	F – EUribe	ok
	S/ES-CR – EHardy	ok
	USAID – DJohnston	ok
	DOJ – TBlack/MBurke	ok
	DOD/OSD – JCardenas	info
	JS/J5 – AAleman	info
	SOUTHCOM – KCronin	info
	EmbBogotá – CCooley	ok