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DEPARTMENT OF STATE

Public Notice XXXX

**DETERMINATION AND CERTIFICATION RELATED TO COLOMBIAN
ARMED FORCES UNDER SECTION 556 OF THE FOREIGN
OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS
APPROPRIATIONS ACT, 2006 (DIVISION D, P.L. 109-102)**

Pursuant to the authority vested in me as Secretary of State, including under Section 556 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (P.L. 109-102 "the Act"), I hereby determine and certify that the Colombian Armed Forces are meeting the conditions contained in Sections 556(a)(2) and 556(a)(3) of the Act.

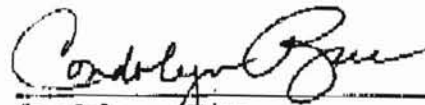
The above-mentioned conditions are that: (A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who, according to the Minister of Defense or the Procuraduria General de la Nacion, have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations; (B) the Colombian government is vigorously investigating and prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations and is promptly punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations; (C) the Colombian Armed Forces have made substantial progress in cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested

information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information); (D) The Colombian Armed Forces have made substantial progress in severing links (including denying access to military intelligence, vehicles, and other equipment or supplies and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade level with paramilitary organizations, especially in regions where these organizations have a significant presence; (E) The Colombian government is dismantling paramilitary leadership and financial networks by arresting commanders and financial backers, especially in regions where these networks have a significant presence; and (F) The Colombian government is taking effective steps to ensure that the Colombian Armed Forces are not violating the land and property rights of Colombia's indigenous communities. A final condition, described in Section 556(a)(3), is that the Colombian Armed Forces are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerilla organizations.

The Department of State has periodically consulted with internationally recognized human rights organizations regarding the Colombian Armed Forces' progress in meeting the above-mentioned conditions, as provided in Section 556(c) of the Act.

This Determination and Certification shall be published in the Federal Register and copies shall be transmitted to the appropriate committees of Congress.

04-04-2007
Date



Condoleezza Rice
Secretary of State

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

Section 556 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (P.L. 109-102) ("FY 2006 FOAA") establishes conditions under which assistance using funds appropriated under the FY 2006 FOAA may be made available for the Colombian Armed Forces. In particular, Section 556(a)(1) allows that up to 75 percent of funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (2). Paragraph (2) provides that up to 12.5 percent of such funds may be obligated after the Secretary of State makes a certification with respect to certain human rights and paramilitary conditions. The balance of funds appropriated under the FY 2006 FOAA may be obligated after July 31, 2006, if the Secretary of State certifies that the conditions described in paragraph (2) are met and additionally certifies that the Colombian Armed Forces are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerilla organizations.

This memorandum provides the justification for the Secretary of State's determination that the criteria stated in Section 556(a)(2) and (3) of the FY 2006 FOAA have been met. It contains information available to the Department as of December 31, 2006.

Before addressing the specific certification criteria, some general observations follow about the human rights and security situations in Colombia:

Overall Security Situation in Colombia

The security situation in Colombia continued to improve during 2006. The homicide rate in Colombia has steadily declined over the last five years. The Government of Colombia reported 17,287 homicides in 2006, 40 percent lower than the 28,837 reported five years ago. Within this figure, the Government of Colombia reports that 23 labor union members were killed between January and November 2006. While homicides of labor union members have steadily declined since 2001 (when there were 123), the January to November 2006 figure is higher than the 13 reported as killed in the same period in 2005.

The total number of kidnappings reported to the Colombian government has steadily declined over the last five years. The Government of Colombia reports that between January and November 2006, there were 687 kidnappings – a 17 percent

decrease from the 800 kidnappings recorded by the government overall in 2005. It is also a marked drop – 76 percent – from the 2,885 reported by the government in 2002. For its part, the International Committee of the Red Cross estimates that the number of missing persons¹ in 2006 is roughly equal to the figure from 2005.

Although these figures show some improvement, threats and acts of violence against Colombian civilians continue. Forced displacement continues to be a problem. The Government of Colombia reports that it registered 110,302 newly displaced persons between January and September 2006, down from 131,716 in the same period in 2005. The non-governmental organization Consultancy for Human Rights and Displacement (CODHES) estimates that between January and September 2006, 175,216 people were displaced – a number 30 percent lower than the figure of 310,387 that CODHES estimated for the same period in 2005.² Of the IDPs registered by the Colombian government in the first nine months of 2006, 4 percent (4,492) were indigenous. According to a 2005 report by the United Nations High Commissioner for Refugees (UNHCR), 8 percent of IDPs were indigenous and 11 percent were Afro-Colombian.

In 2006, there was an increase in threats made to human rights workers, seemingly by emerging criminal groups, especially prior to the May Presidential election and following President Uribe's inauguration in August. Minister of Defense Santos condemned these threats and told the public in an October 2006 statement that he had taken part in a high-level meeting – with the Vice President, Prosecutor General, and military and police intelligence chiefs – to investigate the threats and capture those responsible. He reaffirmed his support for human rights groups as an integral part of the development of democracy in Colombia and pledged that authorities would take the actions necessary to neutralize the emerging criminal groups that threaten their security.

Government Commitment to Improving Respect for Human Rights

The Colombian government has stated its commitment to improve respect for human rights throughout all sectors of society. On September 26, Vice President Santos installed a commission to draft a National Action Plan for Human Rights and International Humanitarian Law. This plan is part of President Uribe's commitment to sign the declaration and Action Plan produced at the 1993 World Conference on Human Rights. As called for in the declaration, the National Action Plan will establish areas for

¹ ICRC collects information on persons reported to it by family members as missing due to a conflict.

² The Government of Colombia records as displaced those persons who have applied for, and been accepted to receive, government benefits as displaced persons. By contrast, the figures from CODHES are estimates of displacements and are derived from information from media and civil society sources, and some field work. CODHES also includes in its figures as IDPs persons involved in coca and opium poppy production who migrated in response to government drug eradication efforts.

priority attention, which the government will use to orient its efforts for the short, medium, and long term. International organizations, including the representative for the UN High Commissioner for Human Rights in Colombia, have praised this effort.

Paramilitary Demobilization

Under an agreement negotiated with the Colombian government, 31,687 paramilitary members have demobilized collectively and most leaders are now in detention. Of those that demobilized, 44 percent (17,579) did so between January and August 2006. During 2006, the Government of Colombia continued efforts to investigate and prosecute paramilitary members believed guilty of crimes, dismantle paramilitary networks, seek reparations for victims, and peacefully reintegrate demobilized paramilitary members into society. To this end, on September 13, the Government of Colombia appointed Frank Pearl as the High Commissioner for Reintegration and charged him with developing a plan to provide demobilized paramilitary members with the skills necessary to become productive and contributing members of Colombian society. The Justice and Peace Law, which the government began implementing at the end of 2006, will be tested in the paramilitary demobilization process through 2007. Additional information on the demobilization process is included in Section 556(a)(2)(E).

Investigations into Alleged Civilian Ties to Paramilitary Organizations

The Prosecutor General's Office is investigating and arresting civilian officials with links to paramilitary leaders. After the Colombian government discovered a computer belonging to "Jorge 40," an AUC leader, and began trying him for murder (along with Edgar Ignacio Fierro Flórez, aka "Don Antonio," a key Jorge 40 lieutenant), information on alleged ties to government officials surfaced. The government took the following actions as part of its investigation into these ties:

- On September 26, 2006, the Prosecutor General's Office arrested four assemblymen from the Sucre Department's legislative council, with linkages to demobilized paramilitary leader "Jorge 40," in connection with the September 17, 2004 murder of Professor Alfredo Correa de Andreis in Barranquilla.
- On November 10, the Supreme Court indicted and placed in preventative detention Senator Jairo Enrique Merlano Fernández, Senator Álvaro García Romero, and Representative Eric Morris for links to former paramilitaries.
- On November 28, the Supreme Court ordered six Members of Congress - Senators Álvaro Araújo, Dieb Maloof, Luis Eduardo Vives, and Mauricio

Pimiento, and Representatives Jorge Caballero and Alfonso Campo - to testify about allegations of ties to former paramilitary members.

On November 24, President Uribe used a ceremony at the Supreme Court to speak forcefully in favor of full investigation of all allegations of paramilitary ties to government officials or elected officials. On December 20, President Uribe and leaders from the Colombian Judicial branch created a special investigative unit within the Supreme Court to investigate political connections to ex-paramilitaries and other allegations against government officials. The Colombian government is providing 18 additional assistants and investigators to the Court's penal division, which is charged with judging members of Congress and other public officials.

On November 22, the Prosecutor General's Office charged former head of the police intelligence service (the "Administrative Security Department," or DAS), Jorge Noguera, with providing information on DAS operations to paramilitaries. In October, the former head of the computer services section of the DAS, Rafael Enrique García, was sentenced to 18 years in prison for providing assistance to paramilitaries.

Judicial Reform

Despite the progress documented in this memorandum, more remains to be done, particularly to end impunity. Recognizing that progress on investigation and prosecution of past human rights violations is hampered by an overburdened, outmoded inquisitorial system, during the certification period the government to transition from an inquisitorial to an accusatory system of criminal procedure, which is gradually being implemented throughout the country. As of October 2006, 11 of Colombia's 29 judicial districts³ have converted to the new system. In 2007, eight additional judicial districts will convert to the new system and the remaining 10 judicial districts in the country are scheduled to convert to the new system in 2008.

Cases brought under the new accusatory system move much more rapidly from arrest to verdict than under the inquisitorial system. Under the old system, criminal cases took an average of 3 to 5 years to adjudicate and had only a 3 to 5 percent conviction rate. However, under the new system, cases are being resolved in as fast as a month with a 60 percent conviction rate. This is because the new accusatory system allows for confidential investigations that the old system did not. This allows evidence,

³ In 2005, Bogotá, Manizales, Armenia, and Pereira adopted the new system. In 2006, Cali, Buga, Bucaramanga, Medellín, San Gil, Santa Rosa, and Tunja followed suit.

⁴ The following judicial districts are scheduled to convert to the new system in 2007: Antioquia, Villavicencio, Popayán, Florencia, Ibaque, Neiva, Pasto, and Cúcuta. The remaining 11 that will convert in 2008 are: Cartagena, Baraquilla, Cúcuta, Pamplona, Río Hacha, Montería, Quibdó, Valledupar, Santa Marta, and Sincelejo.

witnesses, crime scenes, etc., to be developed without having to reveal witnesses (and thereby put them at risk) or other evidence to the suspects during the course of the investigation. Processing and adjudication of cases under the new system is also much faster. Whereas the old system did not allow them, plea bargains and prosecutorial discretion are allowed under the new system (although there are restrictions on plea bargaining in human rights cases). In a welcome change, the oral trial system and transparency of the judicial process act as a barrier to the corruption that existed under the old system.

In order to eliminate jurisdictional disputes that often delay cases, on June 14, the Prosecutor General's Office and the Ministry of Defense signed a memorandum of understanding (MOU) by which all cases of alleged human rights violations will be sent to the Prosecutor General's Office. In accordance with the MOU, the Military Justice system has turned over responsibility for investigating alleged human rights violations by the 17th Brigade to the Prosecutor General's Office.⁵ The MOU is described further in the discussion regarding Section 556(a)(2)(C)

The government is expanding the presence of state institutions throughout Colombia and increasing access to judicial services. On February 10 the government inaugurated a Regional Justice House in Chaparral (Tolima), a small municipality of less than 100,000 residents. This Regional Justice House is the first in a plan to construct 43 such centers, with support from USAID, which facilitate community access to formal and informal justice services (justice, dispute resolution, psycho-social, and other services are offered). To serve outlying rural communities, the center in Chaparral is surrounded by smaller satellite service centers in Ataco, Ortega, and Rioblanco. The second Regional Justice House is planned for Segovia Department by the end of 2007.

Investigating Cases of Violence Against Labor Leaders

The government has also taken action to combat impunity in cases of violence against labor leaders. On October 17, the government implemented a new \$1.5 million program dedicating almost 100 investigators and prosecutory personnel to 128 cases⁶ of violence against trade unionists, which were selected by Colombia's three major trade confederations. The initiative involves 14 specialized teams consisting of one prosecutor, three investigators (CTI), and three national police officers. The leaders of all three trade confederations praised the accord, and the President of the United Worker's Confederation (CUT), Carlos Rodriguez, proclaimed: "Never, in the history of

⁵ The May 30, 2006 certification reported the Military Justice system had established unit to investigate these cases.

⁶ Figure as of the end of 2006. The Colombian government continues to work with the country's three major trade confederations to prioritize additional cases.

Colombia, have we achieved something so important to fight impunity." The European Union's representative to the ILO also praised this development, noting on November 7 before the ILO's governing body Colombia's "progress in the fight against impunity and the willingness of the Colombian government to speed up the investigations on violations of human rights of members of trade unions." The project is one of the provisions of the ILO Tripartite Accord, signed by the government in Geneva in May 2005, aimed at ending the backlog of 1,319 cases of violence against trade unionists, collectively referred to as "ILO Case 1787." An ILO resident representative arrived in Colombia in November 2006 to work on this project and other measures to strengthen labor rights.

Defense Reform

Changes are also underway in the Ministry of Defense. Defense Minister Juan Manuel Santos was sworn in on July 19 and has been focused on military reform, especially with respect to human rights. Armed Forces Commander General Freddy Padilla, who was sworn in on August 16, has also stressed the importance of human rights. In his change of command ceremony, Padilla said Colombia "will perhaps be the first military in the history of the world to win a war while fundamentally respecting international humanitarian law."

On September 8, Defense Minister Santos declared the Military Penal Justice system to be independent of the Armed Forces and appointed Luz Marina Gil as the first civilian and female Executive Director in the system's history. Santos has expressed a commitment to regaining the system's legitimacy and guaranteeing its credibility while ensuring the effective and independent administration of justice. These changes are part of Santos' five-point plan, announced October 2, to restructure Colombia's Armed Forces. Other parts of this plan are reforming the educational system for the Armed Forces in order to instill the highest ethical and professional standards and strengthening the use of discretionary authority, which allows the Armed Forces to remove members who are suspected of corruption, human rights violations or other improper conduct.

Under the reforms, Santos has assigned seven colonels as human rights inspectors in each division of the Army. These colonels are equipped with the training on human rights and report directly to the military's Office of the Inspector General, not to the division commanders. As such, they have the authority to oversee investigations of human rights abuses committed by military personnel in their divisions, including the commanders. Santos also established an international seminar on respect for human rights and humanitarian law while fighting terrorism and led the first such seminar on September 12. Under his direction, the Ministry of Defense worked with the International Committee of the Red Cross to incorporate respect for international

humanitarian law into the Colombian Armed Forces' operational doctrine in armed conflict. Additional information on the human rights performance of the Armed Forces is located in the discussion regarding Section 556(a)(2)(A).

Extension of OHCHR Mandate

The Government of Colombia remains committed to working with the international community to further its progress on human rights. On September 12, the Government of Colombia renewed the mandate of the Office of the High Commissioner for Human Rights (OHCHR) in Bogotá with no changes for one year. This extension was intended to allow the government and the UN time to discuss whether the current mandate, which was negotiated a decade ago, needs to be adjusted to fit the current situation in Colombia. The government agreed to a new Director for the office, Juan Pablo Corlazzoli, who will head the office until July 2007 and will work with the UN and the government to choose a new director. Section 556(a)(2)(B) discusses government investigations into extrajudicial killings reported by the OHCHR.

USG Human Rights Vetting and Consultation with NGOs

The United States takes seriously all reports of human rights abuses and is committed to continue engaging the Government of Colombia 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 United States Government continues to implement vigorously the Leahy Amendment and closely review the criteria required for human rights certification.

The State Department, both in Washington and through the U.S. Embassy in Bogotá, consult regularly with NGOs and civil society groups regarding Colombia's human rights performance. The State Department carefully considers their input, as well as information in reports from the OHCHR, before making a decision on certification.

The following is a discussion of the Colombian Government and Armed Forces' compliance with each of the conditions for certification contained in the discussion regarding Section 556(a)(2).

SECTION 556(a)(2)(A)

Section 556(a)(2)(A) of the FY 2006 FOAA requires a determination that:

The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank who, according to the Minister of Defense or the Procuraduría General de la Nación, have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

In 2006, the commander of the Colombian Armed Forces used his discretionary authority to remove 147 members of the military. The commander of the Colombian Armed Forces uses this discretionary authority in cases where individuals are suspected of corruption, believed to have committed human rights violations, believed to be operationally ineffective, or have engaged in unethical behavior. This authority does not replace judicial investigative mechanisms, but allows the Ministry of Defense to remove individuals in cases where there may not be sufficient evidence to allow for prosecution.

The Civilian Inspector General's Office (Procuraduría) conducts disciplinary investigations and can impose administrative sanctions, including suspension or dismissal, on military personnel. To this end, the Inspector General has the authority to order the provisional suspension of military personnel from the Armed Forces during investigations of offenses involving gross misconduct. From January to August 2006⁷, the Inspector General's Office suspended 30 members of the Colombian Armed Forces for alleged human rights violations or collaborating or colluding with paramilitaries:

1. **Army Professional Soldier David Aleyser Tapias Arias** was suspended on January 4 for his alleged role in the homicide of a person on March 12, 2002, whose identity was protected.
2. **Army Professional Soldier Yeimin Valoyes Murillo** was suspended on January 4 for his alleged role in the homicide of a person on March 12, 2002, whose identity was protected.
3. **Army Professional Soldier Héctor Andrés López** was suspended on January 4

⁷ This time period includes four months (January through April) that were included in the previous certification time period as this information was not available at the time of the previous certification and determination.

for his alleged role in the homicide of a person on March 12, 2002, whose identity was protected.

4. **Army Professional Soldier Hereberto de Jesús Granda Valle** was suspended on January 4 for his alleged role in the homicide of a person on March 12, 2002, whose identity was protected.
5. **Army Captain Iván Andrés González Villafane** was suspended on January 10 for his alleged role in the homicide of a person on March 12, 2002, whose identity was protected.
6. **Army Professional Soldier Alvaro Yeison Acosta Sánchez** was suspended on February 1 for his alleged involvement in the acts that occurred in the Military's Instruction and Training Center (CIE) in Piedras (Tolima) on January 25.
7. **Army First Sergeant Oscar Mauricio Chía Neira** was suspended on March 8, following his appeal of the original sentence on March 2, 2005, for the accidental injury of Jaime José Mora on November 23, 2001, while on duty in the Army Reserves in Jamundí (Valle).
8. **Army First Sergeant Juan Carlos de los Ríos Quintero** was suspended on March 8, following his appeal of the original sentence on March 2, 2005, for the accidental injury of Jaime José Mora on November 23, 2001, while on duty in the Army Reserves in Jamundí (Valle).
9. **Army Soldier José Alirio García Rivera** was suspended on March 24, following his appeal of the original sentence on January 16, for his role in the death of Mildrey Dayana Tuberquia on March 18, 2003, in San José de Apartadó (Antioquia).
10. **Army Soldier Manuel Ángel Giraldo Valencia** was suspended on March 24, following his appeal of the original January 16 suspension, for his role in the death of Mildrey Dayana Tuberquia on March 18, 2003, in San José de Apartadó (Antioquia).
11. **Navy Lieutenant Carlos Andrés Téllez Carantón** was suspended on March 13, following his appeal of the original sentence on November 28, 2005, (which was reported in the previous certification), for the illegal capture of Antonio Walter Mimienta and others on May 4, 2003, in Vereda Saltones in the municipality of Carmen del Bolívar (Bolívar).

12. **Army Lieutenant Tony Alberto Vargas Petecua** was suspended on March 24, following his appeal of the original sentence on January 31, for dereliction of duty during an incursion against armed groups between April 9 and 16, 2001, in the Naya Region, on the edges of the Cauca and Valle de Cauca Departments, causing the deaths of tens of people that inhabit the region.
13. **Army Brigadier General Pablo Alberto Rodríguez Laverde** was suspended on March 24, following his appeal of the original sentence on January 31, for dereliction of duty while illegal armed groups committed human rights violations between 2000 and 2002 against members of the Peace Community of San José de Apartadó (Antioquia).
14. **Army Colonel Javier Vicente Hernández Acosta** was suspended on March 24, following his appeal of the original sentence on January 31, for dereliction of duty while guerrilla and autodefense groups committed acts of violence against members of the Peace Community of San José de Apartadó (Antioquia) between 2000 and 2002.
15. **Army First Vice Sergeant Humberto López Orozco** was suspended without pay and ordered to pay a fine equivalent to 90 days without pay on May 25, following his appeal of the original sentence on October 3, 2005 (which was reported in the previous certification) for the homicides of Carlos Armando Villareal Echeverría and Alberto de Jesús Osorio on July 28, 2002.
16. **Army Second Sergeant Wilmer Pacheco** was suspended without pay and ordered to pay a fine equivalent to 90 days without pay on May 25, following his appeal of the original sentence on October 3, 2005 (which was reported in the previous certification) for the homicides of Carlos Armando Villareal Echeverría and Alberto de Jesús Osorio on July 28, 2002.
17. **Navy Captain Mario Escobar Echeverri** was suspended on June 6, following his appeal of the original sentence on May 5, 2005, for the illegal detention of persons in Corregimiento de Pijiguay (Sucre) on August 30-31, 2002.
18. **Army First Corporal Francisco Blanco Estéban** was suspended on June 10 for his involvement with paramilitary forces in the murders of Jhon Jairo Iglesias Salazar, Araceli Londoño Varona, Ananías Mojica, and Jesús Antonio Céspedes Salgado (alias José Céspedes) on November 2, 2003 along the Potosí hamlet in Cajamarca (Tolima).

19. **Air Force Major Yomar Valencia Hincapié** was suspended on June 29, following his appeal of the original sentence on August 22, 2005 (which was reported in the previous certification) for his role in the death of Jhon Jairo Rodríguez, technician for the Autonomous Corporation of Valle del Cauca, on August 8, 2001.
20. **Army Second Corporal Elkin Parra Sierra** was suspended on July 21 for his alleged involvement in the homicide of Javier Cubillos Torres, Wilder Cubillos Torres, and Eriberto Delgado Morales on March 18, 2005, in Laguna de Primavera, Páramo del Sumapaz (Meta).
21. **Army Sublieutenant Camilo Javier Romero Abril** was suspended on July 26 for his alleged involvement in the homicide of Javier Cubillos Torres, Wilder Cubillos Torres, and Eriberto Delgado Morales on March 18, 2005, in Laguna de Primavera, Páramo del Sumapaz (Meta).
22. **Army Professional Soldier Juan Basto Flórez** was suspended on July 26 for his alleged involvement in the homicide of Javier Cubillos Torres, Wilder Cubillos Torres, and Eriberto Delgado Morales on March 18, 2005, in Laguna de Primavera, Páramo del Sumapaz (Meta).
23. **Army Professional Soldier Alonso Basto Jairo** was suspended on July 26 for his alleged involvement in the homicide of Javier Cubillos Torres, Wilder Cubillos Torres, and Eriberto Delgado Morales on March 18, 2005, in Laguna de Primavera, Páramo del Sumapaz (Meta).
24. **Army Professional Soldier Marco Gabriel Santana Robayo** was suspended on July 26 for his alleged involvement in the homicide of Javier Cubillos Torres, Wilder Cubillos Torres, and Eriberto Delgado Morales on March 18, 2005, in Laguna de Primavera, Páramo del Sumapaz (Meta).
25. **Army Professional Soldier Julio César Ayala Murallas** was suspended on July 26 for his alleged involvement in the homicide of Javier Cubillos Torres, Wilder Cubillos Torres, and Eriberto Delgado Morales on March 18, 2005, in Laguna de Primavera, Páramo del Sumapaz (Meta).
26. **Army Professional Soldier Guillermo Cifuentes Ortiz** was suspended on July 26 for his alleged involvement in the homicide of Javier Cubillos Torres, Wilder Cubillos Torres, and Eriberto Delgado Morales on March 18, 2005, in Laguna de

Primavera, Páramo del Sumapaz (Meta).

27. **Army Subofficial Edilberto Goyes Buitrón** was suspended on August 1 for his alleged involvement in the homicide and torture of Daniel Arismendi in October 1993 in Cúcuta (Norte de Santander).
28. **Army Subofficial Efraín Niño Piazas** was suspended on August 2 for his alleged involvement in the homicide and torture of Daniel Arismendi in October 1993 in Cúcuta (Norte de Santander).
29. **Army Colonel William Roberto de Valle** was suspended on August 11 for his alleged involvement in the homicide and torture of Daniel Arismendi in October 1993 in Cúcuta (Norte de Santander).
30. **Army Subofficial Pedro José Guarnizo** was suspended on August 30 for his alleged involvement in the deaths of Leovigildo Castellanos, Dumar Castellanos, Gustavo Jaramillo Orjuela, and José Ignacio Gutiérrez on December 20, 1992, in the hamlet of Puerto Unión in the municipality of El Castillo (Meta).

SECTION 556(a)(2)(B)

Section 556(a)(2)(B) of the FY 2006 FOIA requires a determination that:

The Colombian government is vigorously investigating and prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is promptly punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations.

The civilian Prosecutor General's Office (Fiscalía) is the lead Government of Colombia agency in the investigation and prosecution of military personnel who have allegedly committed human rights violations or colluded with illegal armed groups. The Fiscalía has a Human Rights Unit that includes 15 satellite offices in seven regional capitals. As of December, the unit had 47 prosecutors and was handling 3,800 cases, or approximately 80 cases per prosecutor.

In general, the change in Colombia's judicial system (from an inquisitorial system to a new oral accusatory system) has resulted in more rapid investigation and adjudication of allegations of human rights violations by the Prosecutor General's Office. The Prosecutor General's Office has stated its continued commitment to resolving all allegations of human rights violations. However, progress on those being

evidentiary items, including intelligence reports, ballistics, and witness testimonies. Preparatory hearings began on October 3. On October 12 another preparatory hearing was held at the request of the defense, which has appealed the charges. The trial began in Cali on December 18. The soldiers pled not guilty, saying they acted in accordance with military procedure.

On July 11, the Prosecutor General's Office assigned a specialized Prosecutor General in Pasto to investigate the death of José Pedro Pascue Cañas of the Corinto indigenous community and injury of 38 other members of indigenous groups following alleged excessive use of force by the Army's 3rd Brigade and the National Police's Mobile Anti-Disturbance Squad (ESMAD) during a May 13 demonstration by indigenous and Afro-Colombian groups affiliated with the "National Itinerant Summit of Social Organizations." After further review, the Prosecutor General ordered that the investigation be assigned to the Prosecutor General's Human Rights Unit. The investigation is in the evidence collection stage (etapa preliminar). On October 3, the Prosecutor General assigned the case to a Specialized Prosecutor (Fiscalía 26 Especializado).

In November, the Prosecutor General's office sentenced Army Lieutenant Sandro Quintero Carreño to 38 years in prison and Army subofficial Pedro José Barrera Cipagauta to 15 years in prison for aggravated homicide in the La Cabuya massacre. The massacre occurred on November 19-20, 1998, (during the night and early morning) in Tame (Arauca), when members of the group "Los Macetos" killed five people, among them a pregnant woman, after accusing them of being FARC collaborators. Both of those sentenced were accused of guarding the area while the group executed the massacre. At the time, they were members of the 16th Brigade's 25th Counter-guerrilla Battalion "Héroes de Paya."

The Government of Colombia is investigating allegations of 29 cases of extrajudicial killings, allegedly involving members of the Army's 4th Brigade, described in a 2006 report by the Office of the High Commissioner for Human Rights (OHCHR) in Bogotá. At a May 17 meeting the government set up to look into these changes, the Antioquia Department's Inter-Institutional Committee for Human Rights expressed its concern regarding the alleged killings, and the Government of Colombia committed to investigate the incidents and to take preventative measures against future incidents. Of the 29 cases reported by the OHCHR, the military justice system is investigating one case, the Supreme Court of Justice is reviewing another for jurisdiction, and the remaining 27 are being investigated by the Prosecutor General's Office. As of September, the Prosecutor General's Office has issued seven preventative detention orders in two of its cases.

On August 17, the Prosecutor General's Office opened an investigation into the August 9 homicide of five members of the Awa indigenous community -- Blanca Adelaida Ortiz, Márleni Pai Burbano, Segundo Jairo Ortiz Taicus, Juan Dinalso Morán, and Jesús Mauricio Ortiz - in Altaquer (Nariño). In September, investigators from the Prosecutor General's Human Rights Unit traveled to the area and collected testimony. On September 6, the Prosecutor General's Office commissioned the help of Pasto's Technical Investigative Body to locate 19 potential witnesses so that the Human Rights Unit could take their statements. The Office stated that the five homicides on August 9 shared characteristics with past homicides in the area. It is conducting an active investigation into the August 9 homicides and possible links to old cases.

In the investigation into the February 20-21, 2005, massacre of eight people at San José de Apartadó (Antioquia), allegedly with military or FARC involvement, the Prosecutor General's Office ordered the collection of evidence on March 22, including testimony from members of the 17th Brigade. From May 1 - 3, investigators from the Office took statements from members of the 17th Brigade's 47th Infantry Battalion ("General Francisco de Paula Vélez") and the 33rd Counter-Guerilla Battalion ("Cacique Lutaima"), among others. The Prosecutor General's Office reported difficulty collecting evidence from witnesses, many of whom are members of the peace community now located in La Holandita who say they are not comfortable giving testimony to the Prosecutor General's Office. Members of the Peace Community say they will allow the Inspector General's Office access to witnesses, however, the Prosecutor General has difficulty collecting information collected this way due to differing evidence collection procedures and protocol.

The human rights performance of many of the Army's units is improving, but allegations of human rights violations and collusion with paramilitary groups continue, most notably against the Army's 17th Brigade. The Government of Colombia has stated that it remains committed to addressing these concerns. As reported in the May 30, 2006, certification, the Ministry of Defense issued Directive 3 on February 28, which mandated improvement of the human rights performance of the 17th Brigade and developed two strategies for doing this: (1) a special program of human rights and international humanitarian law training and (2) the strengthening of the mechanisms of investigation and attention to complaints and petitions brought forth by communities in the Brigade's zone of operation (Urabá region in Northern Colombia). In furtherance of this Directive, on August 1 the Commander of the Army issued a separate directive, which elaborates this plan, puts it into effect as of September 4, and outlines the mechanisms to investigate complaints, especially those raised by the Peace Community of San José de Apartadó.

As a result of the Army Commander's directive, a legal advisor was assigned to the 17th Brigade to act as Operational Judicial Advisor. He will examine operations from a human rights perspective, contribute to human rights training for the Brigade and liaise with the Ministry of Defense's Human Rights Office and the Ministry of Defense's Legal Office. The 17th Brigade Commander is also working with the Inspector General's Office to revamp its human rights training plan, which would serve as the model for all other Brigades. The 17th Brigade has created a committee that meets every 15 days to review investigations and complaints regarding the 17th Brigade and send a report on its findings every trimester to the Inspector General's Office of Administrative, Disciplinary, and Judicial Control. For its part, the Inspector General's Office of Administrative, Disciplinary, and Judicial Control is implementing a system for tracking the status of investigations of alleged human rights violations by the Brigade in order to ensure that the Armed Forces cooperates fully in the investigation of these cases and implements all necessary sanctions. The Judicial Advisor to the Army has catalogued, and is following up on, each of the 507 allegations of human rights abuses by the 17th Brigade posted on the Peace Community of San José de Apartadó's web page.

In the investigation into the July 1997 massacre in Mapiripán (Meta), two Colombian military officials (General Uscátegui and Lt. Col. Orozco) and three AUC members (Leonardo Montoya Pubiano, Francisco Enrique Gómez Vergaño, and Arnoldo Vergara Trespalcacios) remain charged with the deaths of at least 30 civilians in the case. On May 30, the Prosecutor General dismissed the murder charges against José Pastor Gaitán Ávila in this case. In early June 2006, the judge ordered the collection of additional evidence, including declarations, and one person gave a declaration. The Specialized Ninth Circuit Court of Bogotá concluded hearings for Uscátegui, Orozco, and Vergara in July 2005, and recommended a 40-year sentence for Uscátegui. However, the judge in the case has yet to issue a decision, in part because, to meet other judicial needs, he was assigned to the Superior Courts in Bogotá and Cundinamarca from June 2 to July 31, 2006.⁹

⁹ A correction is needed regarding the cases this judge is handling. The last certification reported that on February 14, the Director of the Presidential Program for Human Rights requested the Presidency of the Administrative wing of the Supreme Council of the Judiciary (CSJ) apply judicial vigilance ("vigilancia judicial") to this case, an administrative mechanism established to ensure the officials of the judicial branch are able to develop their work in an efficient manner. As a result of this request, the certification said the Supreme Council of the Judiciary ruled that the judge handling the Uscátegui case be relieved of all other cases in his workload to enable him to focus exclusively on this one. The Government of Colombia subsequently provided information that judicial vigilance means the judge was relieved of receiving new cases, leaving him with responsibility for the Mapiripán case, as well as his other pending cases at that time.

The Prosecutor General's Office continues to investigate the April 19, 2005 homicide and torture of 12 young adults – all relatives of leaders of the Yurumanguí community – in Buenaventura (Valle de Cauca), allegedly by paramilitary forces with collusion by the Colombian National Police. On April 28, 2005, the Office detained nine alleged paramilitary members in connection with the case and on March 17, authorities indicted them on homicide charges in connection with the case. The nine were on trial as of the end of 2006 and remain in detention.

Likewise, the investigation continues into the August 5, 2004 homicide of three trade union leaders in Arauca, allegedly by a squad from the Army's 18th Brigade ("Reveiz Pizarro"). On September 6, 2004, the Prosecutor General's Office detained four military officials in connection with the case (Lieutenant Juan Carlos Ordoñez Cañón, and Professional Soldiers Jhon Alejandro Hernández Suárez, Walter Loaiza Culma, and Oscar Saul Cuta Hernández) and one civilian (Daniel Cabellero Rozo). As reported in the last certification, the Office began the trial in this case on March 19. The public hearing for the case was completed November 21 and the officials remain in detention. In addition, on May 18, the Inspector General's Office charged four officials and three soldiers with violating International Humanitarian Law.

As reported in the previous certification, the trial in the case of the December 13, 1998 aerial bombing that killed 17 people in Santo Domingo (Arauca) remains suspended. The Prosecutor General's Human Rights Unit suspended the trial in November 2005 to allow time for the collection of further evidence, procedural motions to by the Prosecutor General's Office, and to allow adequate time to hear all of the scheduled testimony.

There has been some progress in the investigation into the October 15, 2005, disappearance and homicide of Afro-Colombian leader Orlando Valencia in Belén de Bajirá (Chocó) by paramilitary forces, allegedly with collusion by the Colombian National Police. On October 23, the Prosecutor General's Office charged Herman de Jesús Muñoz González, alias "Diomedes," for his alleged role in the aggravated homicide of Valencia; he remains in preventative detention. On October 9, the Office opened an investigation into the alleged involvement of two members of the Colombian National Police in the case. Leading up to this, on May 25, United Self-Defense Forces of Colombia (AUC) member Alvaro Padilla Medina, alias "El Boxeador," plead guilty to charges of aggravated homicide and criminal conspiracy for his involvement in the case, and on May 26, his case was remitted to the Special Circuit Court of Antioquia for decision. He is being held in Cúmbita prison, 120 kilometers north east of Bogotá. After reviewing new evidence, the Prosecutor General's Office arrested AUC member Julio César Silva Borja, alias "El Enano" or "El Indio," on September 6. He was

detained after a September 15 preventative detention and remains in custody.

Detentions by the Prosecutor General's Office (Fiscalía)

Before formally charging a suspect with a crime, the Prosecutor General's Office issues a preventative detention order while it investigates the case. Once the preventative 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. Following this, the Armed Forces either hold that individual in custody at a military facility or turn him over to civilian authorities.

Of the 32 military personnel identified in the memorandum of justification for the May 30, 2006, certification and determination as having been detained and suspended by the Armed Forces between August and December 2005, 12 remain in preventative detention and suspended as of December 2006, pending further investigation, and 20 have had trial proceedings initiated against them. According to the Prosecutor General's Office, the Armed Forces complied with the order for the preventative detention of each individual when notified, and suspended the military personnel involved when asked to do so.

The Prosecutor General's Office issued 66 orders for the preventive detention of military personnel credibly alleged to have committed gross human rights violations or to have collaborated with paramilitary groups. As of the end of the year, information was available on 53 of these individuals, who were involved in nine cases of alleged human rights violations (information on suspensions from the military provided where available as of the end of the year):

- A. The Prosecutor General detained six members of the Army, upon an order of preventive detention issued May 18, on credible evidence of torture as defined by Article 178 of the penal code and acts covered under Article 111 of the same code for their alleged involvement in the torture and sexual assault of 21 soldiers at the Military's Instruction and Training Center (CIE) in Piedras (Tolima) on January 25. (Case Number 3155)
- (1) **Army First Corporal José Rafael Tarazona Villamizar**
(administrative proceedings under way to suspend from Armed Forces)
 - (2) **Army Third Corporal Edwin Alberto Ávila Mesa**
(administrative proceedings under way to suspend from Armed Forces)
 - (3) **Army Third Corporal Hugo Alberto Mestra Agudelo**
(administrative proceedings under way to suspend from Armed Forces)
 - (4) **Army Third Corporal Jairo Alonso Lora Fuentes**
(administrative proceedings under way to suspend from Armed Forces)

- (5) **Army Professional Soldier Alvaro Yeison Acosta Sánchez**
(suspended from Armed Forces on February 19)
- (6) **Army Third Corporal Sergio Andrés Muriel Quiroga**
(administrative proceedings underway to suspend from Armed Forces)

B. The Prosecutor General's Office detained two members of the Army's 6th Brigade, upon an order of preventive detention issued May 19, on credible evidence of aggravated homicide, aggravated forced disappearance, and aggravated torture for his involvement with paramilitary forces in the murders of Jhon Jairo Iglesias Salazar, Araceli Londoño Varona, Ananías Mojica, and Jesús Antonio Céspedes Salgado (alias José Céspedes) on November 2, 2003 along the Potosí hamlet in Cajamarca (Tolima). (Case Number 1893)

- (7) **Army Captain Juan Carlos Rodríguez Agudelo**
(retired from the Armed Forces on May 23, 2005)
- (8) **Army First Corporal Francisco Blanco Estéban**
(suspended from Armed Forces on June 10)

C. The Prosecutor General detained 15 members of the Army, upon an order of preventive detention issued June 2, on credible evidence of aggravated homicide for their alleged involvement in the May 22 attack on a ten-man Counter-Narcotics Police Unit and their civilian guide in Jamundi (Valle de Cauca), as discussed at the beginning of this section. The 15 were also dismissed from the military under the Commander's discretionary authority to dismiss personnel without cause.

- (9) **Army Colonel Byron Caraval Osorio**
- (10) **Army Lieutenant Harrison Eladio Castro Aponte**
- (11) **Army Vice First Sergeant Jaime Humberto Montenegro Castañeda**
- (12) **Army Soldier Carlos Fernando Erazo Riascos**
- (13) **Army Soldier Luis Eduardo Carvajal Peralta**
- (14) **Army Soldier Nelson Enrique David Posso**
- (15) **Army Soldier José Alfredo Parra Mantilla**
- (16) **Army Soldier José Geiner Peñarada Díaz**
- (17) **Army Sergeant José Aurelio Palacio Mosquera**
- (18) **Army Third Corporal Elber Jesús Osorio González**
- (19) **Army Soldier Julio César Rosero Mestizo**
- (20) **Army Soldier Wilson Rafael Bohórquez Pineda**
- (21) **Army Soldier Mauricio Arcángel Ramírez Gallego**
- (22) **Army Soldier Adolfo Emilio Riaño Caleño**
- (23) **Army Soldier Julián Andrés Pomeo Moreno**

- D. The Prosecutor General detained **(24) Army Subofficial Pedro José Guarnizo**, upon an order of preventive detention issued July 4, on credible evidence of aggravated homicide as described in Articles 340, 103, and 104 of the penal code for his alleged involvement in the deaths of Leovigildo Castellanos, Dumar Castellanos, Gustavo Jaramillo Orjuela, and José Ignacio Gutiérrez on December 20, 1992 in the hamlet of Puerto Unión in the municipality of El Castillo (Meta). Guarnizo was suspended from the Armed Forces on August 30. (Case Number 950)
- E. The Prosecutor General detained nine members of the Cacique Timaco Battalion of the Army's Third Brigade (including the commander), upon an order of preventive detention issued July 7, on credible evidence of aggravated homicide for his alleged involvement in the murders of Javier Cubillos Torres, Wilder Cubillos Torres, and Eriberto Delgado Morales on March 18, 2005 in Laguna de Primavera, Páramo del Sumapaz (Meta). (Case Number 2135)
- (25) **Army Sublieutenant Camilo Javier Romero Abril** (commander)
(suspended from Armed Forces on July 26)
 - (26) **Army Second Corporal Elkin Parra Sierra**
(suspended from Armed Forces on July 21)
 - (27) **Army Professional Soldier Juan Basto Florez**
(suspended from Armed Forces on July 26)
 - (28) **Army Professional Soldier Alonso Basto Jairo**
(suspended from Armed Forces on July 26)
 - (29) **Army Professional Soldier Marco Gabriel Santana Robayo**
(suspended from Armed Forces on July 26)
 - (30) **Army Soldier Carlos Alberto Heredia Botello**
(retired from the Armed Forces November 30, 1995)
 - (31) **Army Professional Soldier Jhon Alexander Londoño**
(administrative proceedings underway to suspend from Armed Forces)
 - (32) **Army Professional Soldier Julio César Ayala Murallas**
(suspended from Armed Forces on July 26)
 - (33) **Army Professional Soldier Guillermo Cifuentes Ortiz**
(suspended from Armed Forces on July 26)
- F. The Prosecutor General's Office detained five members of the Army, upon an order of preventative detention issued July 14, for homicide of a protected person and conspiracy to commit murder in the August 2003 murder of Ever de Jesús Montero Mindiola of the Kankuamo indigenous community in Valledupar (César). The Office also brought charges against civilians Mario José Fuentes Montaña and Geiber José Fuentes Montaña for homicide of a protected person

and conspiracy to commit murder. (Case Number 1874)

- (34) Army Third Corporal Carlos Antonio Pacheco Ramirez
- (35) Army Professional Soldier Hugo Alberto Martínez Delgado
- (36) Army Professional Soldier Juan Carlos Soto Sepúlveda
- (37) Army Professional Soldier Jovier Yesid de Ávila Alquerque
- (38) Army Sub-Lieutenant José Moreno Trigos

G. The Prosecutor General's Office detained eight members of the Army, upon an order of preventative detention issued July 17, for the alleged homicide of a protected person in the murder of Juan Eneñas Daza Carrillo, member of the Kankuamo Indigenous community in Valledupar (César). (Case Number 3139/165633)

- (39) Army Lieutenant Carlos Andrés Lora Cabrales
- (40) Army Third Corporal César Augusto Mosquera Guerrer
- (41) Army Professional Soldier Rodolfo Martínez Ríos
- (42) Army Professional Soldier Adair Tarazona Ríos
- (43) Army Professional Soldier Everaldo Antonio Martínez
- (44) Army Professional Soldier Abel Salcedo Jiménez
- (45) Army Professional Soldier Luis Hernando Salgado Flórez
- (46) Army Professional Soldier Edgar David Ramos Medina

H. In September, the Prosecutor General's Office preventatively detained six members of the Army's 11th Brigade for their alleged participation in the murders of two civilians (Mario Miguel Pineda Pérez, the brother of former member of Congress Eleonoro Pineda, and Luiz Orozco Hernández) in Tierralta (Córdoba) on October 12, 2005. Troops from the Junín Battalion of the 11th Brigade had allegedly reported the two as having died in combat, though witnesses alleged they were executed.

- (47) Vice First Sergeant Flavio César Sánchez Rivera
- (48) First Corporal Albeiro Vargas Gaitan
- (49) Lieutenant Edwin Alberto Fugaredo Mesa
- (50) Professional Soldier Roberto Carlos Posada Diaz
- (51) Professional Soldier Luis Miguel Solano Ramos
- (52) Professional Soldier Dalro Yeneris Silva

I. The Prosecutor General detained (53) Army Soldier Miguel Ángel Molina Delgado upon an order of preventive detention issued October 6, on credible evidence of homicide and trafficking firearms owned by the Armed Forces, for allegedly launching a grenade into a house on September 14, 2005, which caused the death of a minor and injuries to three people.

The following 12 individuals remain in preventative detention and suspended from the Armed Forces, as noted in the May 30, 2006, certification:

1. **Army Soldier Jair Hurtado Cuesta**
2. **Army Soldier Arturo Caicedo Mosquera**
3. **Army Second Sergeant Alexander Ledezma Carona Lenin**
4. **Army Soldier Carlos Alberto Heredia Botello**
5. **Army Lieutenant Colonel Jorge Eliécer Plazas Acevedo**
6. **Army Sergeant Guillermo Lozano Guerrero**
7. **Army Soldier Marco Antonio Gueche Pérez**
8. **Army Soldier Edilberto Marín Malatesta**
9. **Army Soldier Omar Beltrán Blanco**
10. **Army Third Corporal Oscar Javier Ángel González**
11. **Army Second Sergeant Suescun Wilson Casallas**
12. **Army Soldier Alenpifen Rodríguez Bermúdez**

Indictments by the Prosecutor General's Office (Fiscalía)

Between January and December 2006, the Prosecutor General's Office indicted 56 military personnel (resoluciones de acusación) involved in nine cases of alleged human rights violations and initiated trial proceedings against them in civilian courts (information on suspensions from the military provided where available as of the end of the year):

- A. On January 17, the Prosecutor General's Office indicted **(1) Army Professional Soldier Manuel Vence Cibis**, from the Army's Albardón Battery, for aggravated homicide in the murder of Alcides Pacheco Sanguino on March 12, 2002 in Pueblo Bello (César). On February 27, the Office also indicted eight additional members of the Army's Albardón Battery, which was in Pueblo Bello for the elections held March 10, 2002 for homicide of a person in the same case whose identity was protected.

(2) Army Captain Iván Andrés González Villafane

(suspended from Armed Forces on January 10)

(3) Army First Vice Sergeant Luis Germán Solarte Mora

(suspended from Armed Forces on December 15, 2005)

(4) Army Third Corporal Jhon Alexander Varón Franco

(suspended from Armed Forces on December 15, 2005)

(5) Army Professional Soldier David Aleyser Tapias Arias

(suspended from Armed Forces on January 4)

(6) Army Professional Soldier Yeini Valoyes Murillo

(suspended from Armed Forces on January 4)

(7) Army Professional Soldier Héctor Andrés López.

(suspended from Armed Forces on January 4)

(8) Army Professional Soldier Heriberto de Jesús Granda Valle

(suspended from Armed Forces on January 4)

(9) Army Professional Soldier Oscar Albeiro Cano Tabares

B. On January 30, the Prosecutor General's Office indicted seven members of the Army's Company B (including the commander), assigned to Counterinsurrection Battalion Number 6 ("Pijaos"), for their alleged violation of the norms described in Title II and Article 135 of the penal code through their involvement in the murders of Nolberto Mendoza Reyes, Albeiro Mendoza Reyes, Julio César Santana Reyes, Yamile Uruña Arango, and Cristian Albeiro Mendoza Uruña along the Potosí hamlet in Cajamarca (Tolima). (Case Number 2102)

(10) Army Second Sergeant Alexander Ledezma Cardona Lenin

(commander, suspended from Armed Forces January 21, 2005, as noted in August 2005 certification)

(11) Army Professional Soldier Jhon Jairo Guzmán Gallego

(suspended from Armed Forces on September 16, 2005)

(12) Army Professional Soldier Albeiro Pérez Duque

(suspended from Armed Forces September 9, 2005 as noted in May 2006 certification)

(13) Army Professional Soldier Noel Briñez Pérez

(suspended from Armed Forces on September 20, 2005)

(14) Army Professional Soldier Jairo Sebastián Quintero Riaño

(suspended from Armed Forces on September 19, 2005)

(15) Army Professional Soldier Jhon Jairo Vizcaya Rodríguez

(suspended from Armed Forces on September 16, 2005)

(16) Army Professional Soldier Luis Fernando Ramos Martínez

(suspended from Armed Forces on September 19, 2005)

C. On February 20, the Prosecutor General's Office indicted seven members (including the commander) of the "Pantera Uno" Squad from the Army's 12th Infantry Battalion ("Alfonso Manosalva Flores") for homicide and criminal conspiracy in the murders of Wilman Guillermo Arriaga Arboleda and Jefferson Moreno López on July 24, 2005 in Condoto (Chocó). (Case Number 2280)

(17) Army Sergeant Octavio de Jesús Palacio Taborda

(commander, suspended from Armed Forces September 15, 2005, as noted in May 2006 certification)

(18) Army Soldier Yeiler Arce Ríos

(suspended from Armed Forces September 9, 2005, as noted in May 2006 certification)

(19) Army Soldier Zamir Córdoba Rodríguez

(suspended from Armed Forces September 9, 2005, as noted in May 2006 certification)

(20) Army Soldier Jarinson García Chaverra

(suspended from Armed Forces September 9, 2005, as noted in May 2006 certification)

(21) Army Soldier Wilmar Antonio Córdoba Mena

(suspended from Armed Forces September 9, 2005, as noted in May 2006 certification)

(22) Army Soldier David Díaz Gil Bairson

(suspended from Armed Forces September 9, 2005, as noted in May 2006 certification)

(23) Army Soldier Jerson Amado Córdoba Mosquera

(suspended from Armed Forces September 9, 2005, as noted in May 2006 certification)

- D. On April 18, the Prosecutor General's Office indicted three members of the Army for aggravated criminal conspiracy, as defined in Article 342 of the penal code, in the murders of 40 people by armed men in Nueva Venecia and Sitio Nuevo (Magdalena) on November 22, 2000. The armed men allegedly killed those they encountered on their way to the sites and those on a list they brought with them which indicated who was engaged in advancing the labor rights of fishermen. (Case Number 935)

(24) Army First Vice Sergeant Sergio Salazar Soto

(25) Army Professional Soldier Ramiro Antonio Alarcón Guerra

(26) Army Professional Soldier Albeiro de Jesús García Rendón

- E. On April 26, the Prosecutor General's Office indicted two members of the Army for homicide in the murder of Octavio Castaño Quintero on December 17, 2004, in Aguas Claras, Granada (Meta).

(27) Army Major Wilson Orlando Lizaro Cárdenas

(suspended from Armed Forces September 9, 2005, as noted in May 2006 certification)

(28) Army First Vice Sergeant Antonio José García Calcedo

(suspended from Armed Forces September 9, 2005, as noted in May 2006 certification)

- F. On May 5, the Prosecutor General's Office indicted 11 members of the Army for

aggravated homicide, kidnapping, and intent to kidnap in the kidnapping and murder of Victor Hugo Maestre Rodríguez, member of the Kankuama indigenous community, and the attempted kidnapping of two other members of the Kankuama community, Rafael Enrique Maestre Fuentes and Eliécer Enrique Maestre Cáceres, on October 4, 2004, in Antanquez, Valledupar (César).

- (29) **Army Lieutenant Elkin Leonardo Burgos Suárez**
(suspended from Armed Forces September 1, 2005, as noted in May 2006 certification)
- (30) **Army Third Corporal Pedro Andrés Cubillos Bolívar**
(suspended from Armed Forces September 1, 2005, as noted in May 2006 certification)
- (31) **Army then-Third Corporal Elkin Rojas**
(removed from Armed Forces on August 8, 2005, for being absent without leave for more than 10 days)
- (32) **Army Soldier Leuder Jarman Castillo Sánchez**
(suspended from Armed Forces September 9, 2005, as noted in May 2006 certification)
- (33) **Army Soldier Luis Carlos Maestre Montero**
(suspended from Armed Forces September 1, 2005, as noted in May 2006 certification)
- (34) **Army Soldier Luis Carlos Pachaco Bolaños**
(suspended from Armed Forces September 1, 2005, as noted in May 2006 certification)
- (35) **Army Soldier Willinton Vera**
(suspended from Armed Forces December 13, 2005, as noted in May 2006 certification)
- (36) **Army Soldier Juan Manuel Mejía Rodríguez**
(suspended from Armed Forces December 13, 2005, as noted in May 2006 certification)
- (37) **Army Soldier Albert David Pertuz Plata**
(suspended from Armed Forces December 13, 2005, as noted in May 2006 certification)
- (38) **Army Soldier Heber de Jesús Peralta González**
(suspended from Armed Forces December 13, 2005, as noted in May 2006 certification)
- (39) **Army Soldier Fernando José Rodríguez González**
(suspended from Armed Forces December 13, 2005, as noted in May 2006 certification)

G. On June 9, the Prosecutor General's Office indicted eight Army soldiers from the

Anti-extortion and Kidnapping Unit (CAES) (including the commander) assigned to the 5th Mechanized Brigade ("Maza") for aggravated homicide and torture of Daniel Arismendi in October 1993 in Cúcuta (Norte de Santander). The Unit allegedly allowed the insurgent group Ejército Popular de Liberación (EPL) to keep Arismendi in captivity in Cúcuta and murder him after the EPL kidnapped him in Venezuela. (Case Number 987)

- (40) Colonel William Roberto de Ville
(suspended from Armed Forces on August 11)
- (41) Army Subofficial César Alfonso Maldonado Vidales
(suspended from Armed Forces on May 4, 2001; removed from the Armed Forces using the Commander's discretionary authority on April 25, 2005)
- (42) Army Subofficial Efraín Niño Plazas
(suspended from Armed Forces on August 2)
- (43) Army Subofficial Edilberto Goyes Buitrón
(suspended from Armed Forces on August 1)
- (44) Army Subofficial Jairo Granja Hurtado
- (45) Army Subofficial Jesús Hernando Laguado Suárez
- (46) Army Subofficial José Gregorio Hernández Hernández
(voluntarily retired from Armed Forces on July 10)
- (47) Army Subofficial José Misael Valero Santana

H. On October 2, the Prosecutor General's Office indicted three Army soldiers for the February 1, 1988 murder of Germán Zapata Escué, member of the Páez indigenous community. All three remain in preventative detention as trial proceedings continues. This case had been with the Inter-American Court of Human Rights for 18 years.

- (48) Lieutenant Colonel Jorge Alberto Navarro Devia
- (49) First Sergeant Roberto Camacho Riaño
- (50) Vice First Sergeant Ever Ospina

I. The Prosecutor General indicted six members of the Army on December 6 for torture as defined by Article 178 of the penal code and acts covered under Article 111 of the same code for their alleged involvement in the torture and sexual assault of 21 soldiers at the Military's Instruction and Training Center (CIE) in Piedras (Tolima) on January 25. The six remain in preventative detention as trial proceedings continue. (Case Number 3155)

- (51) Army First Corporal José Rafael Tarazona Villamizar
(administrative proceedings under way to suspend from Armed Forces)
- (52) Army Third Corporal Edwin Alberto Ávila Mesa
(administrative proceedings under way to suspend from Armed Forces)

- (53) **Army Third Corporal Hugo Alberto Mestra Agudelo**
(administrative proceedings underway to suspend from Armed Forces)
- (54) **Army Third Corporal Jairo Alonso Lora Fuentes**
(administrative proceedings underway to suspend from Armed Forces)
- (55) **Army Professional Soldier Alvaro Yeison Acosta Sánchez**
(suspended from Armed Forces on February 19)
- (56) **Army Third Corporal Sergio Andrés Muriel Quiroga**
(administrative proceedings underway to suspend from Armed Forces)

Continuation of Proceedings by Prosecutor General's Office

During 2006, the Prosecutor General's Office continued judicial proceedings against 36 members of the Armed Forces for violations of human rights and for collaborating with paramilitary groups.

1. Preparatory hearings are being held in the Fifth Circuit Court (Quinto Penal del Circuito) for **Army Professional Soldier José Alirio Angulo González**, of the Army's 37th Counterguerrilla Battalion, who is charged with homicide and illegal transfer of arms. (Case Number 2006-00107-00)
2. Public hearings are being held in the First Circuit Court of Antioquia (Primero Penal del Circuito de Antioquia) for **Army Third Corporal Wilson Ortiz García** who is charged with aggravated theft and illegal production and trafficking of arms and munitions for the Armed Forces and personal use. (Case Number 2005-0108)
3. The case involving **Army Subquartermaster General L. Ballestas Arevalo**, charged with criminal conspiracy for assisting paramilitary groups, was sent to the Supreme Court of Justice (CSJ) to resolve jurisdictional discrepancies. (Case Number 05-028)
4. Public hearings are being held in the Specialized Circuit Court of Arauca (Penal del Circuito Especializado de Arauca) for **Army Soldier Jairo Humberto González Cuellar** who is charged with aggravated homicide and criminal conspiracy. (Case Number 2005-0056)
5. Public hearings are being held in the Special Circuit Court of Arauca (Penal del Circuito Especializado de Arauca) for **Army Soldier Juan Carlos Ordoñez Cañon** who is charged with aggravated homicide. (Case Number 2005-060)

Trial proceedings also continue against the following individuals, whose cases

were listed in the memorandum of justification accompanying the May 30 and August 1, 2005, certifications:

6. **Army Second Sergeant Victor Manuel Sánchez Sánchez**
7. **Army First Corporal Andrés David Castro Olaya**
8. **Army Second Corporal Luis Alejandro Barrera Fuentes**
9. **Army Soldier Oscar Saúl Cuta Hernández Suárez**
(awaiting sentencing)
10. **Army Soldier Jhon Alexander Hernández Suárez**
(awaiting sentencing)
11. **Army Soldier Walter Loalza Cuma**
(awaiting sentencing)
12. **Army General Jaime Humberto Uscátegui (retired)**
(awaiting sentencing)
13. **Air Force Captain César Romero Padilla**
(awaiting sentencing)
14. **Air Force Lieutenant Johan Jiménez Valencia**
(awaiting sentencing)
15. **Air Force Technician Mario Hernández Acosta**
(awaiting sentencing)
16. **Army Soldier Luis Salomón Puerto Acero**
(awaiting sentencing)
17. **Army Soldier Juan Carlos Vásquez**
(awaiting sentencing)
18. **Army Soldier Raúl Emilio Lizcano Ortiz**
19. **Army Soldier Carlos Alberto Pérez Pallares**
20. **Army Corporal Rodrigo Estéban Benavides Ospina**
21. **Army Corporal Arturo Alexander Pinedo Rivadeneira**
22. **Army Captain Gustavo Rengifo Moreno**
23. **Army Second Sergeant Arquímedes Vargas Coca**
24. **Army Sergeant Garzon Edgar García**
25. **Army Lieutenant Gustavo Adolfo Gutiérrez Barragán**
26. **Army Soldier Orbien Giraldo Sanabria**
27. **Army Soldier Juan de Jesús García Walteros**
28. **Army Soldier Sergio Fernández Romero**
29. **Army Soldier Carlos Alberto Bulla Bolaños**
30. **Army Second Corporal Jorge Bedoya Ayala**
(appealing sentence of 27 years in prison for aggravated homicide and criminal conspiracy by Third Specialized Judge of Neiva on March 14, 2005)
31. **Army Second Corporal Wilson Caviedes Sáenz**

(appealing sentence of 30 years in prison for aggravated homicide and criminal conspiracy by Third Specialized Judge of Neiva on March 14, 2005)

32. **Army Soldier Arnoldo Gutiérrez Barrios**

33. **Army Captain Jaime Quintero Valencia**

(appealing sentence of 30 years in prison for aggravated homicide and criminal conspiracy by Third Specialized Judge of Neiva on March 14, 2005)

34. **Army Professional Soldier Fary Zúñiga Otero**

35. **Army Sergeant Hugo Moreno Peña**

36. **Army Second Corporal Pedro Barrera Cipagauta**

Resolution of Cases by Prosecutor General's Office

Between January and November,¹⁰ the Prosecutor General's Office concluded case proceedings against 17 members of the Armed Forces for violations of human rights and for collaborating with paramilitary groups, including against three officials named in past certifications. In 12 of these cases, the Prosecutor General's Office handed down sentences.

1. **Army Lieutenant Juan Carlos Ordóñez Cañón*** was paroled by Third Criminal Court of Cúcuta on February 13
2. **Army Soldier Oscar E. Delgado Oñate** was sentenced on February 28, for illegal use of uniforms by the Specialized Circuit Court (Penal de Circuito Especializado). (Case Number 023-06)
3. **Army Lieutenant Mihaly Istvan Jurko Vásquez*** was acquitted of torture charges by Third Specialized Criminal Circuit Court of Villavicencio.
4. **Army S3MIN Roberto Antonio Redondo Guerra** was sentenced on March 28, for illegal production and trafficking of arms and munitions for the Armed Forces and personal use by the Specialized Circuit Court of Cartagena (Penal Circuito Especializado de Descongestión de Cartagena). (Case Number 87-2006)
5. **Marine Infantryman Johnny Steven Morales Ochoa** was sentenced on March 21, for transportation of narcotics by the Second Specialized Circuit Court of Cartagena (Segundo Penal del Circuito de Cartagena). He is serving out this sentence in Ternera Prison (Carcel de Ternera). (Case Number 049-00-06)

¹⁰ This time period includes four months (January through April) that were included in the previous certification time period as this information was not available at the time of the previous certification and determination.

* Listed in May 30, 2006 or August 1, 2005 certification as having trial proceeding continuing against them.

6. **Army Soldier Oscar Iván López Chaverra** was sentenced on April 19, for homicide by the 21st Circuit Court of Medellín (Veintiuno Penal de Circuito de Medellín). (Case Number 2006-0228)
7. **Army Major Jorge Enrique Jiménez Troncoso*** was acquitted by Specialized Criminal Court of Antioquia on June 15
8. **Army Third Corporal Andrés Dario Castro Olaya** was sentenced on June 22, for aggravated homicide, criminal conspiracy, and kidnapping by the Second Specialized Circuit Court of Antioquia (Segundo Penal del Circuito de Antioquia). (Case Number 2005-0056)
9. **Army Major Jorge Enrique Jiménez Troncoso** was sentenced on June 22, for aggravated homicide, criminal conspiracy, and kidnapping by the Second Specialized Circuit Court of Antioquia (Segundo Penal del Circuito de Antioquia). (Case Number 2005-0056)
10. **Army Major Jorge Enrique Jiménez Troncoso** was also sentenced on June 25, for exhorted kidnapping by the Second Specialized Circuit Court of Antioquia (Segundo Penal del Circuito de Antioquia). (Case Number 2005-0088).
11. **Army Subofficial William de Jesús Gómez Gómez** was absolved of charges of homicide and illegal trafficking of arms on July 5 by the Third Circuit Court (Tercero Penal del Circuito).
12. **Army Captain Jorge Alexander Sánchez Castro*** was acquitted of conspiracy charges by Superior Court of Antioquia on October 4.
13. **Army Corporal Edgar Enrique Márquez Martínez*** was sentenced by Second Specialized Court of Cundinamarca on October 30 to 190 months in prison for the aggravated homicide charge against him; acquitted of the criminal conspiracy charge.

* Listed in May 30, 2006 or August 1, 2005, certification as having trial proceeding continuing against them

14. **Army Lieutenant Sandro Quintero Carreño** was sentenced in November to 38 years in prison for aggravated homicide in the November 1998 massacre at La Cabuya.
15. **Army Subofficial Pedro José Barrera Cipagauta** was sentenced in November to 15 years in prison for aggravated homicide in the November 1998 massacre at La Cabuya.
16. **Army Captain Edgar Mauricio Arbeláez Sánchez*** was sentenced on November to 34 years and two months in prison for aggravated homicide in the deaths of Alonso Rincón León and José Alfredo Castañeda in La Vega, Viotá (Cundinamarca).
17. **Army First Corporal Eduardo Enrique Márquez Martínez** was sentenced on November 14 to 15 years and 10 months in prison for aggravated homicide in the deaths of Alonso Rincón León and José Alfredo Castañeda in La Vega, Viotá (Cundinamarca).

Proceedings by the Military Penal Justice System

The Military Penal Justice system continues to investigate and adjudicate cases that the Prosecutor General has determined, in accordance with the MOU described below in Section (a)(2)(C), do not constitute human rights violations.

The Military Penal Justice System has opened an investigation into the April 10 homicide of 10 people, allegedly by soldiers from the 12th Mobile Brigade in the hamlet of Sanza in San Juan de Arama (Meta). According to Amnesty International, witnesses allege that members of the Brigade targeted unarmed civilians who had sought refuge in a school-house during combat in the area. A military prosecutor (Fiscalía 28 Penal Militar) has been assigned to the case and is currently reviewing evidence to determine whether to bring charges.

Proceedings by the Inspector General's Office (Procuraduría)

Between January and June 2006,¹¹ the Inspector General's Office opened six processes against 52 members of the Armed Forces:

* Listed in May 30, 2006 or August 1, 2005, certification as having trial proceeding continuing against them

¹¹ This time period includes four months (January through April) that were included in the previous certification time period as this information was not available at the time of the previous certification and determination.

- A. On February 14, the Inspector General's Office brought disciplinary charges against **(1) Army Soldier Patrick Moreno Jiménez** for his alleged responsibility for the actions of members of the Army in the death of Víctor Manuel and José Ricardo Burgos on January 3, 2002, in Saravena (Arauca).

Status: This case is pending decision.

- B. On February 17, the Inspector General's Office brought charges against 17 soldiers from the Army's 20th Infantry Battalion ("General Serviez") for the alleged illicit appropriation of funds and actions which lead to the death of four people in the rural zone of San Martín (Meta) on November 23, 2003:

- (2) Army Captain Fajardo Barco Dalro Clemente**
- (3) Army Second Sergeant Bernal Cruz Jorge Armando**
- (4) Army Second Sergeant Vargas Higuita Fabio Orlando**
- (5) Army First Corporal Mena Mosquera José Antonio**
- (6) Army Professional Soldier Sánchez González Humberto Alexis**
- (7) Army Professional Soldier Moreno Ortiz Carlos Alberto**
- (8) Army Professional Soldier Martínez Agullera Nolberto**
- (9) Army Professional Soldier León Méndez Giovanni**
- (10) Army Professional Soldier Moreno Abril Marco Enrique**
- (11) Army Professional Soldier Francisco Forero García (alias "Patacón")**
- (12) Army Professional Soldier Albarracín Galvis Jesús**
- (13) Army Professional Soldier Moreno Parra Luis (alias "Cachetes")**
- (14) Army Professional Soldier Rodríguez Salinas Bayron**
- (15) Army Professional Soldier Martínez Mateus Geovanny**
- (16) Army Professional Soldier Grajales Rendón Iván**
- (17) Army Professional Soldier Zapata Duarte Jhon**
- (18) Army Professional Soldier León Barreto Javier**

Status: The Inspector General's Office is hearing exculpatory evidence in these cases.

- C. On April 27, the Inspector General's Office brought charges against three Army soldiers for their alleged responsibility in the death of Alfonso Peña Peña and five others on November 16, 2001:

- (19) Army Soldier Pastrana Aldana Geyser**
- (20) Army Soldier Anaconda Noel**
- (21) Army Soldier Polanía Ramírez Yelmer**

Status: The Inspector General's Office is hearing exculpatory evidence in these

cases.

- D. On May 2, the Inspector General's Office brought disciplinary charges against seven members of the Army's Mechanized Calvary Group 18 "Revéiz Pizarro" for causing the death of Jorge Prieto, Leonel Goyeneche, and Héctor Martínez while conducting the military operation "Tormenta 1" along the hamlet of Caño Seco in the rural zone of the municipality of Saravena (Arauca):

- (22) Army Colonel Medina Corredor Luis Francisco
- (23) Army Captain Hinzardo Alberto Bravo Zambrano
- (24) Army Captain Castillo Arbeláez Luis Eduardo
- (25) Army Second Lieutenant Ordóñez Cañón Juan Pablo
- (26) Army Soldier Cuta Hernández Oscar Saúl
- (27) Army Soldier Hernández Suárez Jhon Alejandro
- (28) Army Soldier Loalza Culma Walter

Status: The Inspector General's Office is hearing exculpatory evidence in these cases.

- E. On May 26, the Inspector General's Office brought disciplinary charges against nine members of the Army for their alleged responsibility in the homicide of Edison Martínez, Director of Municipal Unit for Technical Agricultural Assistance (UMATA) in Esperanza (Norte de Santander), and Edyt Salcedo Vergel as well as misrepresenting the victims as paramilitaries killed in combat operations:

- (29) Army Captain Lara Ramírez William
- (30) Army Professional Soldier Caballero Waltero Jaime
- (31) Army Professional Soldier Meza Gómez Enrique
- (32) Army Professional Soldier Santos Rey Cristian
- (33) Army Professional Soldier Plata Prada William Efrén
- (34) Army Professional Soldier Araque Quintero Marco Yesid
- (35) Army Professional Soldier Durán Arguello Cristian
- (36) Army Professional Soldier Ortiz Casanova Nelson
- (37) Army Professional Soldier Araque Pérez Edgar

Status: The notification term for these processes has begun.

- F. On June 2, the Inspector General's Office brought charges for illicit disciplinary acts identified in numbers 1 through 9 in Article 48 of Law 734 of 2002 against 15 officials and subofficials of the Army's 6th Brigade for their alleged responsibility in the acts that occurred in the Military's Instruction and Training

Center (CIE) in Piedras (Tolima) on January 25:

- (38) Army Lieutenant Colonel Rubén Darío Hernández Mosquera
- (39) Army Lieutenant Jesús Alfonso Rojas Quintero
- (40) Army Professional Soldier Arévalo Ballén Giovanni
- (41) Army Professional Soldier Rozo Gutiérrez Edwin Daniel
- (42) Army Professional Soldier Cadena Gutiérrez Jhon
- (43 - 52) (10 unnamed members of the Army)

Status: The Inspector General's Office has terminated the investigation against Lieutenant Colonel Rubén Darío Hernández Mosquera in accordance with Article 73 of Law 734 of 2002. The Office also ended the joint processing of Lieutenant Jesús Alfonso Rojas Quintero and professional soldiers Arévalo Ballén Giovanni, Rozo Gutiérrez Edwin Daniel, and Cadena Gutiérrez Jhon. The Office is hearing exculpatory evidence in these and the other remaining cases.

SECTION 556(a)(2)(C)

Section 556(a)(2)(C) of the FY 2006 FOAA requires a determination that:

The Colombian Armed Forces have made substantial progress in cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

The Colombian Armed Forces have continued to make substantial progress in this regard. The Minister of Defense continued to use the Coordinator of the Armed Forces' Group of Human Rights and International Humanitarian Law as its liaison with civilian authorities and the Armed Forces, as stated in the August 1, 2005, memorandum of justification. The directors of the Human Rights Offices of the Armed Forces also liaised with the representatives of the Inspector General's and Prosecutor General's Offices in their respective jurisdictions to ensure cooperation on the regional and local levels.

The Ministry of Defense and civilian judicial officials agree that military courts respect the decisions of the Supreme Council of the Judiciary concerning jurisdictional disputes between military and civilian prosecutors on whether alleged crimes are related to military service. Between January and June 2006, the Supreme Council of the Judiciary ruled on a total of 30 jurisdictional disputes specifically related to cases of human rights violations or aiding and abetting paramilitary groups by the Armed Forces. Of these, 29 were brought to trial and then transferred to the civilian judiciary, and one was transferred to the military penal justice system. Thirteen are pending decision.

On July 13, the Inspector General told the Vice President's Human Rights Unit that the Armed Forces conducted itself with "respect, order, collaboration, and commitment" in assisting with investigations. Dr. Leonardo Cabana, director of the Human Rights Unit of the Prosecutor General's Office, also informed the Vice President's Human Rights Unit on June 21 that the Armed Forces provided full, effective, and efficient cooperation in its investigations. He stated that the Armed Forces cooperated in apprehending and detaining suspects and aided the investigations by facilitating the gathering of evidence, complying with suspension requests from the Prosecutor General's Office, and assisting in judicial procedures. He also confirmed the Armed Forces continued to assist Prosecutor General's Office in providing protection to investigators, which makes it possible for them to conduct these sensitive investigations.

For example, during the certification period the Armed Forces provided a 230-man team from the Army's 9th Brigade to protect and transport inspectors while they collected and reviewed evidence in Villavicencio (Meta).

In 2006, the Commander of the Armed Forces issued four orders related to investigating alleged human rights violations and forced disappearances:

- (1) Order Number 5062 of January 20, 2006: "Instructions for taking statements on alleged human rights violations by the Armed Forces"
- (2) Order Number 5266 of March 2006: "Helping the Prosecutor General of the Nation"
- (3) Order Number 5433 of May 17, 2006 (Supplement to Directive 6 of April 6, 2006): "Instructions for Aiding in Investigations of Forced Disappearances, Using the Urgent Search Mechanism, and Preventing Forced Disappearances"
- (4) Order Number 5451 of May 26, 2006: "Functions of the Offices of Human Rights and International Humanitarian Law"

These orders were implemented in all branches and at all levels of the Armed Forces. The Commander of the Air Force also issued two orders on human rights violations and instructions for investigating alleged violations.

The Jamundi case [described in the discussion regarding Section(a)(2)(B)] showed the commitment of the Armed Forces to turning over jurisdiction of cases of alleged human rights violations to civilian authorities. After an initial recommendation from a lower military court that the military justice system should retain responsibility for the case, then Commander of the Armed Forces General Ospina flatly rejected this proposal on July 21. The Supreme Council of the Judiciary then affirmed in its August 14 determination that the case should be tried before the ordinary justice system as the killings were not perpetrated in the line of duty.

The Prosecutor General's Office signed a memorandum of understanding (MOU) with the Ministry of Defense on June 14, giving the Prosecutor General's Office jurisdiction over all investigations of alleged human rights violations committed by the military, as well as the authority to make the initial decision on jurisdiction. This means the Prosecutor General's Office reviews the case and decides whether it will handle the investigation or whether the case falls into the purview of the Armed Forces. As such, the MOU eliminates investigative conflicts regarding the implementation of the 1997 Constitutional Court decision, which originally gave civilian courts jurisdiction over

human rights violations by the military. Although the Government of Colombia has applied the 1997 decision, disagreements have arisen as to whether the violations were committed during an "act of service," in which cases the incident was given to the military penal justice system for investigation.

The MOU also further reiterates the commitment of the Armed Forces to assisting the Prosecutor General's Office in securing evidence and protecting investigators. This formally ensures that the Armed Forces will continue to assist the Prosecutor General's office by providing protections to investigators, as well as services such as aerial support (such as loaning helicopters to the Office to allow inspectors to reach crime scenes and witnesses).

SECTION 556(a)(2)(D)

Section 556(a)(2)(D) of the FY 2006 FOIA requires a determination that:

The Colombian Armed Forces have made substantial progress in severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations, especially in regions where these organizations have a significant presence.

The Colombian Armed Forces have continued to make substantial progress in severing links between military personnel and paramilitary units at the command, battalion, and brigade levels. The Commander of the Navy issued several orders on human rights and collusion with paramilitary forces, including a January 26 order that details the Navy's Counter Intelligence Plan for 2006 and charges all levels of his command with evaluating the capacity of illegal self-defense groups to infiltrate and penetrate the Navy. The Commander of the Air Force also issued several orders on this subject.

The Commander of the Army has also issued orders to all personnel below his command to continue implementing measures to eradicate links between members of the Army and paramilitary organizations. To this end, the Army's Inspector General issued instructions on March 2, with instructions on combating illegal armed groups that reiterated the Commander's 2005 directive on strengthening operations against these groups. When he assumed command of the Armed Forces in August, General Padilla stated that "any perception that the Armed Forces colludes with illegal armed groups diminishes the credibility of the democratic security and the legitimacy of our institutions and the rule of zero tolerance for any member or organization outside the law."

Further evidence that the Colombian Armed Forces severed ties with paramilitary organizations is that they actively targeted paramilitary groups in numerous military operations. During these operations, the Armed Forces captured or killed members of paramilitary groups and confiscated weapons, ammunition, vehicles, and money [see Section 556(a)(2)(E) and Section 556(a)(3) for more information on paramilitaries captured or killed in these operations]. In total, between January and June 2006,¹² the

¹² This time period includes four months (January through April) that were included in the previous certification time period as this information was not available at the time of the previous certification and determination.

Armed Forces captured 168 short arms (revolvers, pistols), 161 long arms (rifles, shotguns), one machine gun, six sub machine guns, 84,610 rounds of munitions of various types, 1,324 grenades, 45 mortars, three grenade launchers, six rocket launchers, 6,552 explosives, and 14 landmines.

Section 556(a)(2)(E)

Section 556(a)(2)(E) of the FY 2006 FOIA requires a determination that:

The Colombian government is dismantling paramilitary leadership and financial networks by arresting commanders and financial backers, especially in regions where these networks have a significant presence.

The Government of Colombia continued efforts to dismantle the paramilitary leadership and financial networks through the demobilization and reintegration process. One additional paramilitary group, the Peasant Self-Defense Force of the Elmer Cardenas Bloc, demobilized on August 15, bringing the total number demobilized collectively to 31,687. Of this figure, 44 percent (17,579) demobilized between January and August 2006.

Capture and Detention of Paramilitary Leaders

The Government of Colombia took steps during this certification period to ensure the detention of AUC leaders. On August 14, President Uribe ordered demobilized AUC leaders to surrender or lose benefits afforded under the Justice and Peace Law and face extradition. As of September 30, the majority of AUC leaders¹³ had surrendered and were held at La Ceja detention center under strict security. On December 1, 57 of these AUC leaders were transferred from La Ceja to Itagui maximum security penitentiary and the remaining two were transferred to La Picota maximum security

Armed Forces captured 62 commanders, key financial personnel, or mid-level administrators and killed 65. Of the 62 captured, 24 were higher profile paramilitary leaders and are listed below:

- (1) **Alvadro Median Padilla**, operated in the Apartadó municipality (Antioquia)
- (2) **Elfrín Armando Berrio Cotes**, alias "Comandante Mauricio Pimienta," Commander of the Wayúú Counterinsurgency Front
- (3) **Fabio Leguizamón Pulido**, alias "El Gato," Financial Chief of the Martín Llanos de Casanare group
- (4) **Fredy Daza Osorio**, Chief of Finances for the Tequendama Bloc in Mesa (Cundinamarca)
- (5) **Herman José Muñoz González**, alias "Diomedes," Commander of the Apartadó Municipality (Antioquia)
- (6) **Hubin Fernel Pérez Valeta**, Commander of the Fidel Castaño Bloc
- (7) **Juan Carlos López Gallego**, Tequendama Bloc (Cundiamarca)
- (8) **Mauricio Cardenas Vallencia**, Patroller for Fidel Castaño Bloc
- (9) **Wilson Antonio Pallares Mendoza**, Wayúú Counterinsurgency Front
- (10) **Adalberto Vásquez Mejía**, Peasant Self Defense of Córdoba and Urabá, operated in the Municipalities of Codazzi, Becerril, and La Jagua del Ibérico
- (11) **Aldo José Ochoa Camacho**, North Block (César)
- (12) **Ángel Alberto Barraza Barrios**, Peasant Self Defense of Córdoba and Urabá, operated in the municipalities of Codazzi, Becerril, and La Jagua del Ibérico
- (13) **Celso Alfonso López Angarita**, Peasant Self Defense force of Córdoba and Urabá, operated in the municipalities of Codazzi, Becerril, and La Jagua del Ibérico
- (14) **Ángel Rafael Maldonado de la Boz**, Peasant Self Defense force of Córdoba and Urabá, operated in the municipalities of Codazzi, Becerril,

and La Jagua del Ibérico

- (15) **David Ospino Córtez**, North Bloc (César)
- (16) **Eder Quintero Pardo**, Peasant Self Defense force of Córdoba and Urabá, operated in the municipalities of Codazzi, Becerril, and La Jagua del Ibérico
- (17) **Ulogio Antonio Peñalosa Paéz**, Peasant Self Defense force of Córdoba and Urabá, operated in the municipalities of Codazzi, Becerril, and La Jagua del Ibérico
- (18) **Horacio Bedoya Vergara**, commander of the metropolitan area of Medellín
- (19) **Jesús Alfredo López Ruiz**, Peasant Self Defense force of Córdoba and Urabá, operated in the municipalities of Codazzi, Becerril, and La Jagua del Ibérico
- (20) **Jhon Jamer Teherán Vides**, Peasant Self Defense force of Córdoba and Urabá, operated in the municipalities of Codazzi, Becerril, and La Jagua del Ibérico
- (21) **Luis Gerardo Silva Camacho**, North Block (César)
- (22) **Luz Helena Guevera Cardenas**, Peasant Self Defense force of Córdoba and Urabá, operated in the municipalities of Codazzi, Becerril, and La Jagua del Ibérico
- (23) **Luz Marina Coronel Restrepo**, Peasant Self Defense force of Córdoba and Urabá, operated in the municipalities of Codazzi, Becerril, and La Jagua del Ibérico
- (24) **Teobaldo Bello Ramos**, North Block (César)

Dismantling Leadership and Financial Networks

The Government of Colombia issued a decree September 29, in furtherance of the Constitutional Court's decision on the implementing regulations of the Justice and Peace Law (Law 975 of 2005). The decree closely tracks with the May 13 Constitutional Court decision and incorporates many of the concerns raised by NGOs and U.S. officials. Most notably, the decree provides for full disclosure of individual and group crimes and obligates the former paramilitaries to give up illicit assets if illicit assets are inadequate to fully compensate the victims.

Former paramilitaries interested in participating under the Justice and Peace Law (Law 975 of 2005) process, are required to turn over all illicit assets, which will be used for reparation purposes. After the court determines the extent to which individuals and groups are liable for reparations, Prosecutor General's Office will receive the assets that are turned over and will then give them to the Reparation Funds ("Fondos de Reparacion), which the National Reconciliation and Reparations Commission (CNRR) will monitor. Throughout this process, the Armed Forces continues its operations to seize paramilitary assets. The Armed Forces conducted two operations against the AUC during 2006 to confiscate paramilitary assets. In Operation Delta II, conducted on July 4, in Tumaco (Nariño), the Armed Forces confiscated 183 AUC properties worth approximately \$5.68 million. In Operation Pegasus, conducted August 9, in Santander and Norte de Santander, the Armed Forces confiscated approximately \$6.55 million in assets: 73 properties, two commercial establishments, one rural property, and one vehicle.

The Justice and Peace Law also established (Article 33) the Prosecutor General's Unit for Justice and Peace, which investigates and prosecutes crimes confessed by demobilized paramilitary members participating in the Justice and Peace Law process. Through these investigations, the Government of Colombia is working to uncover and dismantle paramilitary leadership and financial networks. As of September, the government has identified 2,696 paramilitaries that would be eligible to participate in the Justice and Peace Law process and 14 have ratified their intent to do so. More than 2,400 paramilitaries already in prison have also applied for Justice and Peace Law benefits.

The Prosecutor General's Justice and Peace Unit began its work in early 2006 and as of the end of the year there were 295 people working in it, including 20 prosecutors (delegated from Superior Courts), 150 criminal investigators (newly created positions), and 15 assistant criminal investigators (also newly created positions). The Unit has offices in Bogotá, Barranquilla, and Medellín, as well as satellite judicial police units in 20 other cities throughout the country.

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 Justice and Peace Law process. The Unit began collecting these statements on December 14, starting with Wilson Salazar ("El Loro"). Following Salazar, Jhon Mario Salazar ("El Paisa") began giving his statement on December 15 and Salvatore Mancuso began his on December 19. As former paramilitaries such as these begin to 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, including 18 investigators to the Supreme Court, to strengthen these groups' investigative capability.

To prepare for this process, and the ensuing investigation of the crimes confessed by demobilized paramilitary members, the Unit has created a database on the 31,151 demobilized paramilitary members and allegations against them or the groups to which they belonged. As of September 2006, the Unit had catalogued approximately 21,000 allegations. On March 29, the Unit signed a Memorandum of Understanding with the International Organization of Migration (IOM) under which IOM has dedicated 25 people to providing technical assistance to further develop and strengthen this database. With IOM's help, the Unit has added additional information on demobilized paramilitary members such as photos, dental records, biometric data, and family information that will help in the Unit's investigations.

Under Article 48 of the Justice and Peace Law, the Unit also has responsibility for compiling victim testimonies, deciding what reparations are needed, and identifying and searching for disappeared persons. The information received in these testimonies helps the Unit to more fully understand the paramilitary leadership structure so that the Colombian Government can more effectively dismantle this network. It will also assist the Unit in cross-referencing testimony from demobilized paramilitaries to determine if they have disclosed all their crimes. As of December, the Unit has taken testimony from 25,000 victims.

Section 556(a)(F)

Section 556(a)(F) of the FY 2006 FOAA requires a determination that:

The Colombian government is taking effective steps to ensure that the Colombian Armed Forces are not violating the land and property rights of Colombia's indigenous communities.

The Vice President's Human Rights Program reports that there have been no incidents of violations of land and property rights of indigenous communities by the Armed Forces. Nevertheless, several Colombian and international NGOs have cited incidents where Colombian Armed Forces have allegedly failed to respect the land and property rights of indigenous peoples.

Though permitted under Colombian law, the presence of Armed Forces and/or military equipment on indigenous lands continues to be an irritant in the Colombian government's relationship with indigenous groups. For example, the Cofán indigenous community has expressed concern about plans by the Armed Forces to construct a Binational Border Service Center (BBSC) within the community's reserve in San Miguel (Putumayo). The BBSC is being constructed in cooperation with the Government of Ecuador and in accordance with Colombia's commitments under Decision 502 by the Andean Community of Nations (CAN). This follows Colombia's commitment under the CAN's Cartagena Agreement to work with its neighbors to build the infrastructure and services necessary for the economic integration of the Andean Community. The Center will control the flow of persons, baggage, goods, and vehicles between Colombia and Ecuador and complements a corresponding center on the Ecuadorian side of the border. Given its importance as an established border crossing, the Government of Colombia has determined that the best location for the BBSC is at the San Miguel international bridge, which is located in the Cofán indigenous community reserve. The Colombian government believes this center will increase security in the region and, in turn, the Cofán indigenous community.

In response to the Cofán community's concerns, Vice Minister of Defense Sanín met with members of the community on July 9 to discuss the project. The community provided the government with a document proposing the BBSC be constructed outside the reserve. The document expressed concerns about respect for international humanitarian law by members of the Armed Forces, and the possible negative impact on community member's freedom of movement. A Colombian inter-agency team charged with the development of the BBSC is reviewing this document and is considering how to best address the community's concerns. The team will hold a follow-up meeting with

the community to discuss the government's response. In the meantime, a petition has been filed on the community's behalf with the Inter-American Court on Human Rights. This petition alleges that the Government of Colombia has not upheld its requirement to consult with the Cofán as described in ILO Convention Number 169 concerning indigenous and tribal people's in independent countries.

The Armed Forces is taking action against the illegal armed groups that threaten the security of indigenous groups [for more on actions taken against illegally armed groups, see Section 556(a)(3)]. For example, indigenous leaders continue to receive threats such as those made in late December by criminal group the Black Eagles ("Águilas Negras") against leaders from reservations in Pradera and Florida municipalities, accusing them of being FARC collaborators and threatening to take action against them. The Armed Forces has captured four members of this group operating in other municipalities and continue to pursue its members to impede the group's ability to carry out illegal acts.

Under the Uribe government, the Ministry of Defense has implemented, through its Office of Human Rights, a policy of protection of minorities, based on the Ministerial Orders Numbers 2064 from 2003 and 151 of 2004, which relay instructions to the Armed Forces and National Police for developing a policy of promotion and protection of the rights of indigenous individuals and communities. On October 30, Minister of Defense Santos issued Directive 16, which reaffirmed Orders 2064 and 151 and addressed the need to strengthen the collective rights of indigenous communities such as those pertaining to their autonomy, territory, culture, and special jurisdiction.

The Armed Forces are subject to Permanent Order Number 800-07 of 2003, which is designed to strengthen the policy of promotion and protection of the indigenous communities and other minorities and ensure that their land and constitutional rights are respected during military operations. To prevent damage to these lands during the planning and execution of aerial operations, the Air Force has created an interactive CD with the geographic locations of the land of minorities, as well as the coordinates of each in all departments of the country. For its part, the National Police follow the directive entitled "Protection of Human Rights in Indigenous Communities" (Instruction Number 029 of 2003), which outlines the legal requirements for a policy of protection in these communities and related roles of the Commanders of the Departments and Metropolitan Police Forces.

The government reports that since the implementation of this Permanent Order, the number of homicides of indigenous persons reported each year in Colombia has consistently decreased from a high of 196 in 2002 to 163 in 2003, 85 in 2004, 49 in

2005, and 44 between January and November 2006.

Outreach to Indigenous Groups

In furtherance of these orders, the Government has created security councils with indigenous groups and training workshops for the Armed Forces – through an agreement with the Ombudsman – on legislation related to indigenous groups. It has held various inter-institutional meetings with participation by representatives from these groups. Since 2003, the Ministry of Defense – with the participation of the Ombudsman responsible for minorities – has held 30 workshops for the Armed Forces, National Police, and local indigenous authorities on laws relating to ethnic minorities, race and language. Between 2003 and 2005, 19 such workshops were held, two in Valledupar (César), two in Santa Marta (Magdalena), and one each in Montería (Córdoba), Leticia (Amazonas), Popayán (Cauca), Marizales (Caldas), Riohacha (La Guajira), Puerto Carreño (Vichada), Bucnaventura (Valle de Cauca), Quibdó (Chocó), Cúcuta (Norte de Santander), Arauca (Arauca), Pasto (Nariño), Ibagué (Tolima), Inírida (Guainía), Florencia (Caquetá), and San Andrés. Between January and June 2006, an additional nine workshops were held at the Center for Instruction and Training of Public Forces (7), Carepa (Antioquia), and Florencia (Caquetá).

The Ministry of Defense has also held seven Indigenous Security Councils since 2003. These are opportunities to improve coordination and understanding between indigenous and government – including military – authorities. The Security Councils have adopted joint measures for combating terrorist actions that threaten human rights. The dates and locations of the seven meetings were as follows:

- (1) September 26, 2003, in Valledupar with the communities in Sierra Nevada of Santa Marta;
- (2) October 9, 2003, in Tierra Alta with the Embera Katío and Zenú communities;
- (3) December 15, 2003, in Popayán with communities in Cauca;
- (4) March 17, 2004, in Río with the Embera Charní community;
- (5) June 18, 2004, in Inírida with the Colombian Amazonian community;
- (6) October 21, 2004, in Ibagué with the Pijao community; and
- (7) May 16, 2005, in Quibdó with Afro-Colombian communities in Chocó.

Participants in these meetings developed inter-institutional action plans that are currently being implemented.

The Ministry of Defense has also conducted inter-institutional meetings in Uribí-Guajira and Araracuara-Caquetá to attend to concerns raised by the Wayuú and Amazonas indigenous communities, respectively.

In addition to the Indigenous Security Councils, the Colombian government has reached out to indigenous communities identified as "high-risk" through its Projects for Communities at Risk. Following the recommendations issued by the UN High Commissioner for Human Rights that year, the Government began developing these projects in 2004 with the help of the Ombudsman, the Inspector General, and the Armed Forces. With support from the U.S. Agency for International Development, the government worked with these communities to develop 43 regional plans, which it began implementing in October 2006, to increase the security of these communities, especially protection of life and liberty. At its 123rd regular session in 2005, the Inter-American Commission on Human Rights praised this initiative as "a necessary and opportune mechanism to protect communities affected by violence."

In preparation for the implementation of the 43 plans associated with this project, throughout 2005 the government increased its presence in the 10 regions with the highest levels of indigenous populations identified as "high-risk" in 2004: Atrato Antioqueño and Chocoano, eastern Antioquia, Tierralta in Córdoba, Montes de María, the Catatumbo, Arauca, the Embera Chami community in Risaralda and Caldas, Bajo Putumayo, the Pacific areas of Nariño, and Southern Tolima. Through this increased presence, the government increased its ability to monitor the situation in these areas and respond to community concerns.

Training on Rights of Indigenous Persons

The Government of Colombia has continued to develop its Program on Human Rights and International Humanitarian Law, an intense training program for members of Armed Forces, National Police and government officials from these 10 departments with the highest indigenous populations. Participants include officials and sub-officials from brigades and battalions located in 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, between 2003 and 2005 the Ministry of Defense conducted 26 regional workshops for the Armed Forces and local indigenous authorities covering themes such as rights and legislation related to ethnic minorities and their languages. These 26 workshops took place in Valledupar (two), Santa Marta (two), Montería, Leticia, Popoyán, Manizales, Riohacha, Puerto Carreño, Buenaventura, Quibdó,

Cúcuta, Arauca, Pasto, Ibagué, Inírida, Florencia, and San Andrés. In 2006, the Ministry of Defense conducted nine additional workshops in Carepa, Florencia, Coveñas, Villavicencio, Bahía Málaga, Obibidó, Popayán, Ipiales, and Cúcuta.

The Government of Colombia published a book entitled *Rights of Indigenous Communities*, which is distributed to each participant of this program, as well as to members of the Armed Forces who are not able to participate. In past sessions, the Minister of Defense has presided over meetings with participants in the Sierra Nevada of Santa Marta, Guainía, Vichada, Cauca, La Guajira, Chocó, and Tolima to discuss specific concerns.

With the UN High Commissioner for Refugees (UNHCR), the Colombian government also conducts workshops on displacement and vulnerable populations, including indigenous communities. Government participation in these workshops includes the Armed Forces, government's Social Action Program, the Ombudsman, the Inspector General's Office, and the Ministry of Interior and Justice. The non-governmental organization Consultancy for Human Rights and Displacement (CODHES) is also a regular participant in the workshops. From January to September 2006, the government participated in nine of these workshops, which discussed forced displacement, the Inter-American System for the Protection of Human Rights, the Early Warning System, and legislation related to indigenous populations. Since 2000, 1,640 members of the Armed Forces have participated in these workshops.

Status of Investigations

There have been some alleged cases of violence against members of indigenous groups that involved members of the Armed Forces. Five cases involving homicides of indigenous persons are discussed in Section 556(a)(2)(B).

Section 556(a)(3)

Section 556(a)(3) of the FY 2005 FOIA requires a determination that:

[T]he Colombian Armed Forces . . . are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

Government control of territory is the first and foremost defense policy objective of the Colombian Ministry of Defense. As such, the Armed Forces continued to work to restore government authority and respect for human rights in areas under effective paramilitary and guerrilla control through the demobilization process, vigorous operations undertaken by the Armed Forces, and by working with other government agencies to increase citizen access to government services throughout the country. The Colombian government's Democratic Security Policy – a broad and integrated strategy to restore security, democracy, and effective state control to all parts of Colombian territory – provides the framework for these efforts.

Most crimes of violence against civilians in Colombia are committed by members of illegal armed groups, principally the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the paramilitary United Self-Defense Forces of Colombia (AUC). As described in Section 556(a)(2)(E), over 30,000 paramilitary members have been demobilized as of December 31. To restore government control to areas previously under paramilitary control, the government continued to dismantle paramilitary networks and to conduct operations against those members that did not demobilize. In an effort to restore government authority in areas where the illegal armed groups are active, the Colombian Armed Forces continued vigorous military actions against the FARC, ELN and other groups, as well as narcotics eradication and interdiction efforts aimed at depriving the FARC and others of their primary source of funding.¹⁵

Emerging criminal groups also commit violence against civilians in Colombia. In its seventh quarterly report, 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

¹⁵ With the ELN, the government held three more rounds of exploratory talks with the objective of reaching agreement on the basis for negotiations to achieve an end to ELN violence and the return of the ELN to legal participation in civil society.

members that did not demobilize, demobilized individuals that have returned to a life of crime, and new recruits. The Government of Colombia is working with the OAS to locate these groups and arrest their members. The Armed Forces has conducted five operations against the two most prevalent of these new groups: the Rastrojos, centered in the village of Llorente (Nariño), and New Generation Organization (ONG), centered in the villages of Planadas and Remolino (Nariño). In sum, as of the end of September, the Armed Forces had captured four members of the Rastrojos and 13 members of ONG, has killed four members of ONG in combat operations, and has captured four financial backers of ONG. It had also confiscated nine arms from the Rastrojos and 68 munitions, five mortars and nine arms from ONG. The Armed Forces captured two leaders of the Black Eagles ("Águilas Negras") in mid-December: Dairo Alberto Laino Scopetta, a demobilized member of the North Bloc, and Maximo Cuesta Valencia ("Sinai"), the alleged leader of the group in Norte de Santander. Two additional members of this group were arrested in November in connection with the distribution of pamphlets warning of a campaign to kill undesirables in the municipality of Ciénaga: demobilized paramilitary member Josmar Rafael Oliveros Giraldo and Edgar Alfonso Bolanos Martinez.

Operations against Illegal Armed Groups

Through the Plan Patriota campaign, the Armed Forces are retaking areas dominated by the FARC and other illegal armed groups. In 2006, the Armed Forces engaged in more than 1,900 battles with illegal armed groups, an average of five per day, thereby neutralizing 483 potential terrorist actions that would have directly harmed Colombia's people and economy. The following examples demonstrate such vigorous operations against these organizations during 2006:

- In the La Macarena region of the western Meta department, the Armed Forces waged months of intense combat to penetrate guerrilla strongholds, eventually establishing a permanent military presence, which facilitated the introduction of civil affairs initiatives.
- The military re-entered the Tolima department – the "birthplace" of the FARC – for the first time in 20 years, meeting such fierce resistance that troops took six months of sustained combat operations to progress 20 miles. Following the introduction of government programs for building roads, schools, and clinics, the area now has the highest FARC desertion rate in all of Colombia.
- In the Catatumbo region, which borders Venezuela, persistent guerrilla attacks on civilians, transport, and the oil pipeline fueled by cross-border narco-trafficking prompted the establishment of a new counter-guerrilla brigade,

which made strides in 2006 towards protecting citizens and infrastructure while weakening guerrilla structures.

- The Army's 7th High Mountain Battalion conducted operations against the FARC on June 30 in the departments of Norte de Santander, Guajira, and César.
- The Army's 15th Mobile Brigade's 5th Division and the Army's 16th Mobile Brigade conducted operations in Cundinamarca in January and April, respectively.
- The Army's 5th Division attacked the FARC's central bloc in operation "Libertad 2," causing the bloc's structure to largely disband in the Sur de Bolívar, Nororiente Antioqueño, and Tolima. "Juan Carlos," a leader of the central bloc, was killed in this operation.
- The Army fought gangs from the FARC's eastern bloc, which was operating in the Departments of Cundinamarca, Vichada, Guanía, Vuapés, Casanare, and Meta. As a result, the bloc lost control of the Eastern Andes and, of particular note, the Department of Cundinamarca. Following these battles, 419 of the bloc's members demobilized. On December 20, the Army killed "Leonardo Patiño," head of the FARC's 20th Front in the Santander Department.

The Air Force flew 307 missions throughout the year to provide aerial support to ground troops, thereby thwarting seven attacks by terrorist groups on civilian populations in Putumayo, Caldas, Tolima, Córdoba, and Valle de Cauca departments. The Air Force also took out 653 terrorist camps through 983 operations and conducted an additional 7,382 operations to locate members of terrorist groups. The Navy regained control of the Atrato, Caguán, Guaviare, Guayabero, Alto, and Medio Caqueta rivers from narcoterrorists, captured 73 tons of cocaine, valued at \$2.6 million, and destroyed 188 cocaine production laboratories. The Navy also secured the Arauca, Meta, Orinoco, Orteguzza, Putumayo, Igarapará, and Nechí rivers, which are strategic transportation corridors for the communities that live along these rivers.

Through operations such as these, the Armed Forces captured 4,595 members of illegal armed groups between January and November: 3,583 FARC, 693 ELN, 40 EPL (Popular Liberation Army), 18 ERG (Guevarista Revolutionary Army), and 95 ERP (People's Revolutionary Army). In the same period, the Armed Forces killed 1,979 members of these groups: 1,624 FARC, 205 ELN, 11 EPL, 9 ERG, and 20 ERP.

Included in these figures are some of the FARC's leadership, including "Bauwer" (head of the southern unit). Since August 2002, the Armed forces have captured a total of 24,901 members of these groups and killed 8,445. In 2006 alone, the Armed Forces debilitated 41 FARC structures, including the Magelena Medio bloc. They also rescued 143 people who had been kidnapped by illegal armed groups and helped to secure Colombia's energy sector, leading the number of pipelines blown up by terrorist groups to drop by 35 percent over the previous year (101 cases in 2006 versus 155 in 2005).

Expanding Colombia's Security Forces

As part of the Government of Colombia's commitment to reestablishing authority in areas controlled by illegal groups, the Armed Forces increased its numbers to 383,929 soldiers, 14,135 more than it had in 2005. To this same end, the Armed Forces also added to its structure. Between January and December, the Army created the Decisive Action Force, comprised of the 16th, 17th, and 18th Mobile Brigades; one high mountain brigade; two counter guerrilla battalions, and Operative Command Number 5. As part of this, in April, the Army's Mobile 16th Brigade added four new counter guerrilla battalions to combat illegal armed groups in Southern Colombia:

- (1) Counter guerrilla Battalion 99 - "My Carlos Arturo Figueredo Vallejos"
- (2) Counter guerrilla Battalion 100 - "Ct Javier Mauricio Quintero Rojas"
- (3) Counter guerrilla Battalion 101 - "My Ángel Rodrigo Ardilla Lavao"
- (4) Counter guerrilla Battalion 102 - "My William Fernando Fernández"

The Colombian Armed Forces also continued to implement Plan Coraza, begun in 2004, to build up the presence of Armed Forces in those areas in which the Armed Forces had not had a permanent presence. Under this plan, the Colombian Armed Forces has recruited over 21,000 citizens to serve as members of the Citizens' Marines (Infantes de Marina Campesinos; also known as "soldados de mi pueblo"), which protect 35 municipalities. The Citizen's Marines reached full strength (598 squads consisting of 21,528 soldiers) in 2004 and in 2005 began rotating soldiers in these squads every two years.

Throughout the country, the government has expanded the police force in isolated rural areas. In 2006, the Ministry of Defense opened 96 new police stations throughout the country and created five new mobile police units in the Departments of Caqueta, Huila, Córdoba, Valle, and Tolima. Today, the Colombian National Police's 2,261 units have a presence in 1,619 locations throughout the country. This increased presence is needed to counter attacks by illegal armed groups. For example, in the Córdoba department, the FARC laid siege to one such newly created police post because the police threatened to hinder its coca cultivation and narco trafficking

activities in the area.

Expanding State Presence and Assisting Civilians

In addition to increasing its physical presence in the country and conducting operations against illegal armed groups, the Colombian Armed Forces conduct activities to restore government authority and respect for human rights in areas under effective control of paramilitary and guerilla organizations.

The Armed Forces' Integral Action Units ("Acción Integral") conduct community projects in areas in conflict and those just emerging from it. Every branch and level of the military, from battalion to division, has an Integral Action Unit that does work roughly similar to that of U.S. Army Civil Affairs Officers and the U.S. Army Corps of Engineers. The focus is on practical projects that provide communities with tangible assistance to help them recover from violence. Integral Action Units carry out both quick impact projects -- such as deploying medical teams to treat the infirm -- and long-term development projects like building clinics, offering practical business training to communities, and building roads to connect isolated villages with larger urban centers. One example of such a long-term project is the bank that an Integral Action Unit opened in 2006 in the Department of Tolima, where the only locally available source of financing had been from the FARC. Since the Integral Action Unit opened this bank, residents are now able to manage their finances and embark on business ventures independent of FARC involvement.

Additionally, the Armed Forces is actively involved in the Center for Coordinated Integral Action ("Centro de Coordinación de Acción Integral"), known by its acronym CCAI. CCAI is an interagency group that works to establish government presence in "priority" zones just emerging from conflict. The group serves roughly two million people through its social and economic development projects, which are focused on nine priority zones.¹⁶ The Armed Forces is deeply engaged in CCAI's work, providing planning, financial, and logistical support. Vice Minister of Defense Sergio Jaramillo and Commander of the Armed Forces General Freddy Padilla co-chair CCAI and participate in many its activities. For his part, General Padilla spends about 10 percent of his time working on CCAI projects. Although CCAI does not have an independent budget, it coordinates and prioritizes roughly \$80 million in GOC spending on social services through various agencies.

In 2006, the Armed Forces conducted 39 humanitarian missions ("jornadas") in

¹⁶ The nine priority zones are Tierralta, Medio y Bajo Atrato, Norte del Cauca, Tumaco, Sierra Nevada, Catatumbo, Arauca, Zona Sur (Caqueta, Guaviare y Meta), and Putumayo.

coordination with CCAI. As part of these missions, the Armed Forces deployed medical teams, assisted with Operation Smile¹⁷ ("Operación Sonrisa"), and provided humanitarian assistance totaling close to \$1 million. For example, in San José de Apartadó (Antioquia), the Armed Forces assisted CCAI in directing substantial spending on education, social services, and economic development. The Armed Forces also assisted CCAI in building small-scale infrastructure projects, such as the health clinic that General Padilla formally opened shortly after displaced persons returned to the small village of La Loma, Chocó.

Over the course of the year, the Armed Forces assisted the Colombian National Police in securing 187 primary and secondary roads throughout the country, more than 10,233 kilometers total, making it safer for Colombians to travel by car. As a result, ridership along those roads has increased five percent from 2005 and has doubled since 2002. Colombia's highways are also safer thanks to the efforts of the Armed Forces and Police. Commercial cargo theft ("piratería terrestre") was 14 percent lower in 2006 than the previous year (618 incidents versus 715 in 2005).

¹⁷ Program executed in conjunction with U.S. and international NGOs to assist children by repairing facial deformities.