
To: Foreign Policy Aides
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RE: Findings of recent trip to Colombia

Staff of the U.S. Office on Colombia, Washington Office on Latin America and Latin America Working Group Education Fund spent a total of three weeks in Colombia during August in order to teach local Colombian human rights organizations about the U.S. political process and how U.S. foreign policy towards Colombia is developed. We visited four different regions of Colombia, conducting two-day workshops with 15 – 25 local human rights organizations in each location: Bucaramanga, Cali, Barranquilla, Medellín and Bogotá.

First and foremost, we would like to thank all of the members and foreign policy aides who are working hard to improve U.S. foreign policy towards Colombia by making it more effective and more focused on humanitarian issues and respect for human rights. In all of the regions visited, Colombian civil society leaders noted that they had heard about the developments that took place in Washington, DC during this past year. They greatly appreciate the changes made to the Colombia aid package by the U.S. Congress, as well as the attention being paid to labor rights and to eliminating the paramilitary infiltration of Colombian institutions. Local human rights defenders in Colombia see these changes as hopeful and positive signs of the growing U.S. concern for human rights and peace in Colombia.

This memo summarizes what we learned from these organizations during our trip and our analysis of the principal challenges facing those working in favor of democracy and human rights throughout Colombia.

1. Continuing strong presence of illegal armed actors in Colombia, despite the demobilization of over 31,000 paramilitary members. We found there is a continuing strong presence of rearmed paramilitary groups as well as active guerrilla groups throughout the country, and that the internal armed conflict continues to strongly affect civilian populations. Moreover, the civilian population is also at times harshly affected by the Colombian military's operations. While the dynamics of the armed conflict vary considerably by region, in all areas visited we saw the continuing negative impacts of the continuing conflict and resulting militarization of everyday life for Colombians living outside of the main cities. In the central region around Bucaramanga, rearmed paramilitaries and guerrilla groups continue to threaten the security of civilians and to provoke high levels of internal displacement. In the southern region of the country, armed conflict between rearmed paramilitaries and guerrilla groups – much of which seems motivated by desire to control the lucrative narcotics trade – has provoked massive forced internal displacement this year, and is contributing to insecurity in many municipalities like Buenaventura, where hundreds of young Afro-Colombians have been killed since January. In other areas like in Nariño, pressure by all of the illegal armed groups is also leading to the confinement of civilians and thus deepening the humanitarian crisis in riverbank communities. In the northern region of the country, the

continued strong presence of unarmed and rearmed paramilitary groups threatens victims' participation in legal processes connected to the demobilization, as well as impinging upon possibilities for free and fair elections this coming October. Human rights groups also reported continued collaboration between ex-paramilitaries and local political figures and, in some cases, the official security forces. In some areas of the country like in Sincelejo and Buenaventura, armed groups are reportedly increasing their pressure on youths to join their ranks.

Our regional visits show the need for real progress in peace negotiations between the Colombian government and the two largest rebel groups, the FARC and the ELN. Without such progress, the demobilization effort with the paramilitary AUC cannot reasonably be expected to produce long-term disarmament and reintegration of ex-combatants given that the guerrilla groups that have long served as the justification for the AUC's formation will still exist, and will continue to compete for control of territory, local political control, and control of the narcotics trade.

Recommendation: Members of Congress should seek creative new mechanisms to assist the Colombian Government and Colombian civil society groups in their efforts to effectively push for a humanitarian accord with the FARC and for continued progress in negotiations with the ELN.

2. Human rights groups reported continuing abuses by the Colombian Armed Forces and police. The overall rise in extrajudicial executions allegedly committed by members of the Colombian security forces has been well documented in the past year by Colombian human rights organizations. During our trip, we heard this concern echoed by local organizations throughout the country, who are reporting disturbing numbers of extrajudicial executions and also homicides allegedly committed by state security forces, as well as other forms of abuse. Typically in cases of extrajudicial executions, witnesses observe people detained in civilian clothing by members of the security forces; these detainees later show up dead, dressed in guerrilla uniforms, and counted in official tallies as guerrillas killed in combat. In Buenaventura, members of the Colombian armed forces have taken over the homes of local residents and installed temporary bases for their operations. In other regions, local groups reported a high level of tolerance on the part of security forces for the activities of rearming paramilitary groups and lack of progress in effectively slowing their process of regrouping. In addition, women's groups reported instances in which the police in Valle del Cauca were physically abusive towards civilians, including women and children.

The recent arrests of 7 military officers, resignations of two generals from Colombia's Third Brigade, and investigations of ten naval officers are welcome responses by the Colombian Ministry of Defense to infiltration of the Colombian armed forces by illegal armed groups and criminal organizations. However, it is clear from the testimony we heard and from recent well-known cases like Jamundi¹ that problems with infiltration will need to be steadily confronted. The Colombian armed forces are placed under great pressure to show "results." This pressure appears to be leading to greater abuses towards the civilian population in areas stigmatized by the authorities as being "red zones." In such areas, peasants and indigenous persons are often arbitrarily detained by the security forces and there are numerous allegations of extrajudicial executions of such detainees by security forces acting on suspicion that the person may have links to a guerrilla group. While the Ministry of Defense has recently issued several directives to attempt to control these abuses, in practice we continue to see significant problems in implementation.

Recommendation: Existing human rights conditions placed on assistance to Colombia should be stringently monitored and enforced by members of Congress on the foreign operations subcommittees and foreign affairs committees. In addition, increased monitoring of Armed Services Committee Members is needed. These efforts are essential to monitor Colombian

government efforts to ensure the security forces do not abuse power or fall prey to infiltration by illegal armed groups or narco-trafficking organizations.

3. Thousands of demobilized paramilitaries are involved in forming new groups, and civil society leaders remain under the gun. While the dynamics of rearmament vary considerably by region, findings from our trip suggest that this rearmament is not exclusively aimed at control of the narcotics trade (with the possible exception of the southern region of Colombia, particularly the state of Nariño). Rearming paramilitary groups continue to intimidate and commit abuses against civilians, sometimes with a political aim to their actions. In Cordoba, paramilitaries avoid arrest by falsely accusing others of committing the crime, and through “social cleansing” (i.e. killing) of undesirable persons from neighborhoods. In all the places we visited, we heard countless testimonies of continued assassinations, persecution and intimidation of trade unionists. Youth have also been targets of threats and violence by paramilitaries. One egregious case involves two Afro-Colombian girls in Buenaventura who were killed by paramilitaries and cut up into pieces; their hip and gluteus regions were used to play soccer. In Bucaramanga, Cali, Barranquilla, Medellín and Bogotá, local human rights groups continue to receive written threats in response to their work – threats that seem primarily aimed at ensuring that victims of paramilitary violence and human rights advocates do not participate in the legal proceedings against ex-commanders. In addition, university students in Antioquia, Santander, and Cauca have been subjected to threats and attacks related to their organizing activities.

New threats generally come from a group called “*The Black Eagles*,” which appears to be present in most conflict areas of the country. Local human rights defenders do not know if “Black Eagles” groups are linked to one another or if they operate independently. After a national gathering of victims’ organizations in July, 25 of the individuals who spoke at the gathering were threatened within two weeks – almost all by the “Black Eagles.” The Colombian National Commission of Reparations and Reconciliation argues that it is too early to know what form the new groups will take. However, their most recent report makes clear that these new groups are gathering force. While the commission reports that the new groups do not appear to have institutional linkages, *our own interviews suggest strong variations in terms of the linkages rearmed groups have with local political institutions and with security forces.* In some regions it appears that new paramilitary groups are paying off members of the security forces to allow their reorganization to take place; in other regions it appears these new groups are working independently (these tend to be areas more central to the narcotics trade). In yet other parts of the country, it appears the groups still rely actively upon local political leadership to guarantee the space needed to organize their activities.

Colombian officials— and members of the international community — have been too quick to conclude that paramilitary groups are being effectively dismantled. Testimony from local human rights defenders suggests that there have been real changes in the groups’ organizational structures. Yet these changes may not be a significant indicator of reduced territorial, political or economic power of individual members of paramilitary organizations. It is also not yet clear the extent to which those rearming are common criminals focused on profiting from the drug trade, since these rearmed groups continue to exert considerable influence in regional political and economic decisions, and to threaten human rights defenders, victims’ families and community leaders.

Recommendation: Members of Congress should continue to carefully monitor the demobilization process and to insist on complete and effective dismantlement of paramilitary groups – both those that have gone through the demobilization process and are now rearming, and those that remain outside the process. Members of Congress should continue to press full implementation of the Justice and Peace law, including the provisions placed by the Colombian Constitutional Court in recent rulings.

4. Corruption, intimidation and extortion by illegal armed groups and criminal organizations seriously undermine the daily functioning of Colombian society. In all of the regions visited, civil society representatives expressed distress about the mafia-like behavior employed by the illegal armed groups—paramilitaries who demobilized, paramilitaries who have re-grouped, paramilitary hold-out groups, guerrillas and criminal networks linked to narco-trafficking and extortion rackets. Testimony heard throughout our visit suggests that members of criminal networks continue to bribe military and political officials when it suits their purpose. Extortion rackets apparently linked to paramilitary groups extend to many sectors of the formal and informal service economy—transportation, retail, markets and gambling rings are all reportedly under control of paramilitary interests. In addition, on the northern coast local human rights groups reported that paramilitary groups control much of the health care sector. In the Caribbean coast, paramilitaries are reported to launder money through infrastructure projects, the hotel industry, real estate, gambling and land “Taxes” or “vacunas” continue to be imposed on civilians by paramilitaries and guerrillas in order to provide them with unsolicited “protection” from rival groups. Such taxes are also imposed on fellow inmates in the jails where high-level AUC commanders are held. Some civilians have even been forced by economic necessity to borrow money from one paramilitary group to pay off another, and some of those not able to repay such debts have been killed.

Colombian human rights defenders emphasized that the formal demobilization of the AUC has done little to dismantle the financial networks established by the paramilitaries. Worse yet, a number of persons we interviewed (who did not want us to cite them for fear of retribution) pointed out that this process may actually be leading to a consolidation and “legalization” of such networks in parts of the country. Paramilitaries have recruited non-paramilitaries to participate in the demobilization process, offering these people access to the benefits and social services available to demobilizing combatants as an incentive. This has allowed a sizable group of “hold outs” – mid-level commanders who decided not to participate in demobilization efforts, many of whose economic interests were left in tact through the demobilization process– to develop more decentralized organizational and command structures using resources acquired through the consolidation of existing financial networks. Activists from the regions of Cordoba, Sucre, Magdalena Medio and Bolivar noted the urgent need to increase attention to the financial networks of regrouping paramilitary groups and their connections to local and regional politicians.

Stronger monitoring and diplomatic pressure on the part of the U.S. Embassy and Department of State is needed to address this complex phenomenon, which is not adequately addressed at present through existing international monitoring efforts like the OAS Monitoring Office, which focuses more concretely on issues of rearmament and reintegration, and does not systematically collect any data on financial operations of emerging groups.

We also heard concerns that emerging paramilitary groups will consolidate their control of local politics in a number of areas of the country. This echoes the warning issued by the Colombian Ombudsman’s office in July, which reported that 42% of Colombian municipalities are at risk for electoral irregularities for the upcoming October elections. The actions taken by the Colombian Constitutional Court and the Attorney General’s Office to investigate and prosecute politicians tied to paramilitaries are positive steps. Yet many expressed concern that not enough is being done. For example, groups noted that congresspersons who are now imprisoned or under investigation for collaboration with paramilitaries have in many cases been replaced by officials backed by paramilitary/ex-paramilitary groups, and that paramilitaries will be presenting “their” candidates in many parts of the country for the October elections.

Recommendations: The U.S. Congress should support Colombia’s Constitutional Court and Attorney General’s office when they advance on efforts to combat the infiltration of paramilitaries

in the political sphere. The Bureau of International Narcotics and Law Enforcement Affairs and the U.S. Department of Justice must focus their efforts on combating narco-traffickers and paramilitary groups by increasing investigations into the financial networks of such operations. The U.S. should also support programs that increase transparency and accountability of public funds, insisting that Colombian judicial institutions investigate, prosecute and suspend the U.S. visas for Colombian officials, members of the security forces and members the private sector who are engaged in money-laundering and other illicit activities, and providing information and technical support to such initiatives.

5. The real dimensions of the internal displacement problem are being swept under the rug. Continued high levels of internal displacement with varied causes and a broad range of harmful effects are still not being fully addressed in Colombia. Human rights groups reported that because the existing frameworks for categorizing a person as internally displaced (law 387 of 1997) require that this person identify the armed group that provoked their displacement, ***those who are forced to flee by new paramilitary groups*** - or due to fumigations - ***are not considered internally displaced by Colombian authorities***. Additionally, intra-urban internal displacement and repeated displacements appear to be on the rise in cities such as Barrancabermeja. Colombian government authorities are said to downplay the phenomenon, in some cases by denying services to IDPs. IDPs continue to live in fear following their displacement because they are often subjected to threats and hostilities by the various illegal armed groups in receiving communities. Leaders of the internally displaced continue to be targeted by the illegal armed groups and are especially vulnerable to threats and physical harm due to their efforts to organize other IDPs. They are also increasingly becoming the victims of repression by state institutions. We were informed that increasing numbers of IDP leaders are now being sent to jail under false accusations, with the apparent purpose of silencing their advocacy efforts. A strong stigma against IDPs remains, and as such many continue to be denied access to basic services and to be treated as criminals. Those who receive assistance point out that it is often insufficient to address even their most basic needs. IDP organizations pointed out that bureaucracy, corruption and nepotism often play a role in the poor delivery of services to IDPs. They noted that often funds do not reach the intended recipients and there is no real oversight or accountability of IDP programs.

In parts of the country the Colombian members of the armed forces are not respecting international humanitarian norms and their indiscriminate actions are leading to internal displacement. *Human rights organizations underscored that authorities have failed to develop and implement effective prevention mechanisms, and the lack of prosecution and arrest of human rights violators leads to a climate of impunity that allows internal displacement to persist. Human rights defenders recommended that the national authorities change their model of security for IDPs from a military approach to model that looks at constructive non-violent ways to provide security for civilians. Local civil society groups also recommended that benchmarks and criteria be established to combat corruption and increase the transparency of IDP program, with adequate auditing and evaluation by the donor community. Finally, to combat widespread corruption, inefficiency and abuses present in program meant to serve IDPs, local groups strongly recommended improved hiring practices by government social service agencies to ensure individuals are hired based upon criteria related to the potential employee's knowledge, skills, and capabilities rather than use such positions as political patronage.*

Recommendations: The U.S. Congress must urge Colombian authorities to address the full extent of the internal displacement problem in the country by recommending that persons displaced due to emerging or re-grouped armed groups and fumigation efforts are properly assisted by appropriate Colombian agencies. An NGO consultation mechanism on USAID's IDP program should be established in the U.S. and Colombia. U.S. assistance to the internally displaced should be framed within the UN Guiding Principles on Internal Displacement that emphasize

prevention, protection and assistance, as well as dialogue with IDP leaders throughout all of the phases of internal displacement. As a first step toward recognizing the acute conditions facing Afrodescendants, members of Congress should co-sponsor and support the House Resolution 618 on the plight of Afro-Colombians.

6. **Strong concerns persist among civil society groups regarding the economic model for development of rural communities that is linked to the Colombia Free Trade Agreement.** In all regions we visited, human rights organizations expressed concerns about the pending U.S.-Colombia Free Trade Agreement. Through careful probing of this issue with local human rights defenders, we learned that their concerns are embedded in their understanding of the links that exist between the illegal armed groups (most notably the paramilitaries) and prominent economic interests throughout the country that stand to benefit from the proposed FTA. There is concern that unless major structural changes and monitoring takes place to ensure that the links between such groups and dominant economic interests are effectively severed, the FTA will only increase human rights violations committed by paramilitaries who facilitate economic activity in many regions by providing “protection” services for companies. Local groups are also concerned that if this agreement is implemented without major efforts to combat impunity (notably in the case of trade unionists, but not limited to these cases), then the disparity that exists between those who currently benefit from major economic projects and the general civilian population in most of the regions of the country will increase

Recommendation: Members of Congress should continue to raise strong objections to the proposed FTA with Colombia, particularly in terms of the obstacles for full and complete exercise of labor rights, including the continued high rate of threats against and assassinations of trade unionists, and the high rate of impunity in these cases. Members of Congress should also consider the impacts an FTA would have on the consolidation of illegal armed groups and the overall continuation of high rates of human rights violations and impunity.

7. **Human rights abuses are linked to oil palm cultivation projects.** In all regions we visited, we heard reports of companies engaged in extractive industries whose economic activities have been linked with human rights abuses that have often been carried out by illegal armed groups. For example, in the Chocó, paramilitaries have appropriated territories belonging to Afrodescendants in order to facilitate the cultivation of “African” oil palm by utilizing many methods including: violence, intimidation, internal displacement, falsifying documents with the blessing of the public notaries, resurrecting dead persons who sign over their titles to a third party, creating false organizations and legal representatives that are not verified by authorities, and finding ways to get around law 70, which protects Afro-Colombian land rights, by creating inadequate or sham “consultation mechanisms” that lead to persons willingly and unwillingly losing their territories. In the southern region, Afrodescendants also expressed concerns regarding the implementation of oil palm plantations. In both Cali and Bucaramanga, local groups expressed concerns regarding continued attacks against trade unionists that appear to be strongly linked to efforts to privatize industries in these two locations.

Recommendations: Given the high level of particular concerns about African oil palm, USAID should not finance additional “African” oil palm projects until the General Accounting Office (GAO) carries out a report of the oil palm industry in Colombia, including allegations of association of plantation expansion with threats or human rights abuses, and whether community consultation mechanisms contained in Colombian law are being adequately followed. Members of Congress should request this investigative report from the GAO.

In closing, we would again like to thank all those members of Congress and foreign policy aides who continue to dedicate time and energy to improving U.S. policies toward Colombia. This work

is greatly valued by U.S. and Colombian groups dedicated to improving human rights, working toward peace, and ensuring democratic practices in Colombia.

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¹ In this case, narcotics police were killed by members of the Colombian military.