



Center for International Policy

1717 Massachusetts Ave, NW Suite 801

Washington, D.C. 20036

PHONE: (202) 232-3317 FAX: (202) 232-3440

E-MAIL: cip@ciponline.org WEB SITE: www.ciponline.org

Memorandum

July 29, 2005

From: Marcela Guerrero, CIP Colombia Program
To: Interested Colleagues
Re: **Colombian human-rights groups make the case against a U.S. human-rights certification**

U.S. foreign aid law mandates that every year, 25 percent of aid to Colombia's military be frozen until the State Department can certify that the Colombian armed forces' human rights performance has improved. This 25 percent of aid to Colombia's military (not police) in the foreign aid bill (not the defense budget) adds up to approximately \$70-80 million being held up each year.

The law requires two certifications per year, each of which frees up 12.5 percent of the frozen military aid (about \$35-40 million). After consulting with "internationally recognized human rights groups," the State Department must submit to Congress an official certification that five specific conditions are being met.

Because of persistent human-rights concerns – especially the lack of progress in investigations and prosecutions of past abuses – the State Department has issued only one certification since the beginning of 2004 (in September 2004). Another certification, however, is probably imminent sometime before September 2005.

The process of consulting with human rights groups includes periodic meetings between U.S. embassy staff and groups in Colombia. On July 11, seven Colombian groups* prepared a document listing numerous cases illustrating the Colombian government's failure to meet each of the five conditions.

This report [available [here](#), in Spanish, in PDF format] is very useful. It is by far the most comprehensive and detailed listing we have seen of "benchmark cases" with which to evaluate compliance with the U.S. aid conditions.

The document itself is 63 pages. The following eight pages summarize its principal findings in English.

I. Condition 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.

* Asamblea Permanente de la Sociedad Civil por la Paz, Asociación para la Promoción Social Alternativa – MINGA, Corporación Colectivo de Abogados José Alvear Restrepo, Corporación REINICIAR, Comisión Colombiana de Juristas – CCJ, Fundación Comité de Solidaridad con los Presos Políticos, Corporación Jurídica Libertad

In 2004 and 2005, several members of the armed forces remained in their jobs despite allegedly committing serious human rights violations. According to the UN High Commissioner for Human Rights, there was no evidence that the Defense Ministry used suspension or expulsion as methods to prevent future violations, though such penalties were implemented for corruption and work-related issues. Important examples include the following.

- **Santo Domingo Massacre** (*Tame, Arauca, December 13, 1998*)

On December 13, 1998 a helicopter from the Colombian Air Force (FAC) bombarded the town of Santo Domingo, despite the evacuation and waving of white flags by civilians. The result was 17 deaths, 6 of them children. The FAC argued that guerrilla fighters used civilians as human shields, a story that survivors did not support. Subsequently, Captain César Romero Pradiall, Lieutenant Johan Jiménez and technician Mario Hernández were charged for homicide by the Attorney General's (*Fiscalía*) Human Rights Unit; however, no progress has been made on their investigations and they continue on the job, even though the Inspector General's office (*Procuraduría*) suspended them for three months in 2004.

- **Forced disappearance and extrajudicial execution of Nidya Erika Bautista** (*Bogotá, August, 1987*)

In August of 1987, Nidya Bautista was detained by members of the security forces in Bogotá. Her body was found in 1990 with signs of torture. Sergeants Julio Roberto Ortega, Mauricio Angarita and Luis Guillermo Hernández González and General Alvaro Velandia were found responsible, yet only Sergeant Ortega and Gen. Velandia were suspended. In August 1996, the Attorney General's office issued arrest warrants against the last two sergeants, but the decision was revoked on January 20, 2004. An appeal has been submitted but nothing has been done.

- **Illegal interception of phone lines** (*Medellín, 1997*)

While investigating the disappearance of Angel Quintero and Claudia Monsalve, the Human Rights Unit of the Attorney General's Office uncovered a series of more than 2,000 phone wiretaps by Medellín police since 1997, including the line of the Association of Relatives of the Detained and Disappeared (Asfaddes). The investigation implicated 10 police officers and a civilian; however, charges were pressed only against 5 of the lowest ranking police officers. An appeal was submitted but is still pending. Based on this, the Inspector General's office began another investigation against thirteen officials. Ten were suspended, but an appeal for reversal was submitted and a removal decision did not take place until December 2004.

- **Extrajudicial execution of Uberney Giraldo Castro and José Evelio Gallo, reinserted members of the Socialist Renovation Current (CRS, former ELN)** (*Montebello, Antioquia, March 23, 2000*)

On March 23, 2000 both individuals were detained by 30 alleged paramilitaries in an area called La Galleta, where reinserted guerrillas had been located to participate in a development project. The victims were executed and then presented as guerrilla fighters killed in combat. The Inspector General's office issued a list of charges against the army's "Grupo Mecanizado Juan del Corral" on which basis a criminal investigation was initiated. On January 28, 2004, retired privates Sandro Fernando Barrero and Humberto de Jesús Blandón were sentenced to 40 years for homicide and extortion kidnapping. However, Captain Carlos Alirio Buitrago Bedoya and Colonel Miguel Angel Sierra Santos (commander of the Grupo Mecanizado) are still active despite clear evidence confirming their involvement with this case.

- **Peace Community of San José de Apartadó (Urabá)**

During the more than eight years of its existence, the peace community has suffered more than 370 crimes, among them 160 homicides, several massacres, forced disappearances, tortures, rape, forced displacement, bombings and property theft. Despite evidence that the security forces have directly or complicity participated in many of these crimes, none have been brought to justice. While FARC members are responsible for some of these crimes, the community claims that the Army's 17th Brigade has taken part in many – including, allegedly, the February 2005 massacre of eight community members – and the government has not taken steps to suspend officers. Only this year, seven years after the first crimes were committed and only after Colombia's House of Representatives held a hearing, the Inspector General's office has began an investigation against two retired generals and two retired colonels for not taking appropriate measures to control paramilitary presence in the region.

- **Torture and assassination of Wilfredo Quiñones Bárcenas and others**
(September 3, 1995, Barrancabermeja)

- **Mapiripán (Meta, July 1997)**

Between July 15th and 20th, 1997, army members actively collaborated with the AUC in the preparation and execution of a massacre of approximately 49 civilians who were imprisoned, tortured, massacred in the town of Mapiripán. Army General Carlos Eduardo Avila Beltrán was involved in the judicial process in June, 2003, nonetheless Gen. Beltrán continues to be on duty and his current position as General commander of the 7th Brigade in Villavicencio, Meta. The case is presently at the Attorney General's office.

II. Condition 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.

Impunity for past abuses continues to be a big problem in Colombia. Human rights organizations have repeatedly issued recommendations for adequate investigation and punishment of members of the armed forces who have committed human rights violations and other crimes. The Bogotá office of the UN High Commissioner for Human Rights, in its 2004 report, documented the persistence of inadequately investigated complaints about human rights violations and infractions of international humanitarian law, "particularly cases of homicides of protected civilians." Important examples include the following.

- **The killings of three labor-union members in Saravena (Arauca, August 5, 2004)**

On August 5, 2004 union leaders Leonel Goyeneche, Jorge Eduardo Prieto and Héctor Alirio Martínez were executed by members of the Army's 18th Brigade. Although two of the leaders had been given temporary protective orders by the Inter American Human Rights Commission, on the morning of August 5th, a group of privates burst into the house and pulled them out, then executed them at a nearby location. Official reports stated that they had been found with ELN fighters and had been killed "in combat". The Colombian Commission of Jurists (CCJ) investigated the case and concluded that they had had no time to defend themselves and had been shot while kneeling. Government officials argued that

the victims were armed delinquents, who had relations with the ELN and had put up a fight which forced the army to shoot.

During the investigation, the Attorney General was able to establish that an informant, a former ELN combatant, had led the privates to the residence where the union leaders were. On September 7, 2004, the Attorney General's Human Rights Unit charged Second Lieutenant Juan Pablo Ordoñez Cañón, Privates Oscar Saúl Cuta Hernández and John Alejandro Hernández as well as the civilian informant, Daniel Cabellor Rozo. Since the officials involved were of low rank, no officials higher up in the ranks have been investigated.

When the memorandum was issued, there had been no progress in the case against these soldiers. On July 12, however, the Attorney-General filed homicide charges.

- **Extrajudicial killing of Isnardo León Mendoza** (*Arauca, January 19, 2005*)

On January 19, 2005 in Tame, Arauca, in the midst of an armed confrontation between the army and the FARC, the child Isnardo León Mendoza was killed. The army identified him as a guerrilla fighter, but his real identity was clarified later.

- **Forced Disappearance of Angel Quintero and Claudia Patricia Monsalve from the Association of Relatives of the Detained Disappeared (Asfaddes)** (*Medellín, October 6, 2000*)

An investigation into the disappearance of both individuals was initiated four years ago, but to this day the process is still in its first stage, and nobody has been found responsible.

- **Execution of farmers Albeiro Mendoza Reyes, Yamilé Ureña Arango, Norberto Mendoza, Julio César Santana and Christian Albeiro Mendoza Ureña** (*Cajamarca, Tolima, April 11, 2004*)

On April 11th, 2004 these individuals, four minors among them, were executed by the *Pijaos* Battalion of the Army's 6th Brigade. The Attorney General's office opened an investigation against a lieutenant colonel, a lieutenant, a corporal and six privates as the National Institute of Legal Medicine concluded from autopsies that at least one of the victims had been fired upon from a distance between 30 and 50 centimeters. This did not match the official version which stated that shots were fired at least 20 meters away and that because of weather conditions, officers had mistaken the farmers for FARC members. At this point the case was requested to be transferred to the civilian justice system. The military personnel implicated in this case have tried to block the process, thus so far there is no sentence and it is only now being transferred to civilian justice. On July 1, 2005, a corporal and five privates were arrested.

- **Extrajudicial executions** of farmer Francisco Guerrero Guerrero (*Araucuita, Arauca, October 2, 2002*), Geiny Jaimes Pinzón, 11 years old (*Tame, Arauca, June 19, 2001*) and the rape of Inocencia Pineda Pavón, 36 years old (*Araucuita, Arauca, October 2, 2002*).

- **Los Tupes Massacre** (*San Diego, Cesar, May 30, 2001*)

On May 30, 2001, approximately 30 men wearing official military uniforms, allegedly paramilitary members, entered San Diego, destroyed three houses and killed ten people (including five children). The investigation was initiated by the Attorney General's Human Rights Unit, and charges were pressed against privates Juan Carlos Becerra Amaya, Manuro Enrique Torres Bolaños and Luis Alberto Bermúdez, who were apparently also serving with the paramilitaries. The investigation is still at the exploratory stage more than four years after the event took place. Witnesses have been assassinated, and threats forced the judge to request a transfer to Bogotá, which was denied by the Supreme Court in January 2004. A

sentence on June 23rd declared the accused guilty; however, the decision is currently being reviewed.

- **Kankuamo people, Sierra Nevada** (*Santa Marta, Magdalena*)

The Kankuamo live in the southeast of the Sierra and share space with other indigenous tribes. However, since 1986 they have been victims to the worst crimes against humanity with 260 of their members assassinated, including 56 in 2003, 14 in 2004 and 5 so far this year. The Human Rights Ombudsman's office (*Defensoría*) carried out an investigation and called on the local authorities to offer special protection to indigenous communities. Moreover the international community – including the UN Human Rights Commission, as well as the Inter-American Commission and Court for Human Rights – has called for the protection of the Kankuamo people, yet they have continued to suffer from violations. Some have been committed by the armed forces, who often claim the victims have been insurgents who died in combat. Recent cases are simply added to the other 111 investigations that previously existed. Some of them have been claimed by the armed forces as FARC deaths, but no individuals have been charged regarding the rest.

- **Chengue Massacre** (*Ovejas, Sucre*)

On January 17, 2001, 23 farmers were killed. Initially, a local court absolved two sergeants, but the Attorney General's Human Rights Unit appealed and the process is still ongoing. A second investigation was initiated against Admiral Rodrigo Alfonso Quiñónez, but the Attorney General's office dropped the charges. A civil appeal was filed but has not yet been processed.

- **Extrajudicial execution and torture of Beidin Buitrago** (*Virginia, Risaralda, August, 2001*)

On August 1, 2001, as part of a national agrarian protest, farmers blocked some roads in Virginia, Risaralda and gathered on a bridge called "the old bridge". The police carried out an evacuation of the bridge in which some farmers were wounded and some arrested. Mr. Beidin Buitrago escaped from the operation but was chased and found hiding in a neighboring house. Once captured, police officers took him to the police post where he was tortured, killed and disappeared. The investigation has stalled.

- **Barrero Suancha** (*Mosquera, Cundinamarca, July 15, 2001*)

On July 15, 2001, two officers, Loefredis Mosquera Palacios and Erwing Hincapié Palomino arrived at a bar after being told two men were intoxicated and shooting into the air. Without any resistance, the officers killed the two men, who had already gotten rid of their weapons, and then refused to call an ambulance. Witnesses confirmed that the officers were never at any risk, yet that is what they told the Attorney General's office, and after an appeal by the Inspector General's office, the Attorney General argued there was no evidence to proceed.

- **San José de Apartadó:**

No investigation has been initiated to find those guilty of the crimes against humanity committed against this peace community, many allegedly by members of the army's 17th Brigade. On November 12, 2003 the Freedom Legal Corporation, representing the community, denounced 301 crimes to the Attorney General, Luis Carlos Osorio. However, after 16 months, no action has been taken. More recently, the February assassination of Luis Eduardo Guerra and seven others has raised international concern. The Inter-American Court confirmed the need to offer temporary protective orders to the community; however, the Colombian government continues to ignore its obligations.

- **Military Incursion** (*Puerto Rico, Meta September 7, 2004*)

On September 7, 2004, the army entered the area of Santa Lucía in Puerto Rico with helicopters, shooting at several houses. Farmer Gilberto Perdomo Rodríguez and his wife were hurt in the attack. They were eventually taken to a hospital where Mr. Perdomo's left leg was amputated. Notwithstanding his physical state, he was also detained for 15 days.

- **Threat against Carlos Efraín Flórez.**

A student and militant of the UP-PCC group received numerous threats after his professor was assassinated because of a study he realized. Mr. Flórez was pressured to release the names of others who collaborated in the study. No investigation has begun.

- **Homicides** of Paola Acosta (*Cumaribo, Vichada, March 14, 2002*), Aida Cecilia and her 13 year old Sindy Paola Rondón (*San Alberto, Cesar, June 21, 2000*), Oscar Orlando Zetuain Delgado and Cristian Camilo López Huertas (*Bogotá, August, 1997*), Alfonso Mora (*Bogotá September 4, 1996*), Carlos Manule Prada and Evelio Bolaño Castro (*Urabá, September 22, 1993*).

- **Extrajudicial executions** of Hector Harvey Valencia (*Monañita, Caqueta, November 16, 2004*), Jose Albeiro Aguirre (*Puerto Matilde, Antioquia, October 27, 2004*), Arlinson Duque Flórez (*Cartagena del Chairá, September 7, 2004*), Elkin Arbey Ortiz and Josue Rodríguez Villamizar (*Medellín, May 7, 2002*), Telso Barrera Acosta while in prison (*Saravena, Arauca, July, 2004*), Fredy Humberto Gutiérrez Cruz and Rafael Antonio Triviño (*Mesetas, Meta, April 2, 2002*) and of Marco Antonio Rodríguez Moreno and Ricardo Espejo Galindo (*Cajamarca, Tolima, November 6, 2003*).

- **Injuries to minors** Alexis Avendaño Giraldo (11 years old), Marco Giraldo Fifield (9 years old) and Merard Virgüez Rodríguez (*Cartagena del Chairá, Caqueta, November 28, 2004*) and to teacher Aracelly Delgado Fonseca (*Lejanías, Meta, November 30, 2004*).

- **Physical attack** against Ferné Alexis Ibarra (*Remedios, May 19, 2005*).

- **Detention and threats** against Luz Imelda Vanegas and Angel Vargas López (8 years old) (*Yondó, Antioquia, October 23, 2004*), Guillermo Antonio Diaz (*Araucuita, Arauca, January, 2005*).

- **Arbitrary detentions** of Carlos Alfredo Pinzón (*Calamar, Guaviare, December 15, 2004*), his son (*Calamar, Guaviare, January 14, 2005*), Guillermo Antonio Diaz Leonis (*Araucuita, Aracua in January, 2005*); Filler Izquierdo and Nilson Cardenas (*Montañita, Caquetá, November 13, 2004*).

III. Condition 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).

III.A. Cases that remained in the military justice system

Military courts continue to address cases of human rights violations in contradiction of the Colombian Constitution (Constitutional Court sentence No. 358 of 1997), which gives

jurisdiction for such violations to the Attorney General's office. Military courts should only deal with cases that are related to military duties.

- **Extrajudicial execution of Mileidy Dayan David Tuberquía** (*San José de Apartadó, Urabá, March 18, 2003*)

On March 18, 2003 in San José de Apartadó, members of the army detained the father of the child Mileidy and asked him about FARC presence, to which he stated no knowledge. When the grandmother came to the detention site with Mileidy and her sister, the girl was shot and then taken to the hospital of Apartadó, but it was too late. The officers pressured the grandmother to state that Mileidy had died in combat. The case was dealt by a military court which absolved those charged with the crime.

- **Páramo de Sumapaz extrajudicial killings** (*March 20, 2005*)

On March 20, 2005 the army reported three rebels killed in combat; however the autopsies of Javier Cubillos Torres (23 years old), Wilder Cubillos Torres (20), and Eriberto Delgado Morales (23) found evidence of head fractures and torture. The three were members of the Patriotic Union party (UP). Despite an information request from the Attorney General's Human rights Unit, there has been no response from the military court.

- **Joséln Carreño Jejen**

Wounded by Captain Jaime Gutiérrez at a traffic check point. On March 7, 2005 the investigation was closed; yet the case is still open.

- **Extrajudicial execution of Javier Correa Arias and torture of Nini Johana Lozano** (*Buga, Valle del Cauca, November 13, 2004*)

Allegedly killed in combat, Mr. Correa and his wife Nini were surprised in their house by members of the army who killed Mr. Correa and tortured his wife.

III.B. Obstruction of legal processes

- **Forced disappearance of Olga Lucía Ladino and María Graciela Rivera** (*San Jose del Guaviare, July 16, 2000*)

Olga Lucía was disappeared amidst a personal disagreement with her former business partner. It is believed her disappearance was the army's responsibility, however no investigation has made any progress. The Human Rights Unit attempted to get information from the Joaquín Paris Battalion in San José del Guaviare, but it was denied.

- **Extrajudicial execution of Uberney Giraldo Castro and José Evelio Gallo**

All individuals were reinserted members of the Socialist Renovation Current (CRS, an ELN faction that demobilized). The 4th Brigade's commander reported them as ELN members killed in combat. There is evidence that military personnel intervened in the recovery of the bodies (a duty that the Attorney-General's office is supposed to carry out), and that uniforms were put on the victims' bodies. The corpses later disappeared. The 4th Brigade has refused to provide the Attorney General's office with requested information and evidence.

IV. Condition 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 levels, with paramilitary organizations, especially in regions where these organizations have a significant presence.

There is no clear policy by the state to remove paramilitary links. This relationship has, far from being removed, increased.

- **Peace Community of San José de Apartadó**

For the past eight years there has been sufficient evidence showing the close connection between paramilitaries and members of the army's 17th Brigade. Recently, it was publicly denounced that paramilitary chief Wilmar de Jesús Durang Aleiza had been involved in attacks against the community, and had a close relationship with the "Carlos Bejarano Muñoz" engineer battalion.

- **Army's handling of reinserted combatants**

On May 20, 2005, a commission from a European Union-sponsored project was transporting cattle from one town to another when members of the Plan Vial y Especial N.8 Battalion of the 14th Brigade stopped them. The army personnel were accompanied by a demobilized female former combatant, who singled out three of the civilians transporting cattle. One of them, Albeir Guerra, was physically and verbally attacked and pressured to release information about guerrilla groups, about which he knew nothing. Later on, the commission was stopped by a different group from the same battalion, under the command of Sergeant Zapata who was also accompanied by a demobilized guerrilla. When Sergeant Zapata recognized the presence of someone related to the European Union, he tried to cover up the weapon and uniform vest the demobilized individual was wearing and stated that he was an army soldier. The Inter-American Commission for Human Rights presented evidence of this case to the Ministry of Foreign Relations on May 26th, 2005.

- **Threats in the hamlet of Lejanías**

At a May 21, 2003 farmers' meeting in Lejanías, Army Captain Valencia acknowledged the presence of army troops in the area. Privates broke into someone's property and took the owner to an isolated place where he was interrogated and physically pressured to give information regarding guerrilla fighters. The armed men assured their victim they were paramilitaries, but the victim was able to see that their weapons belonged to the army.

- **Military operation accompanied by paramilitaries in Remedios and Rondó, Antioquia**

A military operation in the settlements of Dos Quebradas and Puerto Nuevo Ité began on March 22, 2005. Among the troops was Carlos E. Lombada, a well-known member of the AUC's Central Bolivar Bloc. Lombada had been charged with the kidnapping of Henry Palomo, vice-president of the Resettled Displaced Association of Barrancabermeja (Asodesamuba) on December 23, 2002.

V. Condition 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.

The dismantling of paramilitary groups in Colombia is necessary to obtain peace. This implies the end of links between the army and paramilitary factions, the guarantee that such groups will not spring up again after demobilizing, that they will return stolen lands, and that they will pay full reparations to victims.

U.S. Ambassador to Colombia stated on June 28, 2004 at the Woodrow Wilson Center in Washington that Colombia and the U.S. should not pay 'any' price for peace. The process

with paramilitary groups, based on the "Justice and Peace Law" passed in June 2005, does not guarantee real dismantlement of paramilitaries. Instead, this is a process of preferential treatment and of cover up of most AUC crimes and collaboration with the authorities.

1. **The process with the paramilitaries is not contributing to the dismantlement of the AUC.** Considering that members of the armed forces have been involved with the growth and strengthening of paramilitary groups, there should be mechanisms in place to suspend government officials in order to avoid future violations. However, the negotiation process fails to identify the degree of official forces' involvement with paramilitaries.
2. **Violations of the declared paramilitary ceasefire.** The Colombian government has publicly proclaimed a policy of flexibility with regard to the ceasefire. As a result 2,339 people have died between December 1st, 2002 when the talks started and 31 of December, 2004. Out of a study that followed up on 1.899 cases, the CCJ was able to establish that 777 were confirmed by the general attorney's office, but only 19 of them were being judged, two against paramilitaries. The Attorney General's office has estimated that paramilitary groups are responsible for 110 of them, but only 16 have been linked to individual members of the AUC. This only proves the lack of efficiency of the judicial system in Colombia, which does not bode well for implementation of the "Justice and Peace" law.
3. **The impact of the law of impunity on civilian life.** Current negotiations have been based on the "Justice and Peace" Law. The law was hotly contested, as it did not include the required elements of justice, truth and reparation. Victims were not invited to participate in the writing of the law or the legislative debates. Despite strong criticism from some members of Congress, the UN High Commissioner for Human Rights and many other organizations, the law passed on June 22, 2005. This law allows extremely light sentences for paramilitary members and impunity for government officials who have aided paramilitary endeavors financially and logistically. International treaties and conventions ratified by the Colombian state will not be avoidable forever.

Conclusions

The U.S. Secretary of State can not certify the Colombian government, due to the lack of compliance with the human rights requirements as established by U.S. law.

Members of the army and the national police continue to commit serious violations, including direct or complicit cooperation with paramilitaries. In such situations, the state is failing to suspend and investigate government officials according to condition A.

The majority of human rights violations by the security forces remain in a state of impunity. The government does not comply with its obligation to investigate violations and present them to civilian courts, and instead allows cases to go to the military courts, which openly contradicts requirements of the Constitutional and the Inter-American Courts, ultimately violating condition B.

The judicial branch is not judging and sentencing most of those responsible for human-rights violations. There is evidence of numerous examples of security-force members obstructing the process by threatening witnesses and victims, clearly contravening condition C.

Joint cooperation between the armed forces and the AUC continue to exist. The regions where either group has control have experienced a surge in links between the two. This situation becomes more critical with the passage of "Justice and Peace" law, thus violating all the conditions.