

Summary and Recommendations

BREAKING THE GRIP?

Obstacles to Justice for Paramilitary Mafias in Colombia

A girl walks by a man who according to authorities was killed by demobilized members of Catatumbo Block of the United Self-Defense Forces of Colombia (AUC) paramilitary coalition, in Cúcuta, Norte de Santander.

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In Colombia, more than in almost any other country in the Western hemisphere, violence has corroded and subverted democracy. Too often, killings and threats—not free elections or democratic dialogue—are what has determined who holds power, wealth, and influence in the country. Nowhere is this more evident than in the relationship between paramilitary groups and important sectors of the political system, the military, and the economic elite.

Paramilitary groups have ravaged much of Colombia for two decades. Purporting to fight the equally brutal guerrillas of the left, they have massacred, tortured, forcibly "disappeared", and sadistically killed countless men, women, and children. Wherever they have gone, they have eliminated anyone who opposed them, including thousands of trade unionists, human rights defenders, community leaders, judges, and ordinary civilians. To their enormous profit, they have forced hundreds of thousands of small landowners, peasants, Afro-Colombians, and indigenous persons to flee their families' productive lands. The paramilitaries and their supporters have often taken the abandoned lands, leaving the surviving victims to live in squalor on city fringes, and leaving Colombia second only to Sudan as the country with the most internally displaced people in the world.

With their growing clout aided by drug-trafficking, extortion, and other criminal activities, paramilitaries have made mafia-style alliances with powerful landowners and businessmen in their areas of operation; military units, which have often looked the other way or worked with them; and state officials, including numerous members of the Colombian Congress, who have secured their posts through paramilitaries' ability to corrupt and intimidate.

RIGHT: Investigators of the Attorney General's Justice and Peace team exhume the remains of a woman who was allegedly killed and quartered by paramilitary troops of the Tolová Heroes front, under the command of Diego Murillo, alias 'Don Berna' or 'Ádolfo Paz', Inspector General at the time of the AUC.
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Through these alliances, paramilitaries and their cronies have acquired massive wealth and political influence, subverting democracy and the rule of law.

But Colombia now has before it a rare opportunity to uncover and break the influence of these networks by holding paramilitaries and their accomplices accountable. In the last two years, paramilitary commanders have started to confess to prosecutors some of the details of their killings and massacres. They have also started to disclose some of the names of high-ranking officials in the security forces who worked with them. And the Colombian Supreme Court has made unprecedented progress in

investigating paramilitary infiltration of the Colombian Congress.

This report assesses Colombia's progress towards breaking the influence of and uncovering the truth about paramilitaries' crimes and networks, as well as the many serious obstacles to continued progress.

Colombia's institutions of justice have made historic gains against paramilitary power. But those gains are still tentative and fragile. They are the result of a fortuitous combination of factors, including the independence and courage of a select group of judges and prosecutors, a Constitutional Court ruling that created incentives for paramilitary commanders to disclose some of the truth about their crimes, the actions of Colombian civil society and a handful of journalists, and international pressure on the Colombian government.

The progress that has been made could be rapidly undone, and in fact may already be unraveling. The recent extradition to the United States of several top paramilitary commanders—some of whom had started to talk about their networks—increases the possibility that they will be held accountable for some of their crimes. But it has also interrupted—temporarily, one hopes—the work of Colombian investigators who had been making significant strides prior to the extraditions. To date, only one of the extradited commanders has provided



new testimony to Colombian authorities. Within Colombia, several of the most high-profile cases that the Supreme Court had been investigating have slowed down after the congressmen under investigation resigned, thus ensuring that their investigations were transferred to the Office of the Attorney General.

Unfortunately, the administration of President Álvaro Uribe is squandering much of the opportunity to truly dismantle paramilitaries' mafias. While there has been progress in some areas, some of the administration's actions are undermining the investigations that have the best chance of making a difference.

Of greatest concern, the Uribe administration has:

- Repeatedly launched public personal attacks on the Supreme Court and its members in what increasingly looks like a concerted campaign to smear and discredit the Court.

- Opposed and effectively blocked meaningful efforts to reform the Congress to eliminate paramilitary influence.
- Proposed constitutional reforms that would remove the "parapolitics" investigations from the jurisdiction of the Supreme Court.

If the Uribe administration continues on this path, it is likely that the enormous efforts made by Colombia's courts and prosecutors to hold paramilitaries' accomplices accountable will ultimately fail to break their power. Unless it changes course, Colombia may remain a democracy in a formal sense, but violence, threats, and corruption will continue to be common tools for obtaining and exercising power in the country.

What is at stake in Colombia goes beyond the problem—confronted by many countries—of how to find the truth and secure justice for past atrocities. At stake is the country's future: whether its institutions will be able to break free of the control of those who have relied on organized crime and often

horrific human rights abuses to secure power, and whether they will be able to fulfill their constitutional roles unhindered by fear, violence, and fraud.

To ensure meaningful progress, the Uribe administration must cease its attacks on the Supreme Court, and instead provide unequivocal support to investigations of what has come to be known as “parapolitics”. It must also take decisive action to reform the Congress and executive agencies that have been infiltrated by paramilitaries. The Office of the Attorney General must also make a more energetic and consistent effort to make progress on the many investigations that were started by Supreme Court but are now under the Attorney General’s jurisdiction, as well as on the investigations of members of the military, businesses, and other accomplices implicated by paramilitaries in their confessions.

COURT RULING ON THE JUSTICE AND PEACE LAW: A NEW OPPORTUNITY

In 2002, paramilitary leaders initiated negotiations with the Colombian government. In exchange for their “demobilization,” they sought to avoid real accountability for their atrocities—including extradition to the United States on drug charges—and to keep the bulk of their wealth and power. In the next three years, thousands of persons “demobilized,” turning in weapons and entering government reintegration programs. Unless they were already under investigation for serious crimes, the government granted them pardons for their membership in the group.

For those who were already under investigation or who admitted to having committed serious crimes, the Uribe administration drafted the 2005 Justice and Peace Law. That law provided that demobilized individuals responsible for serious crimes, including crimes against humanity and drug trafficking, could benefit from reduced sentences of five to eight years (with additional reductions, those sentences could in practice be lower than three years).

Human Rights Watch and others criticized the law extensively when it was first approved. As initially drafted, the law had no teeth. There was no requirement that paramilitaries give full and truthful confessions of their crimes, or that they disclose information about their criminal networks and collaborators in the public security forces or political systems. Prosecutors would have only 60 days—a very short time frame—to verify whatever paramilitaries chose to say about the crimes they had committed before charging them. Once granted, the reduced sentences could not be overturned, even if it was shown that the paramilitaries had lied, committed new crimes, or failed to turn over their illegally acquired wealth.

Had the Justice and Peace Law been implemented as first drafted, paramilitaries would have had no meaningful incentive to talk about their crimes or accomplices, and any investigation of their crimes would have been quickly cut short.

Everything changed when the Colombian Constitutional Court reviewed the law in mid-2006. The Court approved the law but conditioned its approval on several crucial amendments. As modified by the Court, the Justice and Peace Law now requires full and truthful confessions, provides that reduced sentences may be revoked if paramilitaries lie or fail to comply with various requirements, and has no time limits on investigations. The Court also struck down provisions that would allow paramilitaries to serve reduced sentences outside of prison and to count the time they spent negotiating as time served. Even without further reductions, sentences of five to eight years hardly reflect the gravity of the crimes, which include some of the most heinous atrocities ever committed in Colombia.

While the law still has flaws, the Court transformed it into an instrument that could, if effectively implemented, further victims’ rights to truth, reparation, and non-recurrence of abuses. The law could also be a useful tool in breaking paramilitaries’ influence in the political system and public security forces.

PARAMILITARY LEADERS’ CONFESSIONS

The Constitutional Court ruling set the stage for a process in which paramilitaries who confess their crimes could win significantly reduced prison terms, giving them an incentive to collaborate with prosecutors. As a result, throughout 2007 and part of 2008, prosecutors began to obtain valuable information from paramilitary commanders about their crimes and accomplices.

There have been some serious problems in the process of confessions. Until recently the process was hampered by the fact that the law only provided for the assignment of 20 prosecutors to the unit conducting interrogations of the paramilitaries. Under internal and international pressure, the government provided funding for a substantial number of additional prosecutors in early 2008.

It has also become clear that the number of paramilitaries who are going through the Justice and Peace process is much smaller than initially believed. The government has made much of the fact that more than 3,000 purported fighters—including several imprisoned guerrillas whom the government has allowed to “demobilize”—have applied for benefits under the Justice and Peace Law. However, nearly all of those whom



prosecutors have started to question have stated that they never meant to apply, and that they wish to withdraw from the process. Because most do not currently have charges pending against them, they will likely go free. They are under no obligation to provide information that might help solve cases of human rights violations, shed light on the web of paramilitary influence, or help account for the disappeared.

At this writing, the number of paramilitaries actively providing information in confessions was under 300.

But some commanders have made significant revelations. Salvatore Mancuso and Ever Veloza, also known as “HH,” have provided information that could be used to help solve important cases of human rights abuses. They have also identified some politicians, businessmen, and members of the military who may have collaborated with the paramilitaries.

In early 2008, it was reported that other commanders were poised to start disclosing important information. For example, in April 2008, paramilitary leader Diego Fernando Murillo Bejarano, also known as “Don Berna,” told the Supreme Court that he was prepared to talk about politicians with links to

ABOVE: Rodrigo Tovar Pupo, alias Jorge 40, paramilitary commander, during his statements to Colombian prosecutors under the Justice and Peace Law, before extradition to the United States, October 2, 2007.
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paramilitaries. Rodrigo Tovar Pupo, alias “Jorge 40,” though reticent, was going to face difficult questions thanks to prosecutors’ discovery of numerous computer files that provided evidence of his crimes and apparent links to politicians.

The initial revelations sparked hope among the victims of paramilitary groups who sought to participate in the Justice and Peace process—providing information to prosecutors and attending the Justice and Peace confessions—in the belief that they might finally understand what happened to them and their loved ones and why.

Some of the paramilitaries’ statements about the role played by members of the military corroborate evidence that Human Rights Watch and others have gathered and reported on for more than 20 years. The close military-paramilitary collabo-

Paramilitaries during the demobilization ceremony of the
Catatumbo Block of the AUC, in Norte de Santander.
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ration in several regions allowed the paramilitaries to commit massacre after massacre of civilians largely unimpeded and with impunity.

For example, Mancuso and “HH” have both said that retired Gen. Rito Alejo del Río collaborated closely with the paramilitaries while he commanded the 17th Brigade, located in the Urabá region in northwestern Colombia, between 1995 and 1997. Human Rights Watch had for years reported on the evidence against Del Río, which was compelling enough to prompt then-President Andrés Pastrana to dismiss Del Río from the army in 1998. The U.S. government had also canceled his visa to the United States in 1999. However, a criminal investigation of Del Río was shut down in 2004 during the tenure of then-Attorney General Luis Camilo Osorio (who, as Human Rights Watch reported at the time, undermined or closed several investigations of military-paramilitary collaboration). The new statements by Mancuso and HH have led the Attorney General’s Office to open a new investigation of Del Río.

Mancuso also spoke of links with a significant number of politicians, including current Vice-President Francisco Santos and now Minister of Defense Juan Manuel Santos, as well as several specific congresspersons. Other paramilitary leaders have also spoken of their collaboration with colonels, members of congress, landowners, businessmen, and regional politicians. HH, in particular, has made numerous statements about alleged payments made by multinational banana companies, including Chiquita Brands, to paramilitaries on the coast.

As of February 2008, the Justice and Peace Unit of the Colombian Attorney General’s Office had issued information to other prosecutors so investigations would be opened into the vice-president, one cabinet member, eleven senators, eight congressmen, one former congressman, four governors, twenty-seven mayors, one councilman, one deputy, ten “political leaders,” ten officials from the Attorney General’s Office, thirty-nine members of the army, fifty-two members of the police, fifty-six civilians, and two members of the National Intelligence Service.

On the other hand, the Office of the Attorney General has appeared slow to investigate some of the high-ranking members of the military implicated by paramilitaries. For example, it has yet to open formal investigations of General Iván Ramírez and retired Admiral Rodrigo Quiñónez on allegations that they collaborated with paramilitaries, despite Mancuso’s statements against them.

RIGHT: Salvatore Mancuso reads a statement by video link during the demobilization ceremony of the Bloque Nutibara front of the AUC. November, 2003.
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ABOVE: Salvatore Mancuso during the demobilization ceremony of the Catatumbo Block of the AUC, in Norte de Santander.
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UNANSWERED QUESTIONS

Most of the paramilitary commanders have yet to reach even the second stage of their confessions, during which, according to the Attorney General's Office regulations, they are supposed to provide details about each crime and accomplice. As a result, much of the information they have provided is still only general, and numerous questions about their atrocities, their relationships with the military, politicians, and business sectors, and their financing remain unanswered.

As documented in this report, important questions continue to surround most of the atrocities committed by paramilitaries, including the horrific massacres of hundreds of civilians in La Rochela, El Aro, El Salado, Chengue, and

Mapiripán. In those cases there has been evidence for years pointing to the involvement of high-ranking members of the military and others, but only a handful of them have been held accountable. For example:

THE MAPIRIPÁN MASSACRE

From July 15 through July 20, 1997, paramilitaries seized the town of Mapiripán, Meta, killing approximately 49 people. A local judge reported hearing the screams of the people the paramilitaries brought to the slaughterhouse to interrogate, torture, and kill throughout the five days the paramilitaries remained in the area. Yet despite the judge's eight telephone pleas for help, neither the police nor the army reacted until the paramilitaries left town.

Subsequent investigations of military involvement in the massacre resulted in the conviction of Col. Lino Sánchez (now deceased). In 2007, a judge acquitted Gen. Jaime Uscátegui, then commander of the army's VII Brigade, on charges of homicide and aggravated kidnapping. The judge sentenced the whistleblower in the case, Major Hernán Orozco Castro, to 40 years in prison, despite evidence that Uscátegui had ignored Orozco's warnings about the massacre.

In his confession, Mancuso has said that paramilitaries made arrangements with the Air Force to fly the paramilitary troops into the region to commit the massacre. He also said that Castaño made arrangements with Col. Lino Sánchez, as well as with a “Colonel Plazas” from Army Intelligence. However, Mancuso has yet to say much about the potential involvement of other members of the public security forces. He has yet to be questioned about Uscátegui or about the potential collaboration of military officers in the airports through which they traveled.

THE EL ARO MASSACRE

Over five days in October 1997, an estimated thirty paramilitaries entered the village of El Aro, Antioquia, and proceeded to execute 15 people, including a child, burn all but eight of the village’s houses, and force most of the town’s 671 residents to flee. Afterwards, 30 people were reported to have been forcibly disappeared. http://www.hrw.org/reports/2000/colombia/-N_37_#N_37_

In his confession, Mancuso confirmed previous evidence indicating that members of the military collaborated in planning the massacre. According to Mancuso, he even went to the IV Brigade in 1996 to meet with General Manosalva (now deceased), who gave him intelligence information about the area in preparation for the massacre. Mancuso also stated that during the massacre the helicopter of the Antioquia governorship was flying overhead, as were army helicopters.

However, Mancuso did not say anything (nor was he asked) about whether the commander of the IV Brigade at the time of the massacre in 1997, Gen. Carlos Ospina Ovalle, knew of or had reason to know of the massacre. (President Uribe appointed Ospina to serve as commander of Colombia’s army in 2002 and then as Commander General of the Armed Forces from 2004 to 2007.) Nor has Mancuso been questioned about the allegations recently made by Francisco Villalba, a paramilitary who was convicted of involvement in the massacre and who recently alleged that he observed President Álvaro Uribe, when he was governor of Antioquia, and his brother Santiago Uribe participate in a meeting to plan the paramilitary incursion in El Aro.

THE EL SALADO MASSACRE

On February 18, 2000, an estimated 400 uniformed and armed paramilitaries arrived in the village of El Salado, Bolívar, and proceeded to commit what may have been the most brutal massacre in the country’s history. They spent the next two days terrorizing the townspeople, pulling them out of their houses and dragging them to the local soccer field before torturing and killing them. “They pulled my daughter away ... she called to me, ‘mommy,’ and they shot her in the head,” one mother who managed to survive told Human Rights Watch. Meanwhile, the woman said the paramilitaries

were killing many of her friends and relatives in the soccer field. “They killed my cousin, they scalped her, tied her up,... they strangled her and finally they cut her head off.” The same mother thought another daughter, who was only seven years old, had managed to escape with a neighbor. But three days later she found the child’s body. “They put a plastic bag over her head and she died suffocated ... on the top of a hill.” On the basis of paramilitaries’ confessions, prosecutors estimate that over 100 people may have been killed in the massacre.

In his confession, Mancuso acknowledged his involvement, and that of Jorge 40 and then-AUC chief Carlos Castaño, in the massacre. He also mentioned that Castaño “gave us a cell phone number that he said belonged to a general or colonel Quiñónez, so that if anything happened that was the contact through which we could get in touch with him.” In fact, the senior military officer in this region at the time of the massacre was Col. Rodrigo Quiñónez Cárdenas, commander of the First Navy Brigade, who was later promoted to general. Human Rights Watch has previously reported on evidence linking him to several paramilitary atrocities (including another paramilitary massacre in the town of Chengue, in the same region as El Salado). No investigation of Quiñónez was underway as of the writing of this report. Both Mancuso and Jorge 40 should be questioned further about this massacre.

Without significantly more detailed collaboration from paramilitary commanders like Mancuso, Jorge 40, and Don Berna, the truth about these crimes may never be known, and those responsible may continue holding important positions of power and influence.

THE EXTRADITIONS

In May 2008 the confessions of many of the paramilitary commanders were abruptly cut short by President Uribe’s decision to extradite nearly the entire paramilitary leadership to the United States to face drug charges.

The extradition of the paramilitary leaders may make it more likely that they will face long prison terms for their drug trafficking crimes and that they will cooperate with US prosecutors by disclosing information about drug networks. However, it is far from clear whether the paramilitary commanders will have a meaningful incentive to talk about their other crimes and accomplices. If they do not talk, their victims may never know the truth or see justice done. Paramilitaries’ accomplices—among them government officials, congressmen, members of the military and intelligence services, businessmen, cattle ranchers, governors, mayors, and heads of state hospitals—will remain unpunished, continuing to profit from paramilitary atrocities.

Since the extraditions, only one of the extradited commanders—Mancuso—has spoken to Colombian judicial authorities. Whether or not others have a good reason to do so will depend primarily on the incentives created by the US Department of Justice (DOJ). Fortunately, DOJ has a number of tools at its disposal, such as the threat of prosecution for torture under US federal law, to press the commanders to talk about their atrocities and accomplices in Colombia. It is crucial that DOJ uses those tools to further accountability not only for drug crimes, but also for human rights abuses.

“PARAPOLITICS” INVESTIGATIONS

In the last three years, Colombia’s institutions of justice—particularly its Supreme Court—have made unprecedented progress in uncovering the truth about the extent of paramilitary influence and in holding their accomplices and backers accountable. Their investigations into paramilitaries’ influence in the political system (known as parapolitics) are the country’s best hope for strengthening Colombian democracy and reducing the power of these groups. However, recent actions by the Uribe government threaten to undermine the progress made so far.

In a display of tremendous courage, the Colombian Supreme Court’s criminal chamber initiated a systematic effort in 2005 to uncover the truth about paramilitaries’ influence in the Colombian Congress. As a result, over 60 members of Congress—nearly all from President Uribe’s coalition—are now under investigation for allegedly collaborating with paramilitaries; more than 30 are in prison. One of them, Sen. Mario Uribe, is President Álvaro Uribe’s cousin and probably has been his closest political ally since the 1980s.

The Supreme Court’s investigations were not prompted by a government initiative, but rather by a citizen’s complaint to the Court, after paramilitary commanders publicly claimed that they controlled 35 percent of the Congress. To avoid external pressures on individual justices, the criminal chamber of the Court arranged to have all justices work on the cases jointly, with investigations spearheaded by a specialized team of associate justices who have been vigorously interviewing witnesses and gathering evidence. At the same time, the investigations have been nourished by revelations in the media and studies by experts such as Claudia López, who analyzed and described the strategy by which paramilitaries manipulated the 2002 congressional elections.

The Court’s investigations have benefited from other criminal investigations conducted by the Attorney General’s Office. For example, the arrest of Rafael García, an official of the intelligence service linked to paramilitaries, led García to





ABOVE: Former Senator Mario Uribe (center), President Álvaro Uribe's cousin, in the Congress of the Republic, Bogotá. Sen. Uribe is under investigation for alleged links to paramilitaries. April 18, 2007.
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ABOVE: Jorge Noguera, President Uribe's former director of national intelligence and presidential campaign manager for the state of Magdalena, answers questions from journalists. Noguera is under investigation for allegedly collaborating with paramilitaries under the command of Jorge 40. Due to the evidence against him, the United States has revoked his visa for travel to that country.
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begin testifying against his accomplices, including politicians and former intelligence director Jorge Noguera.

The Attorney General's Office has initiated its own investigations of governors and other officials, including Noguera. It is also handling several investigations of congresspersons who have resigned, thus ensuring that the Supreme Court (which has exclusive jurisdiction over sitting members of congress) would transfer the investigations to the Attorney General's Office.

The record of the Attorney General's Office in these investigations is mixed. In some cases, the office has made significant progress and has even obtained guilty pleas. But in other cases the office has at times appeared timid or slow to act. For example, the office quickly closed the investigation into whether Noguera participated in electoral fraud in the 2002 presidential elections, despite extensive testimony by García about his and Noguera's supposed participation in fraud.

URIBE ADMINISTRATION RESPONSE

The Uribe administration claims it is committed to uncovering the truth and demobilizing the paramilitaries, and it has provided funding to the Court and Attorney General's Office. But it has repeatedly taken steps that could undermine the progress these institutions have made.

In particular, President Uribe's and his cabinet members' repeated verbal attacks, bizarre public accusations, and personal phone calls to members of the Court create an environment of intimidation that makes it difficult for the justices to carry out their work.

Uribe administration officials have repeatedly accused the Court of bias and even criminal activity. Repeatedly, such allegations have later been found to be baseless. The most obvious example is the "Tasmania" case, in which President Uribe, based on a letter signed by an imprisoned paramilitary known as Tasmania, accused Supreme Court Justice Iván Velásquez, who spearheads the team investigating the parapolitics cases, of trying to frame Uribe for murder. The paramilitary later retracted his claims, explaining that the letter had all been part of a setup in which his lawyer and others had offered him various benefits in exchange for lying about Justice Velásquez.

More recently, Antonio López, known as "Job," widely regarded as a member of the criminal mafia and a known associate of Don Berna, was allowed to enter the Presidential Palace to meet with several members of the Uribe administration. At the meeting, Job gave the officials audio and video recordings with which he was apparently

trying to implicate the Court and Justice Velásquez in criminal activity.

Members of the Court are not above the law, and to the extent one or some of them engage in criminal activity, they should be investigated. However, the government's repeated attacks, accusations, and personal phone calls to justices often seem gratuitous and based on little, if any, evidence. Ultimately, what these attacks do is discredit the Court and weaken public support for its work. In a country where judges and investigators have often been threatened and even killed for investigating paramilitaries, such attacks could also put the justices' lives in danger.

A proposal that President Uribe floated in 2007 to allow politicians who collaborated with paramilitaries to avoid prison altogether would have had a devastating impact on the investigations. Fortunately, President Uribe tabled this proposal after it became evident that it would become an obstacle to the ratification of the US-Colombia Free Trade Agreement. It is unclear what would happen if the pressure related to ratification of the trade deal were dropped.

The Uribe administration also recently blocked a congressional bill that would have reformed the Colombian Congress to reduce paramilitary influence. As a result, today many of the congressmen who are under investigation have simply been replaced by other persons from the same tainted political parties. One of the administration's arguments for blocking the proposal was that if the proposal were approved, it would lose its majority in Congress.

Finally, the Uribe administration has recently proposed a series of constitutional amendments that could have the effect of completely removing all the parapolitics investigations from the jurisdiction of the Supreme Court. Should that proposal be approved (which is likely, considering that it is currently before a Congress that is itself the subject of the Court's investigations), it could have a devastating effect on the parapolitics investigations, ensuring impunity for paramilitaries' cronies in the political system.

RIGHT: Mrs. Teresita Meléndez (right), who lost her son and her husband to paramilitary violence, is shown a piece of her husband's clothing by a forensic investigator. The investigation carried out by the Attorney General's office revealed that paramilitaries under the command of alias 'Cadena', head of the Heroes of the Montes de María Block of the AUC, killed her husband and son along with four other laborers and later hid the bodies in the San Onofre, Sucre cemetery.

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GLOSSARY

AUC: Autodefensas Unidas de Colombia, United Self-Defense Forces of Colombia, a coalition of most paramilitary groups in Colombia.

CTI: Cuerpo Técnico de Investigación, Technical Investigation Body, an entity attached to the Office of the Attorney General of Colombia and charged with providing investigative and forensic support to the office in criminal cases.

DAS: Departamento Administrativo de Seguridad, the national intelligence service, which answers directly to the president of Colombia.

ELN: Ejército de Liberación Nacional, National Liberation Army, a left-wing guerrilla group.

FARC: Fuerzas Armadas Revolucionarias de Colombia, Revolutionary Armed Forces of Colombia, Colombia's largest left-wing guerrilla group.

High Commissioner for Peace of Colombia: Alto Comisionado para la Paz, an official advisor to the president of Colombia on peace initiatives. The high commissioner often represents the president in peace negotiations with armed groups.

Office of the Attorney General of Colombia: Fiscalía General de la Nación, a Colombian state entity charged with conducting most criminal investigations and prosecutions. The Office of the Attorney General is formally independent of the executive branch of the government.

Office of the Inspector General of Colombia: Procuraduría General de la Nación, a Colombian state entity charged with representing the interests of citizens before the rest of the state. The office conducts most disciplinary investigations of public officials and monitors criminal investigations and prosecutions, as well as other state agencies' actions.

RECOMMENDATIONS

TO THE URIBE ADMINISTRATION

Regarding Accountability for Officials, Politicians, Business Leaders, and Others Who Collaborated in Paramilitaries' Crimes

- Do not introduce and unequivocally oppose any legislation that could lead to reduced sentences or outright impunity for collaboration with paramilitaries.
- Withdraw the justice reform proposal, which would remove investigations of sitting congressmen from the jurisdiction of the Colombian Supreme Court; ensure that all initial investigations of sitting congressmen remain under the jurisdiction of the Supreme Court.
- Ensure that trials of paramilitaries' collaborators remain under the control of Colombia's highest courts, rather than being tried by local courts, whose security and independence are more easily compromised.

Regarding Support for Institutions of Justice

- Cease verbal attacks and harassment of the Supreme Court and individual justices; firmly and clearly express support for full investigations and accountability for those who collaborated with paramilitaries in the political system and security forces.
- Substantially increase funding for the Office of the Inspector General to monitor the implementation of the Justice and Peace Law.
- Continue to increase funding for the court system and the Attorney General's Office to support additional staff and ensure their security.

TO THE ATTORNEY GENERAL OF COLOMBIA

- Rigorously investigate and prosecute all high-ranking military, police, and intelligence officers, as well as politicians and businesses against whom there is adequate evidence that they have collaborated with paramilitaries.
- Ensure that prosecutors ask paramilitaries in the Justice and Peace process to repeat under oath all statements in which they identify another person as having collaborated with them or participated in criminal activity, as well as all statements in which they admit to having committed a crime.
- Ensure that all of paramilitaries' statements to prosecutors in which they have implicated accomplices are the subject of full investigations.
- Review why no formal investigation has yet been started into paramilitaries' allegations that General Ivan Ramírez and Admiral Rodrigo Quiñónez collaborated with them.
- Review all cases involving former congressmen that have been transferred from the Supreme Court to the Office of the Attorney General, to assess whether and why there have been delays in carrying the investigations forward.
- Review the reasons for closing the case against former intelligence director Jorge Noguera for electoral fraud in the 2002 presidential elections to determine whether the case should be reopened.
- Assume direct control of the prosecution of Noguera for all crimes related to his tenure as director of the DAS, as required by several court rulings, to avoid further procedural challenges and delays in the case.

TO THE UNITED STATES DEPARTMENT OF JUSTICE

- Create meaningful legal incentives for paramilitary leaders to fully disclose information about their atrocities and name all Colombian or foreign officials, businesses or individuals who may have facilitated their criminal activities.
- Explore all possible avenues for holding the paramilitary commanders accountable not only for their drug trafficking crimes but also their human rights abuses in Colombia—including, specifically, acts of torture, which are a crime under federal law (18 USC section 2340A), prosecutable in the United States even when committed abroad by foreign nationals.
- Ensure that federal prosecutors who handle these cases familiarize themselves fully with the vast array of relevant evidence that Colombian police investigators, prosecutors, and judges have accumulated in recent years regarding paramilitary crimes.
- Collaborate actively with the efforts of Colombian justice officials who are investigating paramilitary networks in Colombia by sharing relevant information wherever possible and granting them access to paramilitary leaders in US custody.

RECOMMENDATIONS

TO THE UNITED STATES CONGRESS

- Continue to delay ratification of the US-Colombia Free Trade Agreement until Colombia shows concrete and sustained results in reducing impunity for trade unionist killings and dismantling the paramilitary mafias responsible for many of the killings. This means that Colombia must show meaningful results in investigating and holding accountable not only paramilitary leaders but also their many accomplices.
- Provide increased financial assistance to and publicly express support for Colombia's institutions of justice, including the Supreme Court, in their efforts to investigate paramilitaries' accomplices.

TO THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT

- Monitor the implementation of the Justice and Peace Law and more broadly the process of investigation and prosecution of paramilitaries' accomplices.
- Monitor the prosecution of paramilitary leaders who have been extradited to the United States to ensure that they are held accountable for their human rights crimes, not only drug trafficking crimes.

TO THE INTERNATIONAL COMMUNITY

- Firmly support the investigations of illegal paramilitary influence in the political system and urge more rigorous and thorough investigation of paramilitaries' atrocities and collaboration with public security forces.
- Publicly reject the Uribe administration's attacks on the Supreme Court and on individual justices.
- Provide financial support to institutions of justice in Colombia, including the Court system, Office of the Attorney General, Office of the Inspector General, and the Office of the Ombudsman.
- Publicly express support for, and provide assistance to, civil society organizations involved in seeking accountability for paramilitaries' and their accomplices' crimes.