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Совет по правам человека
Двадцатая сессия
Пункт 3 повестки дня
Поощрение и защита всех прав человека, гражданских, политических, экономических, социальных и культурных прав, включая право на развитие

Доклад Специального докладчика по вопросу о внесудебных казнях, казнях без надлежащего судебного разбирательства или произвольных казнях Кристофа Хейнса

Добавление

Последующие меры в связи с рекомендациями для страны: Колумбия*

Резюме

В настоящем докладе содержится анализ прогресса, достигнутого Колумбией в осуществлении рекомендаций, вынесенных предшествующим Специальным докладчиком по вопросу о внесудебных казнях, казнях без надлежащего судебного разбирательства или произвольных казнях Филипом Алстоном по итогам его поездки в страну 8−18 июня 2009 года (A/HRC/14/24/Add.2). В ходе своей поездки Специальный докладчик собрал документально подтвержденную информацию об убийствах, совершаемых сотрудниками службы безопасности, повстанцами и членами незаконных вооруженных формирований, и о степени эффективности судебной системы для целей привлечения к ответственности лиц, виновных в убийствах; о положении особо уязвимых групп населения, а также об институциональном потенциале и проводимых реформах. Специальный докладчик вынес рекомендации по следующим четырем основным направлениям: пересмотр политики в области безопасности; наделение государственных учреждений дополнительными ресурсами для целей обеспечения подотчетности в связи с

* Резюме настоящего доклада распространяется на всех официальных языках. Сам доклад содержится в приложении к резюме и распространяется только на том языке, на котором он был представлен, и на французском языке.

нарушениями прав человека и гуманитарного права; создание комиссии по установлению истины для проведения независимого расследования на предмет определения ответственности за убийства, совершавшиеся всеми участниками конфликта в Колумбии за всю его многолетнюю историю; необходимость обеспечения того, чтобы проводимая государством политика не приводила к дальнейшей виктимизации уязвимых групп населения, которые более других слоев населения страдали в ходе конфликта.

В рассматриваемый период государство предприняло ряд шагов для предотвращения случаев внесудебных казней, в том числе путем принятия Министерством обороны 15 конкретных мер. Тем не менее продолжают поступать сообщения о случаях внесудебных казней, при том что по-прежнему не наблюдается заметного прогресса в проведении уголовных и дисциплинарных расследований. Одной из главных проблем является систематическая безнаказанность и неподотчетность должностных лиц за совершаемые деяния.

Хотя значительное число дел было передано из системы военной юстиции в обычные уголовные суды, серьезную озабоченность вызывают непрекращающиеся попытки органов военной юстиции вернуть себе право рассматривать соответствующие дела. Государство не представило Специальному докладчику информацию о результатах соответствующих дисциплинарных и уголовных расследований и о том, последовали ли за этим какие-либо санкции. Специальный докладчик вновь призывает выделить дополнительные ресурсы для укрепления следственной базы Генеральной прокуратуры и проведения экспертных исследований в рамках Экспертной службы Генеральной прокуратуры. Следует обеспечить осуществление национальной стратегии по вопросам проведения эксгумаций и предать гласности отчеты о результатах расследований, касающихся возможных мест захоронения жертв внесудебных казней.

Государству следует принять эффективные меры по борьбе с незаконными вооруженными группами, созданными после демобилизации военизированных формирований. Специальный докладчик настоятельно призывает государство существенно активизировать усилия, направленные на обеспечение ответственности за внесудебные казни, обеспечение эффективной защиты жертв и свидетелей и принятие превентивных мер, на основе консультаций с пострадавшими общинами по защите уязвимых групп населения.

[English and Spanish only]

Annex

Follow-up report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on the mission to Colombia (8–18 January 2009)

Contents

I. Methodology

1. In paragraph 8 of its resolution 17/5, the Human Rights Council urged States, inter alia, to cooperate with and assist the Special Rapporteur on extrajudicial, summary or arbitrary executions in the performance of his or her task and to supply all necessary information requested by him or her, as well as to ensure appropriate follow-up to his or her recommendations and conclusions, including by providing the Special Rapporteur with information on the actions taken on those recommendations.

2. The Special Rapporteur concurs with his predecessor on the importance of follow-up reports as a critical component of country visits to investigate allegations of violations of the right to life. Country visits are an essential means to obtain direct and first-hand information on human rights violations. They allow for direct observation of the human rights situation and facilitate an intensive dialogue with all relevant interlocutors in the country concerned. The main purpose of country visits is to assess the actual situation in the country concerned, including the relevant institutional, legal, judicial, and administrative aspects, and to make recommendations thereon in relation to issues that arise under the relevant mandate. Country visits by mandate holders provide an opportunity to enhance awareness at the country, regional and international levels of the specific problems under consideration. This is done, inter alia, through meetings, briefings, press coverage of the visit and dissemination of the report.

3. In accordance with established practice,[1] the present follow-up report concerns the recommendations made by the Special Rapporteur's predecessor on his visit to Colombia. The present report accompanies follow-up reports on the Democratic Republic of the Congo (A/HRC/20/22/Add.1) and the United States of America (A/HRC/20/22/Add.3).

4. The present follow-up report was prepared on the basis of all available information. The Special Rapporteur requested information from the Government and from other actors on the steps that had been taken to implement the recommendations made by his predecessor. Information on the non-implementation of recommendations was also sought. In addition, information was sought on the current situation concerning extrajudicial executions in the country, and particularly on whether and how the situation has improved, deteriorated or remained static since the visit of the previous mandate holder. Consultations were also undertaken with domestic and international civil society groups.

II. Introduction

5. The present report contains an analysis of progress made by the Government of Colombia in implementing recommendations made by the former Special Rapporteur on extrajudicial, summary or arbitrary executions following his visit to the country from 8-18

[1] In order to assess the extent to which States had implemented recommendations, in 2006 the Special Rapporteur's predecessor, Philip Alston, initiated follow-up reports on country visits. The first follow-up report (E/CN.4/2006/53/Add.2) concerned the recommendations made by a prior mandate holder, Asma Jahangir, on her visits to Brazil, Honduras, Jamaica and Sudan. Subsequent follow-up reports were issued: in 2008, on missions conducted to Sri Lanka and Nigeria (A/HRC/8/3/Add.3); in 2009, on visits to Guatemala (A/HRC/11/2/Add.7) and the Philippines (A/HRC/11/2/Add.8); in 2010, on visits to the Central African Republic (A/HRC/14/24/Add.5) and Brazil (A/HRC/14/24/Add.4); and in 2011, on visits to Kenya (A/HRC/17/28/Add.4) and Afghanistan (A/HRC/17/28/Add.6); and in 2012, on visits to the Democratic Republic of the Congo (A/HRC/20/22/Add.1) and the United States of America (A/HRC/20/22/Add.3).

June 2009 (A/HRC/14/24/Add.2). During his visit, the Special Rapporteur documented killings by security officers, guerrillas, paramilitaries and illegal armed groups, and examined the effectiveness of the criminal, civil and military justice systems in relation to the killings. He further addressed the situation of especially vulnerable groups, including human rights defenders, trade unionists, women, gay, lesbian and transgender activists, and Afro-Colombia and indigenous communities, and highlighted the need for strengthened institutional capacity and reform.

6. The Special Rapporteur made recommendations on four broad areas, namely: reform of security policies; increased allocation of resources to State institutions to provide accountability for human rights and humanitarian law violations by, inter alia, State forces, guerrillas and illegal armed groups; the establishment of a truth commission to conduct an independent investigation into the history of and responsibility for killings by all actors during the conflict in Colombia; and the necessity for the State to ensure that its policies do not lead to further victimization of vulnerable groups who have been disproportionately targeted throughout the conflict.

7. In the country visit report, it was noted that Colombia was emerging from a conflict which has lasted for 50 years, the repercussions of which were still being addressed by the Government. The main parties to the conflict were left-wing guerrilla groups, primarily the Revolutionary Armed Forces of Colombia–People's Army (Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo, FARC-EP) and the National Liberation Army (Ejército de Liberación Nacional, ELN) and right-wing paramilitaries aligned with the State against the guerrillas. It was observed that all parties to the conflict committed human rights and humanitarian law violations.

III. "*Falsos positivos*" and killings by security forces

8. In the country visit report, the Special Rapporteur documented the phenomenon of so-called "*falsos positivos*" ("false positives")—unlawful killings of civilians, staged by the security forces to look like lawful killings in combat of guerrillas or criminals. The existence of the falsos positivos was not in dispute; however the motivation behind the disturbing frequency of these occurrences between 2004 and 2008 was debatable. Some interlocutors contended that it was a State policy, the State on the other hand posited that many false allegations of falsos positivos were being made, when some of those killed were in fact guerrillas or criminals. The Government noted that the phenomenon was not widespread, and that where such unlawful killings occurred they were isolated instances.

9. The Special Rapporteur during his mission received reports of such killings across the country; however there were discrepancies in the statistics on the number of such killings. He concluded that a significant number of falsos positivos killings had been committed by security forces across the country by members of the security forces of Colombia. He noted that the Soacha cases exemplified the existence of the phenomenon—an observation based on, inter alia, interviews with the families of the victims and evidence presented (A/HRC/14/24/Add.2, para. 14).

10. The Special Rapporteur indicated that a number of factors contributed to the killings, including pressure in military units to produce results and demonstrate that ground was being gained against guerrillas and criminals; rewards and incentives for the killings of guerrillas by military forces; and lack of accountability for violations. He noted that the Government had made efforts to reduce the number of falsos positivos killings, including through disciplinary sanctions, dismissal of military personnel, increased cooperation with the International Committee of the Red Cross and the United Nations with respect to

monitoring, and the creation of a specialized prosecutor within the Attorney General's Office (Fiscalía General de la Nación) to deal with alleged extrajudicial killings.

A. Continued occurrence of killings and accountability efforts

11. In March 2010, the Office of the United Nations High Commissioner for Human Rights (OHCHR) reported that since November 2008, complaints of extrajudicial executions attributed to security forces, particularly the Army, had drastically decreased, primarily as a result of the implementation and monitoring of the measures adopted in October and November 2008 by the President and the Ministry of Defence (A/HRC/13/72, para. 36).

12. In July 2010, the Human Rights Committee expressed deep concern at the widespread pattern of extrajudicial executions of civilians, subsequently described by the security forces as combat casualties. The Committee further expressed its concern at the numerous complaints that directives of the Ministry of Defence which granted incentives and payment of rewards without internal oversight or supervision had contributed to executions of civilians. The Committee also noted with concern that the military justice system continued to assume jurisdiction in cases of extrajudicial executions in which the alleged perpetrators were members of the security forces. The Committee underlined the responsibility of the Superior Judicial Council in resolving conflicts of jurisdiction, and emphasized the importance of ensuring that such crimes remain clearly and effectively outside the jurisdiction of military courts (CCPR/C/COL/CO/6, para. 14).

13. In March 2011, OHCHR reported that the drastic reduction in the number of persons presented as killed in combat while in the custody of the Army (falsos positivos) had been consolidated. It furthermore noted that the National Human Rights Unit of the Attorney General's Office was investigating 1,488 cases with 2,547 victims, and that more than 400 additional cases were being investigated through its sectional units. More than 448 active cases still remained in the military justice system and an unknown number of cases may have been closed without appropriate judicial action having been taken (A/HRC/16/22, paras. 25 and 26).

14. By August 2011, the National Human Rights Unit of the Attorney General's Office had been assigned a cumulative total of 1,622 cases of alleged homicides attributed to State agents, involving 3,963 members of the security forces. A total of 148 convictions had been handed down. Especially noteworthy was the June 2011 ruling against a retired colonel, who accepted his responsibility in 57 extrajudicial executions committed between 2007 and 2008 when he was commander of the Sucre Task Force. By early 2012, he remained the highest ranking military official convicted in the context of the falsos positivos (A/HRC/19/21/Add.3, para. 33).

15. Based on the available data on cases and victims, OHCHR estimated in 2011 that more than 3,000 persons may have been victims of extrajudicial executions, primarily attributed to the Army. The majority of these killings were carried out between 2004 and 2008. OHCHR reiterated that it was imperative that the military justice system immediately transfer all cases of possible human rights violations to the ordinary justice system, and that cases that were closed by the military justice system without proper investigation be revisited. Moreover, OHCHR observed that the transfer and dismissal of some military judges may have been related to their collaboration with the ordinary justice system (A/HRC/16/22, paras. 26, 27 and 28).

16. In March 2012, OHCHR reported that extrajudicial executions had not been totally eradicated, and that it had observed cases having elements that may indicate the occurrence of extrajudicial executions during 2011 in the departments of Arauca, Bogotá, Cauca and

Cesar. OHCHR noted that those cases should alert the authorities about the need to redouble their efforts to prevent this serious human rights violation, with an emphasis on effectively implementing the measures introduced in 2008 for that purpose. OHCHR observed that some Army officers and other senior public officials continued to deny the occurrence of extrajudicial executions and to discredit the judicial system when convictions were handed down (A/HRC/19/21/Add.3, paras. 30 and 32).

17. The current Special Rapporteur, following the review of the information made available in the preparation of the present follow-up report, notes reports indicating the continued occurrence of extrajudicial executions by the Armed Forces and police and the persistent high rate of impunity for such human rights violations due to the lack of progress in criminal investigations. While a significant number of cases of extrajudicial executions have been transferred to the Attorney General's Office, the Special Rapporteur is concerned at the absence of information from the State regarding the number of convictions for extrajudicial executions by members of the Armed Forces and the sanctions applied in such cases.

18. In relation to the disappearances and extrajudicial executions of young men in Soacha in 2008 (A/HRC/14/24/Add.2, paras. 14 and 17), the Special Rapporteur received information indicating serious threats against the families of the victims (A/HRC/16/22, annex, para. 5). He also was informed that out of the 17 criminal investigations initiated in 2008, only one has resulted in convictions (eight members of the military were convicted in June 2011).[2]

19. One specific case indicating the continuing incidence of extrajudicial executions by the Armed Forces took place in Arauca in October 2010. The victim, a girl who had previously been raped by a member of the military, was killed together with her two brothers. The bodies showed signs of torture. The rape had been reported to the authorities, yet the relevant military battalion acted negligently in response. Internal control mechanisms failed to fulfil their duties. The investigation of the extrajudicial execution has been subject to delays, principally by the military body responsible for defending the accused (Defensoría Militar, DEMIL). As of February 2012, no conviction had been made in the case.

20. The Special Rapporteur is concerned about various reports indicating that military judges who have sought to transfer investigations to the ordinary justice system have been subject to reprisals and pressure, and that members of the security forces accused of participating in extrajudicial executions are prevented from confessing their involvement in such crimes. The Special Rapporteur concurs with OHCHR that it is essential that both civilian and military authorities at the highest level unequivocally support members of the security forces who collaborate with judicial processes (A/HRC/16/22, para. 30).

21. The response by the State to the Special Rapporteur on progress in the implementation of the recommendations, dated 13 January 2012, indicated that 486 homicide cases committed by State agents remained within the military justice system. The response failed to provide clear information on how many such cases have been archived within the military justice system, and no detailed information was provided on how many of the 486 cases are in the process of being transferred by the military justice system to the ordinary justice system.

22. The Government response referred to a tripartite agreement established in June 2011 by the Ministry of Defence, the Attorney General's Office and the Procurator General (*Procuraduría General de la Nación*) in order to facilitate the transfer of alleged homicide

[2] Submission to the Special Rapporteur by the Colombian Commission of Jurists, 16 February 2012, p. 20.

cases by State agents from the military justice system to the ordinary justice system. The Special Rapporteur, while noting the practical measure of the tripartite agreement, underlines that, in accordance with the Constitution of Colombia, the responsibility of defining the competent jurisdiction lies with the Superior Judicial Council.

23. It is imperative to maintain a clear distinction in relation to the jurisdiction competent to assume and investigate killings of civilians that are alleged to have been committed by State agents. The Special Rapporteur reiterates his position that the Attorney General's Office should have the primary responsibility for prosecution of military personnel accused of human rights violations. The Constitution provides in article 221 that only "crimes committed by members of the National Security Forces on active service, and related to the same service" may be assumed by the military justice system.

24. The Special Rapporteur welcomes that the Constitutional Court and the Superior Judicial Council have affirmed that military courts do not have jurisdiction when Force members engage in conduct contrary to the constitutional functions of the Forces, such as unlawful killings, and that when there is doubt, civilian jurisdiction should apply (A/HRC/14/24/Add.2, para. 38). Furthermore, the importance of conducting impartial investigations of serious human rights violations, such as extrajudicial executions, in the ordinary justice system and not in the military justice system have repeatedly been underlined by the Human Rights Committee and the Committee against Torture.[3]

25. In this context, the Special Rapporteur is concerned by the draft legislative amendment to article 221 of the Constitution, which was introduced in Congress in 2011. The amendment is aimed at extending the jurisdiction of the military justice for acts by the armed forces on the basis that "in all cases, it is presumed that service in operations is related to military procedures". The draft legislation specifically mentioned that in such situations, penal action will be undertaken by the military and police justice system.[4]

26. The Special Rapporteur considers that given the persistence of well-documented human rights violations, including extrajudicial executions by the Armed Forces in Colombia, and in view of the continued tendency of the military justice system to seek to assume investigations for human rights violations committed by members of the Armed Forces, the proposed amendment to article 221 of the Constitution is of great concern, as it would undermine the State obligation to undertake prompt investigations through an independent judiciary. The Special Rapporteur regrets that in early 2012, further proposals for amending article 221 were submitted to Congress, again seeking to expand the jurisdiction of the military justice system and undermine the authority of the Superior Judicial Council to resolve conflicts between the ordinary and military jurisdictions.[5]

27. Among the recommendations issued by the Special Rapporteur in 2009, it was noted that the Superior Judicial Council should adhere to time limits for the resolution of

[3] CCPR/C/COL/CO/6, para. 14, and concluding observations by the Committee against Torture (CAT/C/COL/CO/4), para. 16.

[4] Proyecto de Acto Legislativo No. 07 de 2011 de Senado "Por medio del cual se reforman artículos de la Constitución Política con relación a la administración de justicia y se dictan otras disposiciones", art. 15: "En todo caso, se presume la relación con el servicio en las operaciones y procedimientos de la Fuerza pública. Cuando en estas situaciones haya lugar al ejercicio de la acción penal, la misma se adentrará por la Justicia Militar y Policial." Available from www.mij.gov.co/Ministerio/Library/Resource/Documents/ProyectosAgendaLegistaliva/ReformaJusticia422.pdf.

[5] Draft bill No. 192 of 2012, amending articles 116, 152 and 221 of the Constitution of Colombia (Proyecto de Acto Legislativo por el cual se reforman los artículos 116, 152 y 221 de la Constitución Política de Colombia).

jurisdictional conflicts between the military and civilian justice systems, and that lists of pending cases, indicating the time period they have been pending, should be made public regularly. The Special Rapporteur regrets that specific time limits for the resolution of jurisdiction conflicts have not been established and that information in relation to cases pending before the Superior Judicial Council is not made public in a regular manner on a systematic basis.

28. In relation to the suspension during the periods of investigation and prosecution of members of the military and the police suspected of involvement in killings, the Special Rapporteur notes the absence of specific information in the response provided by the State in January 2012. The Procurator General has the authority to assume disciplinary investigations into the conduct of civil servants, including members of the military, police and intelligence services. The Special Rapporteur regrets that neither the Procurator General nor the Ministry of Defence have made information available on the number and rank of members of the military and police who are or have been subject to disciplinary investigations or suspension. Furthermore, the Special Rapporteur is concerned that in 2011, members of the military who had been convicted of extrajudicial executions had not been formally separated from their functions, were detained in conditions of considerable comfort in the military facility of Tolemaida and were allowed unregulated freedom of movement outside the facility.[6]

29. In relation to the use of incentives, the Special Rapporteur takes note of the information provided in the response by the State that payments of reward to the Armed Forces were prohibited in 2008 and that the Office of the Comptroller General (*Contraloría General de la República*) is responsible for monitoring the implementation of rewards paid by public funds to civilians who have provided information. The Special Rapporteur however would have appreciated more detailed information on how the Office of the Comptroller General monitors the use of rewards and what findings have been made in relation to the rewards issued in accordance with Law No. 1097 of 2006.[7]

30. The previous Special Rapporteur noted in the mission report that the 15 specific measures contained in the Ministry of Defence's Directive No. 208 to implement international human rights and humanitarian law standards should be put into practice effectively. In order to evaluate the implementation of the 15 measures, the Ministry of Defence initiated a monitoring project with technical cooperation from OHCHR in 2010.[8] The progress reports of this technical cooperation have not been shared with the public. The Special Rapporteur notes however the information provided by the State in January 2012 indicating that the measures taken to date include the development of a legal manual for military operations and training on the rules of engagement and on human rights and humanitarian law.[9]

[6] See "Informe de la Comisión Transitoria de verificación sobre presuntas irregularidades del centro penitenciario y carcelario de Tolemaida", 27 May 2011; see also A/HRC/19/21/Add.3, para. 36.

[7] Response by the State to the Special Rapporteur, 13 January 2012.

[8] Information received by the State on the implementation of the concluding observations of the Human Rights Committee, 8 August 2011 (CCPR/C/COL/CO/6/Add.1), p. 11.

[9] Response by the State to the Special Rapporteur, dated 13 January 2012. See also Colombia, Ministry of Defence, *Avances en el cumplimiento de las 15 medidas adoptas por el Ministerio de Defensa, noviembre 2008-abril 2010*, available from www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Asuntos_de_Interes/Derechos_Humanos/docs_nweb/Avances_Caso_Soacha.pdf

31. An additional, and partly overlapping, 15 measures to combat impunity were announced by the Ministry of Defence in June 2011.[10] It is unclear to what extent they have been implemented and what real impact they have had in practice.

32. As documented by OHCHR, cases have continued to arise which illustrate the need for the Ministry of Defence to enforce a firm policy that respects the limits of the application of military jurisdiction (A/HRC/19/21/Add.3, para. 35). In August 2011, a 17-year-old died after being shot in the back by a police agent in Bogotá. The investigation was voluntarily transferred by the Attorney General's Office to military justice, before being reverted back to the ordinary justice system by the Superior Judicial Council in November 2011.

B. Conduct of forensic inspections and preliminary investigations

33. In 2009, the Special Rapporteur noted the importance of the Technical Investigation Unit of the Attorney General's Office (Cuerpo Técnico de Investigación, CTI), as external investigators reduce opportunities for the military to cover up unlawful killings and promote transparency. When a military unit reports a killing in combat, the initial inspection of the scene should be undertaken by the CTI; within 36 hours, CTI officials must report to the relevant prosecutor on their investigation.

34. In September 2010, OHCHR issued a report on the La Macarena Cemetery, Meta.[11] The report explored allegations which were made public in 2009 regarding a mass grave site with hundreds of unidentified bodies. The department of Meta has the second highest rate of reported extrajudicial executions in Colombia, according to 2010 statistics of the Attorney General's Office. The cemetery is located next to a military base of the Joint Task Force Omega and it was alleged that many of the unidentified bodies were of civilians who had been killed in combat by the military and buried clandestinely since 2002.

35. In the report, OHCHR noted that it was unclear how many of the unidentified cadavers were of persons who had been killed in combat. This was reportedly due to a lack of military and judicial control, and procedural lapses by the authorities, including flawed forensic investigations and omissions in the official registering of the deaths. A principal concern raised was that, routinely, corpses had been examined only after having been moved by the military, and without an examination of the scene where they were reported as having died. OHCHR reiterated that it was particularly important that the examination of corpses be performed by personnel from CTI at the site where the deaths occurred.

36. OHCHR concluded that the existence of a large number of unidentified bodies buried in other cemeteries around the country posed significant challenges for the Attorney General's Office with regard to undertaking proper investigations, in view of resource restrictions. In the preparation of the present follow-up report, the Special Rapporteur received information indicating that the scarcity of adequate human and technical resources for the CTI continues to restrict the exercise of its work. He calls on the State to publicly report on the results of exhumations and investigations undertaken in response to the OHCHR report on the La Macarena Cemetery.

[10] Colombia, Ministry of Defence, 15 medidas contra la impunidad, adopted June 2011. Available from www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Prensa/Documentos/medidas_impunidad.pdf.

[11] OHCHR-Colombia report on the La Macarena Cemetery, Meta department, 7 September 2010 (available from www.hchr.org.co/publico/comunicados/2010/cp1029.pdf); A/HRC/16/22, para. 89.

37. The Special Rapporteur is concerned by reports indicating that agents previously assigned to the former intelligence agency—the Department of National Security (Departamento Administrativo de Seguridad, DAS), which was dismantled in 2011 due to its involvement in human rights violations—have been reassigned to the CTI without any vetting process. The Special Rapporteur furthermore regrets the lack of criminal investigations into the responsibility of former DAS agents for human rights violations, and that files containing related evidence remain classified.

38. Furthermore, the Special Rapporteur is concerned that, in February 2012, the Ministry of Defence announced the creation of a System for Assistance with Criminal Investigations for the Armed Forces.[12] According to this initiative, staff of the National Police's Directorate for Criminal Investigation (Dirección de Investigación Criminal, DIJIN), which administratively is under the Ministry of Defence, would undertake the initial investigations of deaths in combat. The staff of the DIJIN reside within military installations.

39. The Special Rapporteur emphasizes the requirement that forensic examinations be undertaken in an independent manner, and observes that the DIJIN may not comply with this criterion.

IV. Killings by guerrillas

40. In the country visit report, the Special Rapporteur observed that both FARC-EP and ELN were responsible for unlawful killings and often victimized the very population on whose behalf they claimed to fight. It was noted that FARC-EP and ELN had killed or threatened, inter alia, farmers and labourers, communal leaders and human rights defenders, municipal and State government officials, demobilized former FARC-EP or ELN members and soldiers on leave. Indigenous communities and Afro-Colombians were especially vulnerable to attacks and killings. Both FARC-EP and ELN recruited child soldiers and used weapons prohibited under international humanitarian law to cause indiscriminate killings.

41. The Special Rapporteur urged the Government to ensure that anti-guerrilla strategies not focus solely on military solutions, but also include the consideration of humanitarian accords and negotiation, as well as the provision of resources to protect civilians. It was recommended that the United Nations and humanitarian actors be able to have contact with guerrillas in order to further civilian protection activities.

42. During the preparation of the present follow-up report, the Special Rapporteur received information indicating the continued systematic violation of international humanitarian law by both the FARC-EP and the ELN.[13] The Special Rapporteur is gravely concerned at information indicating the continued occurrence of kidnappings, killings and massacres of the civilian population and of forced mass displacement. The continued recruitment and use of children in hostilities by guerrillas is of significant concern. Among the violations reported in 2012 was the massive displacement in January by the FARC-EP of nearly 5,000 people in Anorí in the department of Antioquia.

[12] Colombia, Ministry of Defence webpage, public statement posted 8 February 2012. Available from www.mindefensa.gov.co/irj/portal/Mindefensa?NavigationTarget=navurl://8f236e5b981d4883edd932a81308cc2e.

[13] A/HRC/19/21/Add.3 (paras. 83-89); A/HRC/16/22, paras. 77-85; submission by the Colombian Commission of Jurists (note 2 above), pp. 37-44.

43. The Special Rapporteur is particularly disturbed by information indicating the death on 25 March 2010 of a 12-year-old boy who was used by the FARC-EP as a "child bomb" during an attack on a police station in El Charco in the department of Nariño. Other reported cases indicate that guerrillas have severely restricted freedom of movement and have shown disregard for medical missions. The Special Rapporteur also notes the continued use of land mines, as well as reports indicating an increasing number of injuries to civilians in rural areas, notably affecting women, children, indigenous people and Afro-Colombians.

44. The Special Rapporteur laments that the guerrillas continue to display disregard for humanitarian law and persist in their attacks against the civilian population and in the killing of hostages. Among the regrettable incidents was the killing by the FARC-EP in November 2011 of four members of the security forces who had been held hostage for more than a decade. Furthermore, the Special Rapporteur regrets that there has been no progress in humanitarian negotiations, and notes the continued restrictions impeding the United Nations from establishing contact with guerrillas to undertake civilian protection activities.

V. Killings by former paramilitaries and illegal armed groups

A. Demobilization and implementation of the Justice and Peace Law

45. The Government passed the Justice and Peace Law (Law No. 975) in 2005 in response to the mass demobilization of paramilitaries. The Law provided legal benefits for persons demobilized from armed groups while it asserted the rights of the victims' to truth, justice and reparation. In the mission report the Special Rapporteur had expressed serious concern regarding the process, including at the alarming levels of impunity for the former paramilitaries, who had confessed to over 20,000 homicides; the fact that the majority had been demobilized without investigations and not a single paramilitary had been convicted of human rights violations; the leniency of the prescribed custodial sentences; the fact that many of the senior paramilitary leaders had been extradited to the United States for drug crime prosecutions in 2008; and the fact that the process had been encumbered by the lack of resources, planning and clarity and by procedural problems. Additionally, the Special Rapporteur observed that victims had been denied the right to restitution and reparation.

46. In the preparation of the present follow-up report the Special Rapporteur received information indicating continued impunity for the serious violations committed by members of paramilitary organizations. In 2010, the Human Rights Committee expressed serious concerns over the existing de facto impunity for serious human rights violations (CCPR/C/COL/CO/6, para. 9). Only six convictions of paramilitaries had been issued by February 2012 on the basis of Law No. 975. According to the information provided by the State, only 540 paramilitaries are currently being investigated in accordance with the Law.

47. The Special Rapporteur regrets the lack of information in relation to the legal situation of the majority of the paramilitaries, including the over 3,500 paramilitaries who originally demobilized on the basis of Law No. 975. The Special Rapporteur notes the recognition by the State of both the failings of Law No. 975 and the need to seek its urgent reform. He also notes the initiative in 2011 by the Attorney General to propose amendments to Law No. 975.[14] The Special Rapporteur further notes that the OHCHR-Colombia office has provided detailed technical advice on the reform of Law No. 975, including on measures to improve the prioritization of cases to be investigated on the basis of the gravity of the violations. The Special Rapporteur recommends that the State ensure that the

[14] Response by the State to the Special Rapporteur, 13 January 2012.

technical advice of OHCHR-Colombia is duly considered and that reform of Law No. 975 is promptly undertaken.

48. The Special Rapporteur observes the variety of legal measures and proposals made to address the legal situation of the majority of demobilized paramilitaries who are not considered in the framework of Law No. 975. In the original mission report, the Special Rapporteur expressed concern over legislation incorporating the "principle of opportunity", which would allow for the renouncing of criminal investigations of demobilized paramilitaries (A/HRC/14/24/Add.2, para. 56). The decision of the Constitution Court in November 2010 (C-936/10) that declared the application of the "principle of opportunity" unconstitutional is therefore considered positive.

49. The Special Rapporteur notes that subsequent attempts to address the legal situation of the majority of the paramilitaries led to the adoption of Law No. 1424 in December 2010. The Law is aimed at encouraging the confession of violations and awarding legal benefits through a non-judicial mechanism. As at February 2012, the Law had not yet been applied in practice. However, it is of concern that the confessions expected to take place in the framework of Law No. 1424 will automatically suspend any deprivation of liberty and cannot be relied upon in criminal investigations. The Special Rapporteur encourages efforts to establish the truth and to locate the whereabouts of disappeared victims. He notes however that consultations with concerned victims have been inadequate and that the lack of accountability foreseen in Law No. 1424 raises serious concerns.

50. In relation to the right of victims to reparation, the Special Rapporteur notes that several important measures have been taken. The adoption of the Victims' and Land Restitution Law (Law No. 1448) in June 2011 marked an important recognition of victims' rights, and it is particularly noteworthy that the President himself supported this initiative. While Law No. 1448 provides a valuable tool for promoting reconciliation, in practice it has faced challenges, such as limited implementation to date, a lack of victim participation in the design of its application and, most importantly, insufficient protection measures for victims, several of whom have been attacked and killed when seeking to claim their rights. The Special Rapporteur encourages the State to give sufficient priority and provide impetus to the application of Law No. 1448 and seek close collaboration with victims and civil society in its practical implementation.

51. In the mission report, the Special Rapporteur recommended that the Government consider establishing an independent truth commission to systematically investigate the history of, and responsibility for, killings and other crimes committed during the armed conflict in Colombia by paramilitaries, guerrillas and State forces. The current Special Rapporteur notes that several pieces of legislation containing references to the right to truth have been adopted, and that several mechanisms have been established, such as the National Commission for Reparation and Reconciliation (Comisión Nacional de Reparación y Reconciliación), and the Centre for Historical Memory (Centro de Memoria Histórica).[15] However, he notes that, to date, no truth commission has been established to seek an independent and comprehensive historical record of violations by various actors in the context of the armed conflict.

B. Killings by new illegal armed groups

52. In the mission report, the Special Rapporteur noted the rise in killings by new illegal armed groups (IAGs). The groups were largely composed of paramilitaries—especially mid-level members—who did not demobilize, and formerly demobilized paramilitaries and

[15] Response by the State to the Special Rapporteur, 13 January 2012.

organized criminals involved in the drug trade and other illegal activities. The Special Rapporteur noted that the relationship and coordination between IAGs and other armed groups varied across the country; most new IAGs were engaged in drug trafficking, extortion, kidnapping and other criminal behaviour. The Special Rapporteur observed that IAG killings and violence towards civilians followed certain patterns, including targeting human rights defenders, leaders and members of Afro-Colombian communities and of victims' groups, and local government officials; and killing or threatening civilians as a means of terrorizing local populations in order to exert control, especially in areas linked to drug production or drug transport.

53. The Special Rapporteur observed that investigations by local offices of the Attorney General into crimes committed by IAGs had encountered a number of challenges, including: interference in the investigative process by the IAGs, who, according to interlocutors, were economically powerful and able to pervert the course of justice; institutional barriers and weaknesses within the Attorney General's Office; and a lack of resources, which affects ability of the Attorney General's Office to address complex prosecutions that can target the leadership, economic structure and sources of support of IAGs. The Special Rapporteur recommended that the Attorney General create a national unit to address complex prosecutions such as those required to shut down the new IAGs.

54. Reports referring to the period since the mission of the Special Rapporteur indicate the continued spread of IAGs across the country and a lack of accountability for their action. They also indicate the collusion between such groups and public authorities, notably the military and the police. It is of great concern that IAGs continue to commit acts of homicide, massacres, sexual violence, forced displacement, involvement and use of children in their activities, threats and extortion. Between January and November 2011, IAGs were reportedly responsible for 32 massacres (A/HRC/19/21/Add.3, para. 38). Their targeting of social leaders and public officials and threats of people involved in land restitution process are particularly worrying.[16] The Special Rapporteur notes the widespread social control exercised by post-demobilization groups in certain regions. An indicative example is the two-day strike ordered by the criminal group Los Urabeños across six departments in the north-west of the country in January 2012, the threat of which meant that public transport, commerce and public institutions were closed and movement severely restricted. The Special Rapporteur notes as positive that a unit against organized crime was established within the Attorney General's Office in 2010,[17] and urges that it be reinforced as a matter of priority.

VI. Especially vulnerable groups

55. In the mission report, the Special Rapporteur noted that vulnerable groups were disproportionately killed and threatened by State forces, paramilitaries and IAGs. The targets of killings included human rights defenders, indigenous persons and Afro-Colombians, trade unionists, lesbian, gay, bisexual and transgender individuals, and persons with physical or mental disabilities. The Special Rapporteur observed that human rights defenders were occasionally accused by Government officials of terrorism and undermining security policies and that those accusations placed them at risk.

56. It was further noted that indigenous and Afro-Colombian communities were particularly vulnerable and that, historically, paramilitaries, sometimes in collusion with State forces, had appropriated their lands and committed massacres. Furthermore, it was observed that guerrilla groups and IAGs fighting for control of land and the drug trade had

[16] A/HRC/19/21/Add.3, paras. 37-43; A/HRC/16/22, paras. 32-37.

[17] Response by the State to the Special Rapporteur, 13 January 2012.

killed or displaced community members. The Special Rapporteur noted that State forces often viewed efforts by indigenous communities to protect their rights as a form of subversion or collaboration with guerrillas.

57. In general terms, the Special Rapporteur notes that the change in Government in 2010 translated into an improved and more constructive dialogue with human rights defenders.[18] However, in certain instances, stigmatizing public statements have continued to be made by Government officials. In particular, the Special Rapporteur notes with concern the public comments made in response to the withdrawal of one person's testimony in the case of the Mapiripán massacre (A/HRC/19/21/Add.3, para. 22). Several senior officials suggested that human rights organizations representing victims have fraudulent objectives when reporting cases to international and regional human rights mechanisms (see, inter alia, ibid., para. 22).

58. The Special Rapporteur notes that the withdrawal of the person's testimony does not affect the material basis upon which the Inter-American Court of Human Rights emitted its sentence on the case in 2005, whereby the State was found to bear responsibility for the 1997 massacre of 49 civilians whose bodies were dismembered by chainsaws and thrown into the nearby river by paramilitaries who had colluded with the Armed Forces. It should also be recalled that the witness had been interviewed and defined as a victim by the Attorney General's Office. The Special Rapporteur reiterates his call to all public officials to immediately cease making statements or engaging in acts of intimidation that place human rights defenders at risk. The State should engage with human rights organizations in a manner which recognizes and values the legitimacy and importance of their work.

59. Furthermore, the Special Rapporteur observes that the groups previously identified as vulnerable continue to be seriously affected by the armed conflict. The reported recent increase in killings of indigenous persons is of particular concern. Between January and October 2011, 79 indigenous people had been killed in the context of the armed conflict, representing an increase of 54.9 per cent over the same period in 2010 (ibid., para. 98). Among the specific cases of killings of indigenous people, on 11 November 2011, two Awá children were murdered by the FARC-EP in Barbacoas in the department of Nariño, in events related to the desertion of another Awá child from this guerrilla group.

60. The Special Rapporteur regrets the lack of progress towards improved protection for indigenous persons and Afro-Colombians as ordered by the Constitutional Court in Orders 004 and 005 of 2009, following judgement T-025 of 2004.[19] The lack of effective protection measures for indigenous and Afro-Colombian communities, including several who have been awarded precautionary and provisional measures through the Inter-American Human Rights System, is of particular concern.

61. Among the groups whose vulnerability has increased since 2009 are organizations and individuals seeking land restitution (A/HRC/19/21/Add.3, para. 43). Several incidents of killings and death threats against land claimants have been reported. Some of these cases relate to land that was appropriated by paramilitary groups after civilians were forcibly displaced during the armed conflict. The continuity between paramilitary groups and current groups, and the fact that the social, economic and political structures connected to paramilitarism were never dismantled, raise concerns that the post-demobilization groups have a vested interest in impeding land restitution.

62. Overall, the Special Rapporteur concludes that the persistent lack of accountability for violations committed against human rights defenders and vulnerable groups continues to

[18] Submission by the Colombian Commission of Jurists (note 2 above), pp. 50-58; A/HRC/16/22, para. 17.

[19] Submission by the Colombian Commission of Jurists (note 2 above), pp. 58-64.

place them at grave risk. The State is urged to reinforce its measures to effectively ensure their protection and the conduct of prompt and impartial investigations into violations against them. The Special Rapporteur reiterates that information about the progress and outcome of such investigations should be made publicly available.

VII. Institutional capacity and reform

63. In the mission report, the Special Rapporteur observed that various institutional issues must be addressed for the Government to fulfil its obligation to prevent and to provide accountability and redress for unlawful killings. He observed the need to eliminate institutional barriers to cooperation and information sharing. The following areas of concern were raised in the report.

A. Allocation and effective use of resources

64. The Special Rapporteur observed the need for additional resources and funding for the Attorney General's Office and the need for better internal management to maximize the effective use and deployment of attorneys and investigators. He noted that the Attorney General should: establish more control mechanisms over prosecutors in the different jurisdictions; conduct an audit on the progress of cases; impose time limits for cases to be assigned to a prosecutor and investigations to be opened; and ensure that statistics on the status of cases are publicly available and updated on a regular basis.

65. While noting information by the State indicating increased public budget allocations for investigations,[20] the Special Rapporteur regrets that no information was provided in relation to the specific recommendations made to the Attorney General's Office.

B. Early warning system

66. The Special Rapporteur commended the Early Warning System of the Office of the Ombudsman (Sistema de Alertas Tempranas de la Defensoría del Pueblo, SAT), which monitors, analyses and reports on risks to civilians and possible violations of international law. The Special Rapporteur observed that the Government should: provide the SAT with more staff and resources; act upon SAT reports; ensure that the independence of the Inter-Agency Early Warning Committee (Comité Interinstitucional de Alertas Tempranas, CIAT) and the SAT is maintained; and make SAT reports public.

67. According to information received, the State has significantly increased funding for the operation of the SAT, which previously was heavily dependent on donor funding. The provision of public funding indicates a commitment of the State to support the SAT. While this development is very positive, concerns remain with respect to certain operative aspects of the SAT, such as the significant number of risk reports which are not converted into alerts by CIAT, and threats against SAT staff.

C. Victims' access to information

68. In the mission report, the Special Rapporteur observed that it was difficult for victims and family members to gain access to information on the status of cases. It was

[20] Response by the State to the Special Rapporteur, 13 January 2012.

recommended that a centralized database system should be established through which each institution reports its activity and progress on each individual case.

69. The Special Rapporteur welcomes information indicating that a National Registry of Disappeared Persons has been established, however, he notes that a central database with information on cases and progress on investigations relating to killings by State agents has not yet been created.

VIII. Conclusions

70. **Colombia has taken certain steps to prevent the occurrence of extrajudicial killings, including through the adoption by the Ministry of Defence of 15 specific measures. The Special Rapporteur notes as positive the technical cooperation project initiated between the Ministry of Defence and the Office of the United Nations High Commissioner for Human Rights, and recommends that related progress reports be made public as a measure of transparency.**

71. **Cases of extrajudicial executions continue to be reported and progress in criminal and disciplinary investigations remains lacking. The persistent impunity and the lack of accountability for officers is a principal concern. The Special Rapporteur notes that despite information indicating that more than 3,000 persons may have been victims of extrajudicial executions directly attributable to the Armed Forces, the State did not provide information on the outcome of related disciplinary and criminal investigations and whether sanctions were applied.**

72. **While a significant number of cases have been transferred from the military justice system to the ordinary penal system, the continuous attempts by the military justice system to claim jurisdiction over cases are of great concern. Furthermore, the Special Rapporteur is concerned over information indicating reprisals and pressure against military judges who have sought to collaborate with the ordinary justice system, and that the military body responsible for defending the accused (Defensoría Militar, DEMIL) has obstructed investigations. The Ministry of Defence is not consistently assigning responsibility to the Technical Investigation Unit (Cuerpo Técnico de Investigación, CTI) in forensic investigations where there are deaths reported in combat.**

73. **The Special Rapporteur reiterates his calls for strengthened resources for investigations by the Attorney General's Office and for the undertaking of technical investigations through the CTI. The State should publicly report on the progress achieved in the exhumations and investigations related to the Macarena and other cemeteries, and implement a national policy on exhumations and investigations of grave sites that might contain victims of extrajudicial killings.**

74. **The continuous impunity for the tens of thousands of former paramilitaries remains a serious concern, and the Special Rapporteur notes that there has been very little progress or political will to establish accountability. Furthermore, the State should adopt effective measures to combat illegal armed groups established after the official demobilization of paramilitary groups, and ensure the protection of civilians from extrajudicial executions and massacres. Specific measures should be adopted to protect persons seeking to claim their land back under the Victims' and Land Restitution Law (Law No. 1448).**

75. **The continued disregard of international humanitarian law by guerrilla groups remains a deep concern, and efforts must be redoubled to ensure the protection of civilians.**

76. **The Special Rapporteur urges the State to significantly strengthen efforts to establish accountability for extrajudicial executions, ensure the effective protection of victims and witnesses and, through consultations with affected communities, take preventive protection measures for vulnerable groups. The behaviour aimed at discouraging human rights defenders and victims seeking justice is of serious concern.**

Appendix

Summary of follow-up to each recommendation[21]

Recommendations

A. Killings by security forces

1. **In all cases of alleged killings by security forces, the civilian criminal justice system should have jurisdiction. Within two months after publication of this report [A/HRC/14/24/Add.2], the head of the military justice system should conduct an audit of all cases of alleged extrajudicial executions still pending before military courts and should then ensure that such cases are transferred within a short time period. Judges who fail to effect such transfers should be disciplined.**

This recommendation has been partially implemented.

2. **The Supreme Judicial Council should adhere to time limits for the resolution of jurisdictional conflicts between the military and civilian justice systems. The Council should publish regularly—and at least biannually—the list of such cases before each judge and the amount of time any such case has been pending before the Council.**

Insufficient information was provided to the Special Rapporteur to assess the implementation of this recommendation.

3. **The Government should prohibit all incentives given to members of the Armed Forces for combat killings. It should not permit any rewards for information to civilians without oversight and should audit discretionary funds for such rewards.**

This recommendation has been partially implemented; however, insufficient information was provided to the Special Rapporteur to assess the implementation of this recommendation in practice.

4. **The Government should ensure that Technical Investigation Unit (Cuerpo Técnico de Investigación, CTI) is provided the resources and personnel necessary to carry out, and report on, investigations on a timely basis.**

Insufficient information was provided to the Special Rapporteur to assess the implementation of this recommendation.

5. **Service members suspected of involvement in killings should be suspended for the duration of the investigation and prosecution.**

Insufficient information was provided to the Special Rapporteur to assess the implementation of this recommendation.

6. **The Government should ensure that the specific measures of the Ministry of Defence's Directive No. 208 to implement international human rights and humanitarian law standards are put effectively into practice.**

Insufficient information was provided to the Special Rapporteur to assess the implementation of this recommendation.

[21] As contained in document A/HRC/11/2/Add.6.

7. **The Government should prioritize the investigation and prosecution of police killings. Civil society groups should place increased emphasis on researching and reporting such killings.**

This recommendation has been partially implemented; however, insufficient information was provided to the Special Rapporteur to assess the implementation of this recommendation in practice.

B. Killings by guerrilla groups

8. **The FARC, ELN and all illegal armed groups should immediately cease their harassment, abuse and murder of Colombians.**

This recommendation has not been implemented.

9. **The FARC and ELN should immediately cease the use of landmines and the recruitment of child soldiers.**

This recommendation has not been implemented.

10. **The Government should ensure that respect for international humanitarian and human rights law are at the forefront of its strategic plans and military operations. It should be open to dialogue and humanitarian negotiations with guerrilla groups. The United Nations and humanitarian actors must be able to have contact with guerrillas in order to further civilian protection activities.**

This recommendation has not been fully implemented.

C. Killings by former paramilitaries and illegal armed groups

11. **The Government should ensure that perpetrators of human rights violations do not benefit from any legal measures exempting them from criminal prosecution or conviction. The judicial authorities must fully investigate alleged human rights violations and prosecutions must include supposedly demobilized paramilitaries given de facto amnesties under prior laws.**

This recommendation has not been adequately implemented.

12. **The Government should reform the Justice and Peace Law (JPL) to:**

- **Provide for the expeditious transfer to the ordinary justice system of candidates who do not cooperate with or fulfil the criteria of the JPL**
- **Ensure that the "principle of opportunity" is not applied in ways that reinforce impunity**
- **Allow for cases to proceed without the requirement that the *Fiscalía* investigates and verifies all relevant crimes**
- **Expedite, in cooperation with other State institutions, the handover to victims of all assets (legal and illegal) from those demobilized under the JPL**
- **Adopt measures to ensure that demobilized combatants are not "recycled" into the conflict**

This recommendation has not been implemented.

13. **The Fiscal General should consider creating a national unit of *fiscales* dedicated to complex prosecutions that would seek to shut down all the major actors**

in and sources of support for IAGs. The Government should consider seconding police, investigators and asset confiscation and management experts to such a unit so that all investigation and prosecution activities are strategically coordinated.

This recommendation has been partially implemented.

D. Truth commission

14. **The Government should consider establishing a truth commission to conduct an independent and systematic investigation of the history of and responsibility for killings and other abuses committed during the country's armed conflict by the paramilitaries, State forces and guerrillas.**

This recommendation has not been implemented.

E. Killings of and threats against vulnerable groups and State officials

15. **The Government should ensure that full and impartial criminal investigations into killings and death threats against human rights defenders, including trade unionists and minority group members, are conducted as a priority. Within three months of the publication of this report, the Government should report on the steps being taken and resources devoted to such investigations and prosecutions.**

This recommendation has not been adequately implemented.

16. **The Government should immediately issue instructions to Government officials at all levels to cease making statements or engaging in acts of intimidation of human rights defenders, members of the judiciary, the Fiscalía and the Procuraduría, and *personeros*. The text of these instructions should be made public. They should specifically prohibit Government officials and State forces from calling into question the legitimacy of the work done by each of the foregoing groups or equating the work of any group or member with the strategy or tactics of guerrillas or other illegal groups.**

This recommendation has not been adequately implemented.

17. **The Government should ensure that independent investigations take place to determine responsibility and, if appropriate, prosecution for the statements or acts of intimidation and harassment. Within three months of the publication of this report, the Government should report publicly on the steps it is taking to prevent and, if appropriate, prosecute any statements or acts of intimidation and harassment.**

This recommendation has not been implemented.

18. **The Government should prioritize the protection of indigenous and Afro-Colombian communities, especially in conflict zones, through development and implementation of detailed protection plans in consultation with the affected communities.**

This recommendation has not been adequately implemented.

F. Strengthening institutional capacity

19. **The Government should provide additional resources and personnel to the Fiscalía and the Procuraduría for the investigation and prosecution of all cases of alleged unlawful killings.**

This recommendation has not been adequately implemented.

20. **Both the Government and donor countries should make it a priority to provide the Fiscalía with technical assistance for more effective internal management and allocation of resources.**

This recommendation has not been adequately implemented.

21. **The Government should provide additional staff and resources to the Early Warning System (Sistema de Alertas Tempranas, SAT). It should implement measures ensuring that SAT reports are acted upon, and that SAT analysis and Inter-Agency Early Warning Committee (Comité Interinstitucional de Alertas Tempranas, CIAT) decision-making processes are not influenced by political pressures. SAT reports should be made public, subject to security requirements.**

This recommendation has been partly implemented.

22. **The Government should establish a centralized database system through which each State institution responsible for investigation and participating in the prosecution of killings, disappearances and other human rights abuses reports its activity and progress on each individual case. Information from this system should be available through institutional representatives at the regional, municipal and community level, so that families would not need to travel long distances to obtain it. Design of the database system should account for security concerns and the need to protect genuinely confidential information.**

This recommendation has been partly implemented.