

Congress of the United States
Washington, DC 20515

December 9, 2009

The Honorable Hillary Rodham Clinton
Secretary of State
U.S. Department of State
2201 "C" Street NW
Washington, DC 20520

Dear Secretary Clinton:

The FY 2011 budget will contain the twelfth year of a major aid package to Colombia—an aid package originally slated to phase out after six years. We believe there remains strong bipartisan support for generous levels of continued assistance to Colombia. We also believe that this is the right moment to take stock and reconfigure both aid and diplomacy to that nation.

As you determine the future of U.S. policy towards Colombia and the assistance package to support that policy, some troubling trends on human rights, democracy and the humanitarian situation in Colombia should be of concern. The 2002-2006 demobilization of paramilitary groups has produced important gains, such as a reduction of massacres. But remaining and newly formed groups terrorize civilian populations, and threats, intimidation, and assassinations continue. According to the United Nations High Commissioner for Human Rights in Colombia, "Regardless of the way they characterize themselves, the violence generated by the illegal armed groups that have emerged since the paramilitary demobilization cannot be considered mere criminal behavior. Their offences . . . produce an alarming level of violence against the civilian population."

Killings of civilians by the Colombian Army escalated from 2005-2008, as soldiers killed civilians and then dressed them in guerrilla clothing in order to inflate body counts. The U.N. Special Rapporteur on Extrajudicial Executions noted that while not a matter of official government policy, "the sheer number of cases, their geographic spread, and the diversity of military units implicated, indicate that these killings were carried out in a more or less systematic fashion by significant elements within the military." We are disturbed that many of these units were recipients of U.S. military and defense assistance. The Colombian government has taken some steps to address this, but justice for these abuses lags as only 16 out of 1,056 cases assigned to the Attorney General's special unit have so far resulted in convictions.

Despite security gains, the war continues to rage in many parts of the countryside, with 380,000 people fleeing their homes from violence in 2008, almost 25 percent more than the year before. Violence by guerrillas, paramilitary successor groups, the Army itself, and fighting between these groups drives displacement. The guerrillas, though weakened, remain a major factor of insecurity, killing civilians, threatening local officials, laying landmines and recruiting child soldiers. Violence by all the armed actors appears to be escalating, and Colombian media reported thousands of Colombians displaced in just the first half of October 2009 alone. Significant adjustments are needed in Colombia's public security strategy, particularly greater efforts to *protect* threatened populations rather than using resources on costly offensives, and a far stronger campaign against "new" paramilitary groups before they further consolidate themselves.

Also of concern remains the on-going and systematic campaigns to denigrate and endanger the work of human rights defenders, broadly defined. In 2009, Colombian media broke the story that the presidential intelligence agency, the Departamento Administrativo de Seguridad (DAS), had been

conducting systematic illegal surveillance of human rights groups (both Colombian and international), journalists, opposition politicians, Supreme Court judges, and trade unionists. Colombia's highest officials continue to publicly denigrate human rights defenders in ways that jeopardize their safety. These matters were highlighted in the September 2009 statement of the U.N. Special Rapporteur on Human Rights Defenders as she completed her mission to Colombia. Further, a possible third term for the current president threatens to erode Colombia's constitutional checks and balances between the Executive Branch, the Judiciary (the Attorney General's Office/*Fiscalía*, the Supreme Court, and the Constitutional Court), and critical oversight entities such as the Inspector General (*Procurador*) and the Ombudsman (*Defensor*).

These trends require a strong and focused diplomatic response. President Obama's words of concern on these matters during President Uribe's last visit were welcome. The State Department's September 8th decision to certify Colombia met the human rights conditions in law, however, was a step backwards, given the lack of resolution in the DAS scandal and the slow progress in the courts on extrajudicial killing cases. We urge you to use all available leverage, including that provided by the human rights conditions on aid and the pending trade agreement, to encourage greater progress toward justice in cases of extrajudicial executions; the removal of all incentives for extrajudicial killings; reduced violence against human rights defenders, including trade unionists; protection of Afro-Colombian and indigenous territorial rights; and dismantlement of paramilitary and successor networks. The newly-signed agreement allowing U.S. military personnel to use Colombian bases must not diminish the State Department's willingness to use this leverage.

We strongly urge you, Madame Secretary, to stand by those in Colombia who are valiantly struggling to improve human rights and the rule of law. It would be immensely helpful if the State Department and U.S. Embassy in Bogotá would expand current diplomatic demonstrations of U.S. support for those varied forces so important to democracy, from judges to victims of violence, from human rights groups and unions to journalists, from leaders of displaced persons to at-risk Afro-Colombian and indigenous communities. The U.S. should support victims' rights to truth, justice and reparations, and further recognize that such support requires improving Colombian prosecutors' and victims' representatives' access to paramilitary leaders extradited to the United States.

We further encourage you to coordinate with the Departments of Justice and Labor to continue U.S. government support for the efforts by Colombian prosecutors to fully investigate the more than 2,700 killings of labor union members and leaders. According to testimony presented to Congress by the Colombian National Labor School, it would take Colombian prosecutors another 37 years – at their current pace – to address the backlog of uninvestigated labor homicide cases. We believe the U.S. should consider increasing financial support for the *Fiscalía's* efforts if Colombia will agree to a corresponding increase in its commitment to addressing these unsolved murders.

These priorities must also be reflected in the FY 2011 budget request. After eleven years, it is time to scale down assistance for Colombia's military and more systematically "Colombianize" such programs, within both the State Department and Defense Department budgets. We believe strongly that the United States should continue to provide substantial assistance to Colombia's judicial system, focused upon the goal of reducing impunity, with special attention to extrajudicial executions, attacks and threats against human rights defenders and trade unionists, and violence by illegal armed groups. USAID's important human rights program should continue. Witness and victims protection programs are a priority, as are support programs for victims of violence. Programs targeting Afro-Colombian and indigenous communities should be designed and implemented in consultation with representatives of Afro-Colombian urban and suburban communities and the community council and *cabildo* leaders of the territories in question. Greater attention and support for landmine survivors, landmine clearance and demobilized child soldiers would be welcome. Assistance for internally displaced persons and

Colombian refugees should be elevated to a top priority of assistance. Colombia's IDP and refugee crises are among the greatest in the world, and the violence driving people from their homes is a destabilizing factor in the region and the hemisphere. It is also essential that U.S. development and humanitarian programs be clearly civilian led and operated, and not be designed or coordinated under the auspices of the Pentagon or SOUTHCOM.

U.S. counternarcotics programs in Colombia need to be substantially readjusted in the FY 2011 budget. Reducing coca production has proven to be far more difficult than forecast at the start of Plan Colombia. Last year, as manual eradication was scaled up and the controversial aerial spraying program phased down, U.N. Office of Drug Control data revealed that coca production decreased in Colombia, particularly in areas with more manual eradication. For sustained gains, investment must be shifted from aerial spraying to farmer-led programs with voluntary, phased-in eradication coupled with effective community-based alternative development and rural development programs, including a special focus on food security. Judicial programs to dismantle trafficking networks and investigate money laundering must be further strengthened.

Recent news reports about the increase in violence and local drug use, as in Medellín, are especially troubling. It would be a human catastrophe if making it more difficult to export drugs to the United States were to result in increased drug consumption inside Colombia. Therefore, U.S. policy and assistance need to promote and support effective local drug treatment, expanded youth employment and alternatives to youth and gang violence.

We cannot emphasize strongly enough that if the U.S. is serious about reducing drug trafficking and production, it must start by greatly expanding, improving and funding effective drug treatment and prevention programs in our own country. We strongly encourage you to emphasize this national security and public health priority to President Obama, U.S. Attorney General Holder and Secretary of Health and Human Services Sebelius.

Finally, and of great and grave importance, it is time for U.S. policy to explore seriously the possibilities for peace in Colombia. No one harbors illusions that this is an easy task. But the United States can play an important role in encouraging the Colombian government to consider steps that improve the climate for peace. Such steps include humanitarian accords, welcoming rather than condemning responsible civil society initiatives for peace and humanizing the conflict, and accepting intermediaries. The Colombian government now appears more open to considering such initiatives.

Please know that we look forward to working with you, Madam Secretary, to refocus U.S. aid and diplomacy to our Colombian partner on our long-term common goals of reducing the harm caused by the illegal drug trade and supporting human rights, the rule of law, democracy and peace.

Sincerely,



James P. McGovern
Member of Congress



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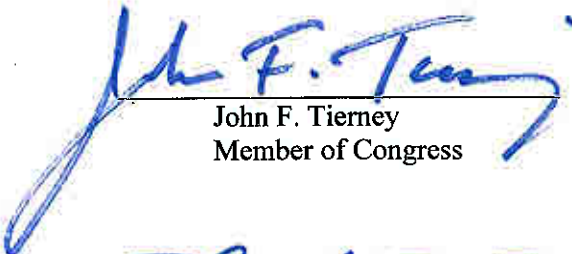
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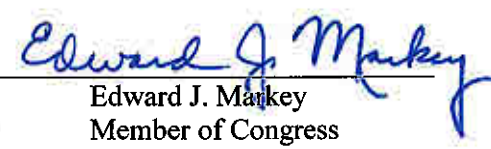
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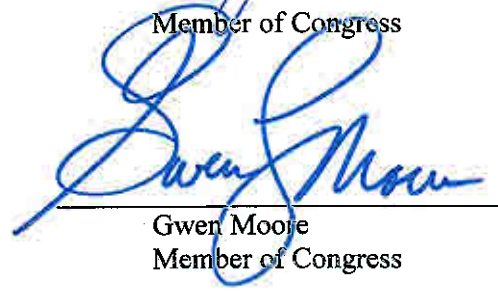
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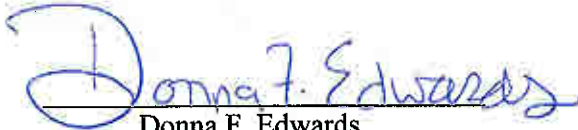
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