

Progress Bulletin No. 2

PROGRESS IN THE IMPLEMENTATION OF THE PEACE ACCORD¹

November 24, 2017

1 Ceasefire, disarmament and reintegration

a Completion of the activities related to laying down of arms by the FARC.

- ▶ The activities related to laying down of arms by the FARC finished. In the report for the closure of activities of the Monitoring and Verification Mechanism (MVM)² the term and compliance to satisfaction of the activities related to laying down of arms by the FARC was certified. In a statement, the UN Verification Mission in Colombia confirmed that on October 6th finished the formal delivery of 69,034 kilograms of material result of the disqualification and destruction of all arms and ammunition that the FARC handed over to the National Government³; with which the compliance with the last activity of the Mission is also confirmed and thus its completion.

“The MVM certified the compliance to satisfaction of the activities related to laying down of arms by the FARC”

b Process for the extraction of hideouts

- ▶ In compliance with the agreed in the Peace Accord, FARC supplied information related to the location of over 1,000 illegal deposits of weaponry (hideouts). Of these, 750 have already been eliminated during 182 operations coordinated by the UN Verification Mission in Colombia while it had a mandate in the country, now the search and elimination of the remaining ones is in charge of the public security forces⁴.

¹ Update of the document titled: *Peace Accord Implementation. Opportunities and challenges*, published in July 2017.

² Monitoring and Verification Mechanism. *Closure of activities report*. September 25th, 2017.

http://www.humanas.org.co/alfa/dat_particular/ar/arc_87429_q_25sep2017InformeMMV.pdf (last access: October 30th, 2017)

³ According to the final report of the Secretary General of the UN the total was: 8,994 arms; 1,765,862 ammunition cartridges, 38,255kg of explosives, 11,015 grenades, 3,528 land mines, 46,288 electric detonators, 4,370 mortars and 51,911 meters of detonating cord.

⁴ Secretary General of the UN. Report from the Secretary General of the UN in Colombia. September 23rd, 2017.

http://www.humanas.org.co/alfa/dat_particular/ar/arc_14089_q_26sep17InformeSecretariogeneral.pdf (last access: November 1st, 2017).

- ▶ To carry out the aforesaid task, on October 20th, 2017, the Government issued the [decree 1716 of 2017](#), which enables the public security forces for a period of six months to continue with the extraction of the aforesaid explosive weaponry under the same protocols applied by the UN Mission and establishes that its funding shall be through the Fund for Special Programs (Fondopaz) charging the resources allocated by the general budget of the nation for 2017-2018 and the Ministry of National Defense. The reports from the Ministry of Defense account for the extraction of a total of 759 hideouts⁵, i.e., only 9 in the context of this decree, the remaining ones will be extracted in three phases each one of 30 days and with a locating 90 hideouts (caletas) on average⁶.

c Second United Nations Verification Mission in Colombia

- ▶ In accordance with the provisions in [resolution 2366 of 2017](#) of the UN Security Council, the mandate of the Second UN Verification Mission officially started on September 26, 2017. This will come to replace the monitoring mission of ceasefire and laying down of arms, and it is in charge of verifying the implementation by the Government and FARC of the points related to the political, economic and social reincorporation of FARC, and the implementation of personal and collective security guarantees and comprehensive security and protection programs for the communities and organizations in the territories. It shall include the necessary verification at a regional and local level.

“The mandate of the Second UN Verification Mission officially started on September 26, 2017”

- ▶ This second mission will be carried out for an initial period of 12 months, under the direction of a Special Representative of the Secretary General of the UN and will work in close collaboration with the relevant verification entities established in the Peace Accord, particularly the Commission for the Follow-up, Promotion and Verification of the Implementation of the Final Accord (CSIVI acronym in Spanish), the National Reincorporation Council and the National Commission on Security Guarantees.
- ▶ The Mission will also have seven new offices which will allow them to more easily attend to the communities that require it. Among those seven there is one considered for the Bajo Atrato and one for Riosucio, Chocó.

d Political Reincorporation

- ▶ Last October 31st, the National Electoral Council granted the endorsement to the FARC's political party (Fuerza Alternativa Revolucionaria del Común –FARC acronym in Spanish) with which its members are authorized to legally compete in the next elections. Consequently, on November 1st, only 23 days before the first anniversary of the signing of the Peace Accord, FARC announced its official participation into the country's legal politics by presenting its candidates for the 2018 electoral contest, both for legislative and presidential elections⁷.

⁵ El Tiempo. *Search for FARC hideouts extended for six additional months*. October 24th, 2017

<http://www.eltiempo.com/politica/proceso-de-paz/amplian-6-meses-mas-busqueda-de-caletas-de-las-farc-144174> (last access: October 25th, 2017).

⁶ W Radio. *Public Security Forces start extraction of 277 hideouts of Farc*. October 23rd, 2017

<http://www.wradio.com.co/noticias/actualidad/fuerza-publica-inicia-extraccion-de-277-caletas-de-las-farc/20171023/nota/3617000.aspx> (last access: November 8th, 2017).

⁷ The presidential candidate will be Rodrigo Londoño, known as Timochenko in the ranks of the former armed group, with Imelda Daza as vice-president; the list for the Senate will be led by: Iván Márquez, Pablo Catatumbo, Carlos Antonio Lozada, Victoria Sandino, Sandra Ramírez and Benkos Biojó, and for the Chamber of Representatives: Jesús Santrich (Atlántico), Byron Yepes (Bogotá), Olmedo Ruíz (Antioquia), Marco León Calarcá (Valle del Cauca) and Jairo Quintero (Santander).

- ▶ FARC has also invited all social forces and movements to enroll the party and present their candidatures⁸. However it is worth to clarify that according to the agreed in the Peace Accord only the first five in the list for each one of the chambers shall have a guaranteed seat in Congress, regardless of the amount of votes they obtain. The others shall only have a seat in Congress if they obtain it through popular vote.

“FARC has also invited all social forces and movements to enroll the party and present their candidatures”

- ▶ With the announcement of the FARC candidates, a controversy was unleashed about the possibility of former guerrilla men taking public positions without solving their judicial situation. In that regard the new political party has confirmed that the Special Peace Jurisdiction (JEP) does not consider prohibiting former guerrilla men, who must serve a sentence that restrict their mobility, from doing politics. One of the candidates for the Senate by FARC affirmed that they will stop doing politics if the tribunals decide so but for the moment, the spirit of the Accord does not establish such prohibition⁹.

- ▶ On the other hand, there is controversy around the possibility of the “*Farian*” party obtaining 16 special circumscriptions for peace that the Accord grants to the victims of the 16 regions which historically have been affected the most by the armed conflict in the country. In that regard the opposition and the victims have shown great concern, however, the spokespeople from the Voices of Peace movement have assured that FARC does not intend to have interference on them at any electoral time since “these were strictly defined for the victims”¹⁰.

e Economic and Social Reincorporation

- ▶ As confirmed in the report from the Secretary General of the UN: although the National Reincorporation Council has held periodic meetings it has not define the general strategy for the economic and social reincorporation process, which represents a great issue. In addition, the creation of the Technical Unit inside the Agency for Reintegration and Normalization (ARN acronym in Spanish), in charge of taking care of former members of the FARC in the reintegration process, is still pending.

Three great additional concerns to highlight:

- So far there is no clarity whether the former guerrilla men that have left the concentration areas are doing their reintegration process.
- Many communities have expressed their discontent since they have to receive in their territory the former guerrilla men who are in a reintegration process.
- The core challenge in the reintegration is the absence of the State and the political will two topics that remain unsettled¹¹.

“So far there is no clarity whether the former guerrilla men that have left the concentration areas are doing their reintegration process”

⁸ Semana Magazine. With Timochenko as presidential candidate, Farc throws its hat into the electoral ring. November 11th, 2017.

[Http://www.semana.com/nacion/articulo/timochenko-es-el-candidato-de-las-farc/545649](http://www.semana.com/nacion/articulo/timochenko-es-el-candidato-de-las-farc/545649) (last access: November 11th, 2017).

⁹ El Tiempo. “The JEP (Special Peace Jurisdiction) does not stop us from participating in politics” Sandra Ramírez. November 2nd, 2017.

[Http://www.eltiempo.com/bogota/entrevista-a-sandra-ramirez-candidata-al-senado-por-las-farc-147336](http://www.eltiempo.com/bogota/entrevista-a-sandra-ramirez-candidata-al-senado-por-las-farc-147336) (last access: November 2nd, 2017).

¹⁰ Semana Magazine. With Timochenko as presidential candidate, Farc throws its hat into the electoral ring. November 11th, 2017.

[Http://www.semana.com/nacion/articulo/timochenko-es-el-candidato-de-las-farc/545649](http://www.semana.com/nacion/articulo/timochenko-es-el-candidato-de-las-farc/545649) (last access: November 11th, 2017).

¹¹ SNPS. «Minutes of the working day of the Working Group for Colombia (GTC acronym in Spanish)». Istmina, Chocó, from October 3rd to 6th, 2017.

2 Normative Development of the Peace Accord

One year after the entry into force of the mechanisms established by Legislative Act 01 of 2016 we have that:

Bills and Legislative Acts		Decree-Laws (Special Presidential Faculties for peace)	
Presented	20	Presented	34
		Unconstitutional	3
		Totally or partially constitutional	21
Approved	7	Draft judgment in Constitutional Court	10
		Pending	0
		Suspended	6

Since September the advances in the normative development have been the following:

- ▶ The conciliation of the legislative act project was approved in the plenary of the Senate which ensures the legitimate monopoly of the use of arms by the State and prohibits the creation of paramilitary groups. To be sanctioned the only thing pending is the approval of the conciliation in the Chamber of Representatives.
- ▶ The Statutory Law “by means of which the statute of the political opposition and some rights to the independent political groups are adopted” was put into review by the Constitutional Court.
- ▶ The Constitutional Court declared constitutional the Legislative Act 01 of 2017, with which the Special Jurisdiction for Peace (JEP acronym in Spanish) was created. However, in the sentence the Court made some reservations that have aroused strong criticism from former members of the FARC, believing that these alter the JEP concept negotiated in Havana¹². The caveats are:
 - Prevent the participation of foreigners in the courts of the JEP.
 - The presentation of third parties to the JEP is not mandatory but voluntary.
- ▶ [Decree 1829](#) was issued, by which the Integrated Information System for the Post-conflict (SIIPO acronym in Spanish) or Portal of Peace is created. Through this, the information of what resources are invested for peace, where they come from and who executes them, will be made public. The objective is to guarantee a permanent citizen oversight of the money that are used for projects of post-accord and the possibility of reporting any irregularity.

The Government presented four legislative initiatives to be debated in Congress in the context of the fast track:

¹² El Colombiano. The Farc annoyed by the Court's sentence on the JEP. November 16, 2017. <http://www.elcolombiano.com/colombia/acuerdos-de-gobierno-y-farc/lasfarc-molestos-por-fallo-de-la-corte-sobre-la-jep-FX7707340> (last access: November 16 2017).

**Legislative initiatives submitted in Congress
between October and November 2017.**

Regulation	Topic	Point
Bill	Submission to justice of criminal organizations	Point 3: end of conflict
Bill	Special penal treatment for small farmers	Point 4: Illicit CropsPoint
Proyecto de ley Organic Bill	Master Plan for the Implementation (PMI)	Point 6: implementation, verification and authentication
Statutory Bill	Exceptions of the Law of Guarantees for contracting personnel in the Territory Renovation Agency (ART acronym in Spanish), the Agency for Reintegration and Normalization (ARN acronym in Spanish), the National Agency of Lands (ANT acronym in Spanish) and the National Protection Unit (UNP acronym in Spanish)	

The advances in the legislative initiatives that are carried out in Congress in the Fast Track context are the following:

**Advances in the legislative initiatives that are carried out in Congress
in the Fast Track context (October - November 2017)**

Regulation	Topic	Advance	Point
Legislative Act Project	Special Transitory Circumscriptions of Peace	Approved conciliation in Senate. Pending conciliation in the House of Representatives.	Point 2: political participation
Legislative Act Project	Political and electoral reform	Approved in third debate in Senate. Pending fourth Congress debate paper.	
Legislative Act Project	Legitimate monopoly of the force and the use of arms by the State.	Approved conciliation in Senate. Pending conciliation in the House of Representatives.	Punto 3: End of Conflict
Bill Statutory	Special Jurisdiction for Peace (JEP)	Approved in second debate in Senate. Published third Congress debate paper.	Point 5: Victims and Justice
Legislative Act	General System of Royalties and the implementation	Sanctioned - Legislative Act 04 of 2017	Point 6: implementation, verification and authentication,

- ▶ On the other hand, the selection committee of the Truth, Coexistence and Non-repetition Commission disclosed the names of the eleven people chosen to form it, and among them is the Jesuit Priest Francisco de Roux, who will hold the position of president of the commission¹³. The others are: Saúl Alonso Franco Agudelo, Lucía Victoria González Duque, Carlos Martín Beristain, Alejandra Miller Restrepo, Alfredo de la Cruz Molano Bravo, Carlos Guillermo Ospina, Marta Ruiz, María Ángela Salazar, María Patricia Tobón Yagarí and Alejandro Valencia Villa.
- ▶ The Selection Committee also gave the Attorney General Nestor Humberto Martínez the short list of three candidates for the position of Director of the Special Unit to Investigate and Dismantle Criminal Organizations, which was also created by the Peace Accord and normalized in [Legislative Act of 01 de 2017](#), these are: Nubia Stella Chávez, Geisa Larrota Peña y Martha Janeth Mancera.

Whoever is chosen shall be in charge of, among others, investigating and dismantling criminal structures accountable for homicides and massacres or that attack human rights defenders, social movements or political movements, including criminal organizations that have been referred to as successors of the paramilitarism and their support networks and the persecution of the criminal conducts that threaten the implementation of the Accord and the construction of peace.

3 Peace at the territorial level

a Forced eradication of illicit crops vs. voluntary substitution

- ▶ With the expedition of [decree-law 896 of 2017](#) “by which the National Comprehensive Program for the Substitution of Crops Used for Illicit Purposes -PNIS- was created” and the formal beginning of the implementation of the Immediate Attention Plan (PAI acronym in Spanish) which would allow the farmers to be protected by voluntary substitution plans, began the materialization in territory of what was agreed in point four of the Peace Accord. Consequently, according to the latest bimonthly report on drug policy in Colombia of the Observatory of Crops and Cultivators Declared Illicit, (OCCDI acronym in Spanish) and Indepaz, to July this year 35 collective agreements had been signed between the communities and the Government for the substitution of crops used for illicit purposes in the Departments of: Norte de Santander, Putumayo, Caquetá, Meta, Guaviare, Cauca, Nariño, Bolívar, Arauca, Valle del Cauca, Córdoba and Vichada¹⁴.
- ▶ The delivery of economic aids to the rural communities built trust, however, after the publication of the yearly report on the monitoring of illicit crops in Colombia by the US Department of State, which concluded that the country had 188 thousand hectares of coca leaf, reaching the greatest number in history, the Government intensified the policy of forced eradication and both policies started to collide. Many of the communities that signed the substitution agreements with the Government were target of forced eradication by the Public Security Forces, with which all trust

¹³ This commission is a temporary body, of extra-judicial character, that has been historically created in transition processes (from dictatorships to democracy and from armed conflicts to peace) to clarify violence patterns, know the truth and recognize the victims. In the country, the commission is part of the Comprehensive System for Truth, Justice, Reparation and Non-Repetition and its functions are: contribute to clarify the events, promote and contribute with the recognition of the victims, and promote coexistence in the territories.

¹⁴ Indepaz & OCCDI. *Bimonthly report about drug policy in Colombia, in the production realm*. Months of June and July 2017. <https://www.tni.org/files/article-downloads/reporte-junio-julio-occdi-global-indepaz.pdf> (last access: November 8th, 2017).

between the parties was lost. This situation resulted in strong confrontations between the members of the communities and members of the Public Force. Only during the first six months of the year, according to OCCDI and Indepaz, 107 confrontations of this nature were registered¹⁵.

- ▶ The State, on its part, has not been able to show coordination capability in the materialization of its policies in the territory.

b Offensive against armed actors in territories abandoned by FARC

- ▶ The presence of armed actors in territories left by FARC has been confirmed. The closure of activities report of the MVM identifies “armed actions developed in the area of incidence of FARC, by illegal armed groups, including the National Liberation Army - ELN (Ejército de Liberación Nacional - ELN acronym in Spanish), Clan del Golfo and other groups linked to organized crime, particularly, a series of groups that operate at a local level and compete with each other, for the control of the activities related to illegal mining, drug trafficking and extortion”¹⁶.
- ▶ Consequently, in the last week of October the Ministry of Defense issued the directive 037, which updates the directive 0016 of 2016, standardizing what the Government calls 'residual crime organizations' with Organized Armed Groups (GAO acronym in Spanish). This allows the Military Forces to use all of its combat power, including air bombings, against dissents and groups from the so called: 'Residual crime' and that persists in several territories after the demobilization and disarmament of FARC.

c The ethnic approach

- ▶ Since the beginning of the year, ethnic peoples have demanded their right to actively participate in the implementation of the Peace Accord. In that sense, last September 13th a route was arranged between the CSIVI and the extended Special Instance of High Level with Ethnic Peoples (IEANPE) to guarantee this right. This in accordance with what is established in the Ethnic Chapter Point 6.2, section f and the joint statement #13 of the CSIVI.
- ▶ Following this route, the indigenous, afro-colombian, palenquero, raizal and rrom peoples of Colombia recently met in order to incorporate the ethnic approach in the PMI, in accordance with the Ethnic Chapter of the Peace Accord. However, to date the Government has not shown political will to incorporate the supplies there collected. This combined with the absence of effective participation of these communities in the fast track process and in the participation in the Special Peace Circumscriptions and the PDET¹⁷.

“Since the beginning of the year, ethnic peoples have demanded their right to actively participate in the implementation of the Peace Accord”

¹⁵ Indepaz & OCCDI. *Report about drug policy in Colombia, in the production realm: January - June 2017*. 2017. <http://www.indepaz.org.co/wp-content/uploads/2017/10/INFORME-ESPECIAL-OBSERVANDO-NO.8.pdf> (last access: October 22nd, 2017).

¹⁶ Monitoring and Verification Mechanism. Closure of activities report. September 25th, 2017. http://www.humanas.org.co/alfa/dat_particular/ar/arc_87429_q_25sep2017InformeMMV.pdf (last access: October 30th, 2017)

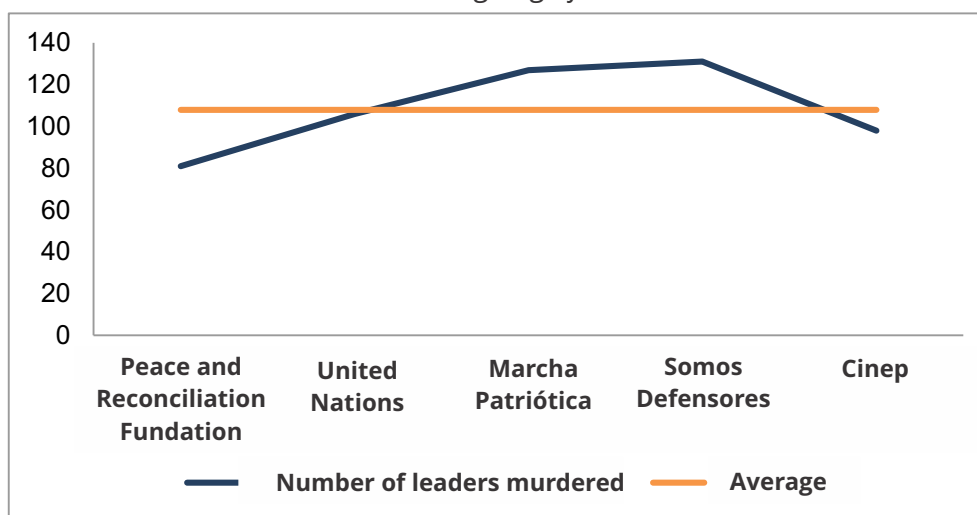
¹⁷ Extended Special Instance of High Level with Ethnic Peoples. «Announcement #001 of the Indigenous peoples, Black, Afro-Colombian, Raizal, Palenquero and Rrom of Colombia in relation with the ethnic approach in the Master Plan for the Implementation of the Habana accords.» Bogota, October 6th, 2017. <http://www.conpocolombia.org/2017/10/comunicado-001-de-los-pueblos-indigenas.html>.

d

Violence against social leaders and human rights defenders

- ▶ After the end of the armed conflict with the FARC, the aggressions and homicides against social leaders and human rights defenders have increased. Currently there are no official numbers of these cases, but the different reports issued by international bodies and civil society such as UN, the Peace and Reconciliation Fundation, Marcha Patriótica, Somos Defensores y Cinep say that since the beginning of the implementation of the Peace Accord 108 leaders have been murdered on average, i.e. one every two days (Graph 1).

Graph 1. Social leaders and human rights defenders murdered since the signing of the Peace Accord



Source: Own elaboration from the collection of numbers that Pacifista makes on the report: *Murdered leaders: Why isn't there only one number?*

- ▶ The greatest number of aggressions occurred in coca leaf areas and in regions delimited for the establishment of Special Peace Circumscriptions, i.e. the areas most affected by the armed conflict and with FARC. The municipalities that registered the most aggressions were Tumaco (Nariño); Corinto, Caloto and el Tambo (Cauca); and Buenaventura (Valle del Cauca)¹⁸.
- ▶ Two of the leaders murdered in Tumaco were part of the Pastoral Social-Caritas colombiana work team. *Jose Jair Cortes* was a member of the Antipersonnel Mines Prevention project and *Luz Yeni Montano*, one of the parochial leaders.

Regarding these facts the vicar general of the Tumaco Diocese, father Arnulfo Mina, has expressed his concern for the absolute helplessness of the local institutions to face the violence situation that is currently lived in the municipality¹⁹.

- ▶ The social organizations most affected by violence acts are Marcha Patriótica, the Regional Indigenous Council of Cauca (CRIC acronym in Spanish) and the Association of Embera Indigenous Councils, Wounaan, Katío, Chamí and Tule, from Chocó²⁰.

¹⁸ Iepri, Cinep, Indepaz & CCJ. *Outlook of violations to the right to live, freedom and integrity of social leaders and human rights defenders in 2016 and first semester of 2017*. 2017. <http://www.indepaz.org.co/wp-content/uploads/2017/10/PANORAMA-DE-VIOLACIONES.pdf> (last access: October 27th, 2017).

¹⁹ El Tiempo. *Another social leader was murdered in Tumaco*. November 13th, 2017.

<http://www.eltiempo.com/colombia/otras-ciudades/lider-social-luz-yeni-montano-fue-asesinada-en-tumaco-150884> (last access: November 14th, 2017).

²⁰ Iepri and others. *Outlook of violations to the right to live, freedom and integrity of social leaders and human rights defenders in 2016 and first semester of 2017*. 2017. <http://www.indepaz.org.co/wp-content/uploads/2017/10/PANORAMA-DE-VIOLACIONES.pdf> (last access: October 27th, 2017).

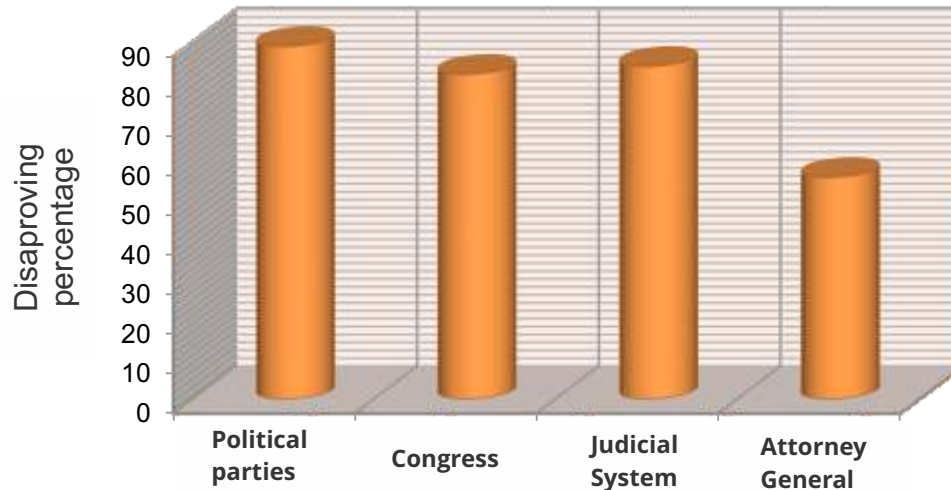
The above according to the presentations of the Public Audience about the legislative act project No. 17/17 in Chamber and 05/17 in Senate "By means of which 16 Special Transitory Circumscriptions of Peace are created for the Chamber of Representatives". (Commission First of the Chamber of Representatives, October 12th, 2017).

To think about:

- ✓ In the context of the hundredth fourth extraordinary plenary assembly of catholic bishops of Colombia, they joined the clamor of the Holy Father before the reality of uncertainty that is lived around the process of implementation of the Peace Accords with the FARC, the future of the negotiations with the ELN, and the resurgence of new forms and actors of violence. The bishops made a call to all the clergy and Colombian people not to be indifferent to the historical moment the country is going through and with the phrase: "We cannot stand still" titled the final statement shared in a press conference.
- ✓ There is a concern for the text of the Legislative Act Project "by which the 16 Special Transitory Circumscriptions of Peace are created" which was approved on the third debate in the Chamber of Representatives, regarding three topics:
 1. In the elections of the circumscriptions the inhabitants of the municipal head would not be able to vote,
 2. In these, only victims included in the Unified Victim Registry (RUV) would vote, with the aggravating that not all victims are included in this registry..
 3. The inclusion of the quota law is not considered, i.e. the one that guarantees that at least 30% of the people who inscribe as candidates shall be women²¹.
- ✓ The crisis which has resulted as a consequence of the parallel and inconsistent execution of the PNIS and the forced eradication, as well as the difficulties and delays in the execution of the route map for the construction of the PDET, are just two examples that show the lack of an articulation between the different government institutions facing the realization of different tasks required by the implementation of the Accord.
- ✓ Academic experts, social leaders and State agents have agreed that strengthening the bonds historically broken between the institutionality and the most remote communities is essential for the construction of peace in Colombia. Despite the fact that this purpose is collected in several points of the Peace Accord, a year from its implementation it is worth reflecting if the commitment of the institutions to work for this is real and how close they are to achieve it, even more when the results of the bimonthly survey from Gallup about mistrust of the citizens towards public institutions reach record numbers (Graph 2).
- ✓ On the other hand, it should be pointed out that the Catholic Church has obtained good results in the same survey. 61% favorability show the trust that communities and the institutions have in the church, and it legitimizes the mediating role that it has played not only during the last years, but also through the history of the conflict in Colombia in regards to the construction of peace.

²¹ The above according to the presentations of the Public Audience about the legislative act project No. 17/17 in Chamber and 05/17 in Senate "By means of which 16 Special Transitory Circumscriptions of Peace are created for the Chamber of Representatives". (Commission First of the Chamber of Representatives, October 12th, 2017).

Graph 2. Unfavorable opinion about the public institutions in Colombia



Source: Own elaboration from the numbers of the Favorability Survey of Gallup in Colombia No. 121. August - October 2017.

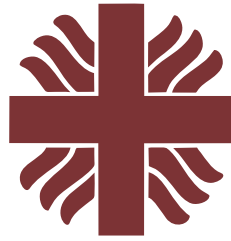
- ✓ Public statements of several candidates for the presidential elections in 2018, mainly from German Vargas Lleras, who stands out as one of the strongest candidates, have generated uncertainty and concerns in different sectors that up to now have supported the Peace Accord. 2018 will be a year of important definitions for the continuity and success of this process, as well as the ones that are on the way.

“The director of the SNPS, Monsignor Héctor Fabio Henao Gaviria, has been elected unanimously as president of the Committee of the National Peace Council, Reconciliation and Coexistence. This committee will be vital and of high commitment in the next years, in the context of the design of the public policy on reconciliation and coexistence of the country”



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