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Co-Chairman McGovern, Co-Chairman Wolf, and distinguished members of the commission, thank you for this opportunity to address the Tom Lantos Human Rights Commission on the critically important issue of human rights in Colombia. My name is Max Schoening and I am the Colombia researcher for Human Rights Watch.

My testimony will focus on threats and attacks against internally displaced persons (IDPs) seeking land restitution in Colombia. I will divide my statement into three parts. The first will describe the Colombian government's lack of progress in returning land to IDPs through its banner land restitution program, the Victims Law. The second will detail the widespread abuses IDPs have suffered in retaliation for trying to recover their land, including killings, death threats, and new incidents of forced displacement. The third part will show how the government of Colombia has consistently failed to punish the perpetrators of abuses against IDP land claimants, and the measures it should take, with United States support, to improve protection and accountability.

Slow Implementation of the Historic Victims Law

Over the past 30 years, violence and abuses associated with Colombia's internal armed conflict have driven more than 5 million people from their homes, generating the world's largest population of IDPs. Mostly fleeing from rural to urban areas, Colombian IDPs are estimated to have left behind 6 million hectares of land—roughly the area of Massachusetts and Maryland combined—much of which armed groups, their allies, and others seized in land grabs and continue to hold.

In June 2011, the administration of President Juan Manuel Santos took an unprecedented step toward addressing this immense human rights problem by securing passage of the Victims Law. The law established a hybrid administrative and judicial process intended to return millions of hectares of stolen and abandoned land to IDPs over the course of a decade of implementation. The land restitution program is the most important human rights initiative of the Santos administration. If implemented effectively, it will help thousands of families who have been devastated by the conflict to return home and rebuild their lives.

As ambitious as the Victims Law is, however, Colombia has made little progress in implementing it, as Human Rights Watch revealed in a report released last month. The Agricultural Ministry estimated that by 2014 there would be judicial rulings in 60,000 land restitution cases under the Victims Law; however, as of September 2013, courts had ordered restitution for just 666 of the more than 45,000 land claims received by the government. By September 2013—more than two years since the Victims Law was enacted—the government could only confirm three cases of families who had returned to live on their land as a result of these rulings under the law.

In response to our report, Colombian officials wrongly stated that Human Rights Watch published erroneous statistics about land restitution. The government's Victims Unit and Restitution Unit said that of the 666 beneficiaries of land restitution rulings under the Victims Law, "66 percent have returned to live on their land or work there." The 66 percent figure cited by the government is misleading, because it includes families who returned to their land years

before the Victims Law took effect (and who subsequently used the law to recover or formalize their land titles), as well as families who visit their land to work on it, but have not returned to live there. The government has not provided any additional cases demonstrating that more than three families have returned to live on their land as a result of court rulings under the Victims Law.

Widespread Abuses

Of the myriad obstacles to implementing land restitution, security is perhaps the greatest. IDPs who have sought to recover land through the Victims Law and other restitution mechanisms thus far have been subject to widespread abuses tied to their efforts, including killings, new incidents of forced displacement, and death threats.

In researching our report, Human Rights Watch documented 17 cases of killings of IDP land claimants and leaders since 2008, in which 21 people died, in circumstances that provide compelling evidence the attacks were motivated by the victims' activism. Human Rights Watch also documented more than 80 cases in which victims had received serious threats, as well as over 30 cases of new displacement in which restitution claimants fled their homes yet again because of abuses related to their efforts to reclaim land.

Official data obtained through information requests shows that these documented cases of killings, threats, and renewed displacement are part of a wider pattern. As of August 2013, the Attorney General's Office reported that it was investigating 43 cases of killings of "leaders, claimants, or participants in land restitution matters" committed since 2008.

Since 2012, more than 700 IDPs and their leaders attempting to reclaim land through the Victims Law have reported to authorities having received threats. The government has determined that upward of 360 threatened claimants and leaders are at "extraordinary risk" because of their land restitution activities.

The threats are conveyed in a variety of ways: in writing, by text message, by phone, or by verbal face-to-face warning. The content varies, but many of the messages include threats to kill the victims or their family members if they do not give up their attempts to reclaim their land or leave the region.

Usually, the threats appear credible and terrifying. Many are directed at victims traumatized in the past by paramilitaries or guerrillas, including by the very attacks on themselves, their families, or their neighbors that induced them to flee their land in the first place. Guerrillas and successor groups to paramilitaries frequently maintain a presence in the areas where victims are reclaiming land, and the latter in particular have demonstrated a willingness to kill restitution claimants and leaders. Many victims believe, with good reason, that the current threats are from individuals or groups directly linked to the long chain of violence and land theft that they and their families have experienced.

In the majority of cases of killings, attempted killings, and new incidents of forced displacement that we documented, the evidence strongly suggests that paramilitary successor groups are

responsible; the same groups are also responsible for a significant portion of the threats. These groups inherited the criminal operations of the United Self-Defense Forces of Colombia (AUC) paramilitary coalition, which carried out widespread land takeovers prior to the government's deeply flawed demobilization process. In addition, third parties who took over lands after original occupants were forced out – sometimes in collusion with paramilitaries – as well as left-wing Revolutionary Armed Forces of Colombia (FARC) guerrillas, have also targeted claimants and leaders who tried to get their land back.

The Government's Response

The threats and attacks are entirely predictable given Colombia's chronic failure to deliver justice for both current and past abuses against displaced land claimants. Prosecutors have not charged a single suspect in any of their investigations into threats against displaced land claimants and leaders in retaliation for their restitution efforts.

Moreover, justice authorities have rarely prosecuted the people who originally displaced claimants and stole their land. Of the more than 17,000 open investigations into cases of forced displacement handled by the main prosecutorial unit dedicated to pursuing such crimes throughout Colombia, only 28 had led to a conviction as of January 2013. The prosecutorial unit had obtained convictions in just five cases of forced displacement in Antioquia, Bolívar, Cesar, Meta, and Tolima, the five states with the highest number of restitution claims filed in Colombia at the time, and where at least 1.7 million people have been displaced since 1985, according to government data.

The prosecutorial unit also identifies itself as the main office tasked with conducting criminal investigations of the illegal takeovers of land that IDPs left behind. But as of January 2013, it had obtained just three convictions for crimes related to land takeovers—a small number when compared to the estimated 2 million hectares of land that have been wrongfully seized from displaced people. The lack of justice for forced displacement and land theft means that those most interested in retaining control of the wrongfully acquired land often remain off the radar of authorities and readily able to violently thwart the return of the original occupants.

Authorities' failure to significantly curb the power of paramilitary successor groups also poses a direct threat to land claimants' security. Data from the National Police shows that the size of the groups essentially remained constant over the past four years, dipping from 4,037 members in July 2009 to 3,866 members in May 2013. The Urabeños, Colombia's largest and most organized paramilitary successor group, has grown in membership in 2013. One source of successor groups' ongoing power is the toleration and collusion of local security force members.

The government's protection program, which is unparalleled in the region, has provided hundreds of at-risk land claimants and leaders with protection measures, such as bulletproof vests and bodyguards. While helpful, these are essentially palliative measures, since they do not rein in or hold accountable the armed groups, criminal mafias, and others who are threatening claimants' lives.

The limitations of the government's protection program are evidenced by the fact that it often relocates threatened land claimants because authorities cannot guarantee their safety where they live. Since January 2012, the program has temporarily relocated more than 90 land claimants and leaders to new areas due to serious threats against them.

In sum, there is currently a fundamental gap in Colombia's restitution policy: the process of returning land is not being accompanied by parallel efforts to ensure justice for abuses against IDPs. A more strategic approach by prosecutors, in coordination with restitution efforts, could go a long way toward ensuring justice—and thus protection—for those seeking to return to their land. Under the Victims Law, land restitution is gradually implemented across successively prioritized land plots, towns, and regions. We believe the Attorney General's Office should focus its efforts to prosecute crimes targeting IDPs in the same areas where the Restitution Unit is examining claims. Such coordination would take advantage of the concentration of complaints concerning related cases, allowing prosecutors to carry out systematic investigations of forced displacement, land takeovers, threats, killings, and other abuses against IDPs seeking to reclaim land. This more holistic approach would be a powerful and efficient strategy for filling the current accountability gap in the land restitution process.

To this end, the government of Colombia should provide sufficient resources to the Attorney General's Office so that it can create teams of prosecutors and judicial investigators tasked with pursuing crimes against IDP land claimants and their advocates. The teams should be based out of Colombia's main cities, but routinely conduct field visits to each city or town where the Restitution Unit has an active office in order to receive criminal complaints and investigate them.

The United States should urge the Colombian government to create these teams of prosecutors and investigators, and provide it with the necessary assistance to do so. Along with financial resources, this assistance should include logistical support, equipment, and relevant training.

Furthermore, the United States should urge Colombia to improve efforts to dismantle paramilitary successor groups, especially by rooting out collusion with local officials. The specialized unit of Colombian prosecutors dedicated to investigating these groups should be encouraged to prioritize investigations into state agents credibly alleged to have colluded with or tolerated the groups.

Over the next eight years, the government intends to address land restitution claims filed by hundreds of thousands of displaced people. Unless Colombia ensures justice for current and past abuses against IDP claimants and makes substantial progress in dismantling paramilitary successor groups, many of these families will suffer more threats, episodes of displacement, and killings. And the Santos administration's signature human rights initiative could be fundamentally undermined.

Thank you for your time. I look forward to answering any questions you may have.