

**RECOMMENDATION 1:****REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999-2000 TO RATIFY THE INTER-AMERICAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS****PUBLICATION DATE: JANUARY 2001****REITERATION DATE: JANUARY 2003**

Colombia reports that its National Congress passed the Inter-American Convention on Mutual Assistance in Criminal Matters, and the Optional Protocol Related to the Inter-American Convention on Mutual Assistance in Criminal Matters through Law 686 of January 4, 2001, in compliance with this recommendation. In addition, the Constitutional Court declared Law 686 of January 4, 2001 enforceable through Judgment C-974/01, of September 12, 2001.

On January 13, 2003, Colombia deposited the instrument of ratification for each of the aforementioned international agreements with the General Secretariat of the Organization of American States (OAS).

CICAD expresses its satisfaction that Colombia has implemented this recommendation.

RECOMMENDATION 2:**REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999-2000 TO RATIFY THE INTER-AMERICAN CONVENTION AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS (CIFTA)****PUBLICATION DATE: JANUARY 2001****REITERATION DATE: JANUARY 2003**

Colombia reports that its National Congress passed the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (CIFTA) through Law 737 of March 5, 2002. The country also informs that the Constitutional Court, through Judgment C-764/02, of September 17, 2002, declared Law 737, of March 5, 2002, enforceable.

Colombia deposited the instrument of ratification of this Convention on February 5, 2003.

CICAD expresses its satisfaction that Colombia has implemented this recommendation.

RECOMMENDATION 3:**RATIFY THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND ITS THREE PROTOCOLS****PUBLICATION DATE: JANUARY 2003**

Colombia reports that its National Congress, in Law 800, of March 13, 2003, passed the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the said Convention, adopted by the United Nations General Assembly on November 15, 2000. Both instruments are now before the Constitutional Court for determination of their constitutionality. When this constitutional step has been completed, the Executive Branch will be in a position to deposit the respective instrument of ratification.

CICAD acknowledges the progress made by Colombia in implementing this recommendation.



However, CICAD expresses its concern at the exclusion of two important protocols to the Palermo Convention, and therefore encourages Colombia to ratify without delay the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.

In this regard, the country reports that has not considered signing the Protocol against the Smuggling of Migrants by Land, Sea and Air, since it feels it is not compatible with its national interests in this regard and does not favor its defense of Colombians living abroad.

On the other hand, Colombia deems it is not advisable to sign the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components, and Ammunition, since it has stated its disagreement with the scope of application.

CICAD acknowledges the progress made by Colombia in complying with this recommendation. However, CICAD states its concern for the considerations expressed by Colombia regarding the two important instruments of the Palermo Convention. Although CICAD does not question the sovereign power of each State to judge the international obligations it takes on, nevertheless it states its concern for the MEM objectives and the international juridical fragmentation caused by the position taken by Colombia.

CICAD urges Colombia to ratify the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components, and Ammunition during 2004.

RECOMMENDATION 4:

TAKE MEASURES TO IMPROVE ITS STATISTICAL SYSTEMS IN THE AREA OF DRUG DEMAND REDUCTION, SO AS TO BETTER DEAL WITH CONSUMPTION PATTERNS IN THE COUNTRY

PUBLICATION DATE: JANUARY 2003

Colombia reports that several factors have made it impossible for the country to have an information system. Among these, it points to lack of a coordinated approach to the problem and the lack of a single statistical system on drug use.

In addressing these deficiencies, the Ministry of Social Protection developed a project entitled "Enhancement of the Coverage, Timeliness, and Quality of Information on Psychoactive Substance Use in Colombia," whose objective is to organize, unify, and consolidate the demand component in the drug information system with a view to monitoring and evaluating trends, patterns of use, related problems, and factors contributing to the risk of and protection against psychoactive substance use in the framework of the National Demand Reduction Policy. The project's student survey, financed by CICAD, is in the process of implementation and is expected to conclude in 2004.

Colombia requires financial assistance to implement this information system in all territorial entities of the country and to strengthen the Colombian Observatory on Drugs.

The Ministry of Social Protection now has national and territorial organizational infrastructure and human resources.

CICAD acknowledges the progress made by Colombia, and urges the country to adopt all measures needed to comply with this recommendation.

**RECOMMENDATION 5:****ENSURE THE INSTITUTIONALIZATION AND EXPANSION OF THE DEMAND REDUCTION PROGRAM, THROUGH THE APPROVAL OF THE CORRESPONDING LEGISLATION****PUBLICATION DATE: JANUARY 2003**

Colombia informs that as part of an institutional reorganization process, the Ministry of Social Protection was assigned responsibility for coordinating drug demand reduction policy. As part of that effort, the Office of the President of the Republic issued Decree 519 of March 2003, which abolished the Presidential Program to Address the Drug Use Problem (RUMBOS).

In June 2003, the National Government prepared a document entitled "Guidelines for a Psychoactive Substance (PAS) Demand Reduction Policy," which provides a basis for developing territorial demand reduction plans. These will be presented to the different authorities involved for their consideration in implementing the policy. Lastly, the National Council on Narcotics will approve and authorize the implementation of the said Guidelines.

CICAD urges Colombia to expedite the startup of a national demand reduction program in 2004, with a view to completing the projects formulated, and ensuring their institutional stability.

RECOMMENDATION 6:**FINALIZE AND IMPLEMENT THE MANUAL ON PREVENTION PROGRAM EVALUATION****PUBLICATION DATE: JANUARY 2003**

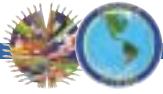
Colombia reports that a guiding principle for the Government in formulating the new demand reduction policy will be the evaluation of each and every activity, including those for the prevention of drug use. Accordingly, various evaluation mechanisms will be established.

Colombia recognizes the advisability of implementing this recommendation, for which it needs international cooperation. When the National Council on Narcotics has adopted the new demand reduction program, it will be pertinent for the country to consider adoption of the Manual on Prevention Program Evaluation.

CICAD does not see indications of progress in implementing this recommendation, which is closely related to approval of the demand reduction Program. Accordingly, it urges Colombia to adopt and implement the Manual on Prevention Program Evaluation, once the above Program is under execution.

RECOMMENDATION 7:**IMPLEMENT A RECORD-KEEPING SYSTEM ON PATIENTS HANDLED TO SUPPLEMENT EFFORTS MADE BY THE RUMBOS PROGRAM AND THE INTER-AMERICAN DEVELOPMENT BANK (IDB) TO DEVELOP A NATIONAL DIRECTORY OF TREATMENT CENTERS****PUBLICATION DATE: JANUARY 2003**

Colombia reports that the agreement on Non-Refundable Technical Cooperation ATN/JF – 7325 – CO "Reform of Drug Addict Treatment Centers" signed by the Inter-American Development Bank (IDB) and the Ministry of Social Protection, became effective on October 1, 2003. The total value of the project is US\$ 435,000, of which the IDB will provide US\$ 322,500.



At January 2004, project execution has developed a data base of the treatment centers existing in the country, with 423 institutions on record. The evaluation battery for same has also been developed, consisting of five instruments directed by the Director of the Center and Coordinator of the therapeutic team, infrastructure and supply matters, users, and ex-users.

The Ministry of Social Protection feels that by the end of 2004, all objectives proposed by the project will have been achieved, including the record of treatment centers, which will supply information on the number of patients cared for and other pertinent information.

CICAD expresses its satisfaction to Colombia for having complied with this recommendation.

RECOMMENDATION 8:

CONDUCT STUDIES ON STUDENTS WHO PERCEIVE DRUG USE AS HARMFUL IN ORDER TO PROVIDE SUPPORT TO PREVENTION PROGRAMS TARGETING THIS POPULATION

PUBLICATION DATE: JANUARY 2003

Colombia points out that on November 13, 2003, CICAD, the Colombian Agency for International Cooperation (ACCI) and the Ministry of Social Protection signed a Memorandum of Understanding to carry out the "National Survey on Psychoactive Substance Use among School Children from 12 to 17 Years Old in Colombia". The date set for implementation of the field work is the whole of February 2004. The total value of the project is US\$ 125,000, of which CICAD is providing US\$ 80,000 and Colombia the remaining US\$ 45,000.

This work is expected to be completed by the end of 2004, with the publication of its findings.

CICAD recognizes the efforts made by Colombia to implement this project and encourages its authorities to conclude the studies by the end of 2004 as planned.

RECOMMENDATION 9:

EXPAND INSTITUTIONAL COVERAGE OF PREVENTION PROGRAMS IN THE WORKPLACE

PUBLICATION DATE: JANUARY 2003

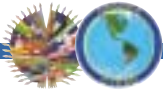
Colombia reports that the Ministry of Social Protection resulted from the merging of the Ministry of Health and Ministry of Labor, with the aim of strengthening coordination between these two sectors, to include psychoactive substance demand reduction activities in the workplace.

Taking advantage of the merger of the Ministries of Health and Labor and the creation of the Ministry of Social Protection, the component relating to psychoactive substance use prevention in the workplace will be strengthened, including this line of action in the National Psychoactive Substance Demand Reduction Policy.

Considering that the largest use of psychoactive substances in the workplace has to do with alcohol and tobacco, the Government has clearly prioritized these substances in its preventative actions.

Colombia is requesting technical assistance and training to implement this recommendation.

CICAD notes that a similar recommendation was made to Colombia in the First Evaluation Round



1999-2000, and therefore reiterates to Colombia the urgency of intensifying activities towards its implementation.

RECOMMENDATION 10:

INCREASE CAPACITY TO CONDUCT JOINT OPERATIONS, EXCHANGE INFORMATION IN REAL TIME, AND BORDER CONTROLS WITH A VIEW TO MORE EFFECTIVE PREVENTION OF THE DIVERSION OF CONTROLLED CHEMICAL SUBSTANCES TO ILLICIT PURPOSES

PUBLICATION DATE: JANUARY 2003

Colombia reports activities carried out by the General Command of the Armed Forces in the area of joint operations seeking to destroy illicit crops, prevent the sale of chemical substances for narcotics processing, target the support structure for the illicit drug industry, and control the trafficking and distribution of illicit drugs. Joint land, air, sea, and river interdiction operations were increased in the south of the country. As a result, coca cultivation in Putumayo Department was reduced by 70.9% in 2002 compared to 2001, and seizures increased of chemical substances and precursors necessary for cocaine processing.

In addition to the southern portion of the country, the anti-narcotics trafficking brigade has also been operating along the Venezuelan border. Radar was activated in Larandia and Tres Esquinas to track illicit flights in the eastern portion of the country. Operations have been coordinated with military units in countries such as Bolivia, Brazil, and Peru.

Colombia has also been actively participating in Operation Six Borders, together with Bolivia, Brazil, Ecuador, Panama, Peru, and Venezuela. Many meetings of the Binational Border Commission have also been held, in which Panama, Ecuador, and Brazil participated. The National Police are also taking measures in the border area to stop criminal activities, including trafficking in drugs, chemical inputs, firearms, and explosives.

The country underscores the need for support for Plan Colombia to continue if the recommendation is to be implemented fully. In fact, during implementation of the various phases of Operation Six Borders the imperative need for a Regional Intelligence Center was identified. The Center is now being implemented to facilitate the exchange of real-time information on any movement of chemical substances between countries in the region.

Colombia indicates a need for technical and financial assistance, equipment, and training. It also requires support to create the Second Brigade against Drug Trafficking, improve landing strips, and install radar equipment systems.

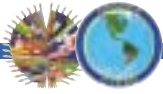
CICAD acknowledges the efforts made by Colombia to implement this recommendation and encourages the country to continue its effective cooperation to prevent the diversion of controlled chemical substances to illicit purposes.

RECOMMENDATION 11:

STEP UP IMPLEMENTATION OF THE PRE-EXPORT NOTIFICATION MECHANISM FOR CONTROLLED CHEMICAL SUBSTANCES

PUBLICATION DATE: JANUARY 2003

Colombia reports that during the fourth quarter of 2003, The National Narcotics Division (DNE) convened meetings with the Ministry of Trade, Industry and Tourism, the National Tax and Customs Division (DIAN), and the National Police, being the institutions in charge of controlling the export



and import of goods and services. The purpose was to start up the pre-export notification mechanism for controlled chemical substances.

The results of the meetings held were the following: the DNE will develop a technical concept aimed at studying the viability of the DNE being responsible to respond to pre-export notifications of controlled chemical substances. The DIAN and the National Police agreed to train in legal measures.

During the first semester of 2004, mechanism formulation and approval by the National Narcotics Council will be completed.

Colombia needs training and technical assistance for this purpose, gaining from the experience of other countries in this area.

CICAD recognizes some initial steps taken by Colombia in the implementation of this recommendation, and urges Colombia to take all necessary measures to effectively start up the pre-notification mechanism.

RECOMMENDATION 12:

CREATE A UNIFIED DATABASE ON HEALTH PROFESSIONALS AUTHORIZED TO PRESCRIBE CONTROLLED MEDICINES

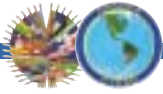
PUBLICATION DATE: JANUARY 2003

Colombia reports that in April 2003, the Ministry of Social Protection issued Resolution 826, which provides that qualified doctors, dentists, veterinarians, zoological veterinarians, and zoologists in the legal exercise of their professions are the only professionals authorized to prescribe medications subject to special control. Under Law 576 of February 2000, the Professional Council of Veterinary Medicine and Zoology of Colombia (COMVEZCOL) is the institution responsible for registering and licensing professionals meeting the requirements indicated in the law and for reporting regularly the complete roster of all such professionals to the relevant associations or agencies.

The Ministry of Social Protection maintains a database of qualified doctors and dentists, and COMVEZCOL maintains the registers for qualified veterinarians, zoological veterinarians, and zoologists.

Colombia feels it is not advisable to unify the present data bases into one. The Ministry of Social Protection has a data base of doctors and dentists, and the The Professional Council of Veterinary Medicine and Zoology of Colombia (COMVEZCOL) has the record of veterinarian doctors. The way work is done currently is rapid, effective, and information is reliable. Unifying the information would not create more efficacy in a procedure that is already effective, and could probably cause the contrary effect.

CICAD takes note of the country's response to this recommendation, and encourages it to continue efforts in this field.

**RECOMMENDATION 13:****CONSOLIDATE THE INFORMATION GATHERING SYSTEM ON CONVICTIONS FOR ILLICIT TRAFFICKING OF FIREARMS AND AMMUNITION****PUBLICATION DATE: JANUARY 2003**

Colombia indicates that the Superior Council of the Judiciary has incorporated in its data collection forms a breakdown of the criminal offenses under the new Colombian Penal Code, Title XII, Crimes against Public Security, including those associated with the manufacturing, trafficking, and possession of firearms or ammunition.

Since 2002, this has enabled the Council to collect monthly information on these offenses.

The Superior Council of the Judiciary has been implementing new and improved technologies for collecting statistical information and is continually improving its procedures to optimize the timeliness, reliability, and quality of the information produced.

CICAD expresses its satisfaction at the implementation of this recommendation, which will allow for better control in the area of justice administration.

RECOMMENDATION 14:**FINALIZE THE PROCESS OF IDENTIFYING TYPOLOGIES AND SECTORS AFFECTED BY ILLICIT PROCEEDS BY EXPANDING COVERAGE TO PROFESSIONS SUCH AS ATTORNEYS AND ACCOUNTANTS****PUBLICATION DATE: JANUARY 2003**

Colombia indicates that in response to this recommendation, the Financial Information and Analysis Unit (FIU) requested information from the financial intelligence units of Spain (SEPBLAC), the United States (FINCEN), and France (TRACFIN) on reports of suspicious transactions carried out by accountants and lawyers.

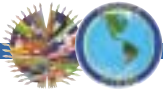
The country reports that a series of sectoral consultations have been held with accountants and attorneys to exchange views in connection with implementation of this recommendation.

The FIU considers that it needs technical support from experts with experience in designing provisions for the prevention and detection of money laundering by accountants and lawyers.

CICAD notes the preliminary steps taken by Colombia to implement this recommendation and urges the country to create the conditions necessary for full implementation of this recommendation.

RECOMMENDATION 15:**CARRY OUT VALUATIONS AND INVENTORIES OF ALL PROCEEDS FORFEITED IN CONNECTION WITH ILLICIT DRUG TRAFFICKING-RELATED OFFENSES, AND ESTABLISH THIS AS A PERMANENT PROCESS****PUBLICATION DATE: JANUARY 2003**

Colombia indicates that the National Narcotics Division (DNE), of the Ministry of Interior and Justice, is responsible for administering proceeds seized in connection with the trafficking of illicit narcotics.



Since January 2001, using Plan Colombia resources, Colombia has been implementing the Project for the Administration of Proceeds Seized in Connection with Drug Trafficking (FARO), whose lines of action are: (1) physical inventory and appraisal of all proceeds seized and turned over to the DNE (to August 2003) for disposal (35% of all such proceeds have been inventoried; 30% have been appraised); (2) an administration system for each category of proceeds; and (3) an audit of the administration of proceeds.

Colombia recognizes that the recommendation cannot be considered fully implemented, as this is a dynamic process. However, it has indicated its willingness to continue activities to make inventories of and appraise proceeds in the future.

CICAD recognizes the fulfillment of this recommendation by Colombia and urges the country to continue to keep its inventories updated.

CONCLUSIONS

CICAD recognizes the efforts made by Colombian Government, with the support of the international community, to comply with the recommendations of the MEM. Of the fifteen recommendations assigned to the country, seven have been fulfilled and the remaining eight are in the process of implementation.

However, a series of actions of diverse nature remain pending, which Colombia should attend to as soon as possible, such as ratification of the protocols for the Palermo Convention on the Smuggling of Migrants by Land, Sea and Air, and the Protocol on the Trafficking of Firearms, their Parts and Components, and Ammunition.

CICAD has taken note of Colombia's arguments for not ratifying these instruments. However, respecting the sovereign capacity of each state to assume international legal responsibilities, it states its concern over the risk of international legal fragmentation, contrary to the objectives of the MEM, that could occur should Colombia's position prevail. CICAD recalls that, together with 33 other states of the hemisphere, Colombia agreed on a definition of the legal framework that is applicable to the Multilateral Evaluation Mechanism.

The upcoming institutionalization of the Colombian program on Reduction of Psychoactive Substance Demand, defined in the document "Guidelines for a Psychoactive Substance (PAS) Demand Reduction Policy," will make it possible to organize, unify and consolidate the demand component in the information system on drugs.

It is imperative that Colombia begin a national demand reduction program.

Other actions that remain pending consolidation by Colombia are optimizing professional categories that may be affected by money laundering, and maintaining the inventories of confiscated goods.

CICAD wishes to state its recognition to Colombia for the progress achieved in a very complex domestic situation, and urges it to continue its efforts to cover the deficiencies identified in this report.