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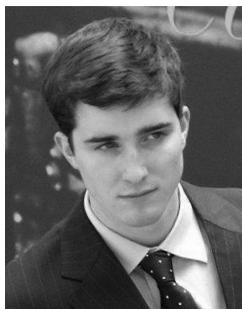
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IMPUNITY IN THE WAKE OF CONFLICT

Aidan Fennelly



Introduction

The general consensus seems that the government of Colombia is well on its way toward achieving the long-sought goal of effective and comprehensive governance of its territory. Two strong presidential administrations have worked vigorously to mute the violence that once screamed throughout Colombia's countryside while simultaneously pushing for constitutional reforms aimed at fair reparations to the victims of violence and justice to the perpetrators (Alcantar, p. 2).

The optimistic turn in Colombia's fortune in the twenty-first century provides an opportunity to hold the country to a higher standard. As President Santos engages in peace talks with the Fuerzas Armadas Revolucionarias de Colombia (FARC), Colombia's primary paramilitary organization, the prospect of peace in the country—once a tantalizing improbability—is now perched brightly on the horizon. And as a new era of peace dawns on the country, the gov-

ernment's newly acquired legitimacy illuminates other severe problems once shadowed by the looming threat of civil unrest. These problems stem not primarily from paramilitary organizations, drug traffickers, or narco-terrorists but from the country's legal system, which struggles to administer justice, promote a feeling of safety and well-being among Colombians, and function as the moral backbone of a modern democracy.

This article provides an analysis of the current state of Colombia's legal system. It begins with some historical context, aimed at tracing the evolution of Colombia's legal system from an inquisitorial system to an accusatory one. Once this context is established I outline the most pressing problems facing Colombia's legal system—from a grotesquely high rate of impunity to the challenges imposed by constitutional mandates requiring reparations to victims of violence and light sentences for confessed war criminals. Next, I explain how structural failings and philosophical inconsistencies

within the legal system make addressing these problems particularly difficult. Finally, I conclude with an analysis of how Colombia is currently working to correct the problems with its legal system and how, despite the problems of the recent past, it remains a country worthy of a positive outlook on its legal future.

This article is based on the philosophy that a functioning judicial system is essential to establishing a legitimate, fair, and effective national government. While the minimal qualification for “government” is any authoritative body with a monopoly of force, such a standard implies too soft a definition of force and ignores the importance of law and order. Although Colombia has made tremendous progress toward establishing a legitimate modern democracy, forces of internal violence in the form of unprosecuted criminal behavior threaten to undermine the country’s promising growth into a fully functional democratic state.

Colombia’s Legal History

Colombia has undergone two major reforms in the structure and philosophy of its criminal justice system, both of them attempts to rectify high levels of impunity,¹ corruption, and inefficiency. Although both of these reforms were the product of well-intentioned, reasoned, and intelligent policy discussion, they nonetheless left the country with a legal system plagued by the same dangerous cocktail of problems² (Alcantar, p. 1).

Historically, there are two different legal traditions and their accompanying systems of implementation prevalent in Western jurisprudence. A civil law system, which originated in ancient Rome, codifies law into a set of written rules that citizens are expected to follow. The role of judges in this system is to act inquisitorially, that is, they are responsible for investigating if a law has been broken and for

determining if an accused individual is guilty of violating said law. Civil law takes codified or written law as its fundamental operating principle. As such, precedent is often ignored, and juries are rarely used because expert judges are considered the most qualified to determine if a law has been broken. Legal systems that rely heavily on the principles of civil law are often called “inquisitorial” because they place judges and magistrates in the position of making inquiries into whether or not a law has been broken and if the accused party is guilty.

Common law systems usually have some form of written law as well, but they operate under a different legal philosophy than their civil law counterparts. Common law, which originated in England, uses court decisions to establish a body of precedent that serves as the guideline for how judges should rule in given circumstances. In cases for which there is no precedent, common law allows for judges to essentially create law by establishing a new precedent. The rationale for a common law system is that every crime is a product of individual circumstances and that a civil law–like set of codified principles fails to take into account differences of circumstance that differentiate one crime from another. Common law usually makes use of an adversarial legal system, in which two parties argue their case against an impartial judge or jury of their peers who then determine the guilt or innocence of the accused.

Although most Western countries use some combination of a civil/common law system, prior to the constitutional reform of 1991, Colombia operated under an almost entirely inquisitorial/civil law legal system, inherited from Spanish colonizers. Essentially, this system empowered judges to act as detectives, prosecutors, and defense attorneys in criminal cases. A typical criminal proceeding evolved as such: the Departamento Administrativo de Seguridad (DAS) (Colombian equivalent of the U.S. Federal Bureau of Investigation) would initiate investigation of a crime and gather initial evidence before passing the case on to an investigatory judge, who then took control of the case, monitored the investigation, and determined whether or not it was suitable for trial. If a case went to trial, the evidence gathered by the DAS and investigatory judge was passed on to a trial judge, who weighed the evidence of

¹Impunity means exemption from punishment for an action. In the legal sense this refers to crimes that were committed and reported but remain unsolved or unpunished.

²The biggest problems afflicting the system are high levels of impunity, an inefficient bureaucratic structure that suffers from hierarchical ambiguity, and asymmetry, corruption, and tensions between the executive and legislative branches of government.

both parties and made a judgment on the outcome of the trial (Pahl, p. 615).

This system placed an enormous amount of power and autonomy in the hands of the judges, who were required to fill numerous (and often contradictory) roles in judicial proceedings. For example, the inquisitorial judge, responsible for overseeing the pretrial phase of the case, was required to play both sides of the fence when it came to criminal investigations. The system required these judges to oversee the investigation of the accused in order to protect the defendant from illegal evidence gathering, but it also charged them with directing the very investigation that they were supposed to be refereeing. It does not take a great deal of imagination to envision how impartiality could quickly disappear when one individual is charged with both organizing an investigation and reporting any ethical or legal breaches within it. Oversight becomes a misnomer when it is completely internalized (Torres, p. 3).

The clear conflict of interest that the inquisitorial system produced translated into poor judicial oversight and left the system highly vulnerable to external influences. Because power was concentrated so heavily in the hands of the judges, they were highly susceptible to bribes, intimidation, and other forms of extortion. Inquisitorial judges had the power to accuse individuals of crimes, dismiss key pieces of evidence, stall the prosecution, and deem a case unfit for trial, while their trial-judge counterparts played prosecutor, defendant, and jury in the second phase of judicial proceedings. It would only take one well-timed bribe or scare tactic to convince a judge to sabotage a case entirely, no questions asked. Evidence suggests that this happened routinely, because the price for not doing so was incredibly high. Between 1979 and 1991, 550 Colombian judges were assassinated, most likely for not succumbing to coercion (Torres, p. 4).

Another problem with the inquisitorial system that left it susceptible to corruption was that it worked in secrecy. The findings of investigations, accounts of witnesses, testimony of the accused, and legal reasoning of both sides of the case were often presented to judges in written form to insure impartiality, but this also reduced transparency and shielded extortion from the public eye (Torres, p. 6). As the Colom-

bian lawyer Andres Torres notes, “The ‘behind closed doors’ approach to the inquisitorial model lent itself particularly [to bribery and extortion]” (Torres, p. 6).

These issues, which could perhaps be explained as byproducts of an outdated legal system, were made worse by a government that routinely neglected, mismanaged, and underfunded its legal system. Judges and lawyers alike were often undertrained, underpaid, and highly susceptible to bribery and extortion (Heyden, p. 1). Funds allocated to the judiciary were often misappropriated, embezzled, or used to fund unnecessary projects, like the \$7.2 million judicial palace in Manizales (Peters, p. 1). Thus, a system that by design found itself vulnerable to corrupting influences did not get much help from its internal structure.

Although some scholars suggest that the inquisitorial system grants government broad authority over criminal prosecution, there is little evidence to suggest that the inquisitorial system effectively maintained law and order in Colombia prior to 1991 or that it operated with much efficiency (Pahl, p. 611). Studies suggest that in the 30 years before the 1991 constitutional reform, the impunity rate was an alarming 98.8 percent, meaning that only 1.2 percent of reported crimes resulted in a conviction (Pahl, p. 609). Furthermore, far from making the judicial process more efficient, the inquisitorial system’s extensive investigation process and focus on written testimony resulted in a tremendous backlog of cases—some 1.3 million—and the average criminal proceeding could drag on for two years (Torres, p. 4).

Individual rights were also jeopardized. Colombians accused of a crime were often detained during the investigation period; by some estimates, 60 percent of Colombian’s prison population consisted of individuals awaiting trial (Torres, p. 5). Furthermore, access to legal representation was extremely hard to come by, particularly for those unable to afford an attorney. Torres notes that poorer Colombians “would be fortunate to receive legal assistance from an unpaid law student volunteering his or her time” (Torres, p. 5).

External problems, like corruption, extortion, and an abrasive lack of concern for individual rights, were not the only ones plaguing the system. The power granted to judges was

widely viewed as too broad, by both the other arms of Colombian government and by the judges themselves. As alluded to previously, a tremendous backlog of cases paralyzed the judicial system, as individual judges struggled to juggle the responsibilities of jury, attorney, and investigator. However, tensions were also high between the national police and the judges, mostly because the former resented the latter's sweeping authority. As a result, many cases reported to police officers never found their way to a judge's chambers (Pahl, p. 618). An internal disregard for the integrity of the system mired it further in dysfunction.

Sweeping Change

Thankfully, change came in the form of a drastic overhaul. In 1991, the Colombian government addressed the pressing need for judicial reform by dropping the inquisitorial/civil law system and moving closer to something resembling the U.S. model of accusatorial legal proceedings. The 1991 constitutional reform stripped judges of their investigative power; it provided for the creation of an independent attorney general's office, or *Fiscalía*, whose job it is to gather evidence and prosecute crimes on behalf of the state. It clearly delineated the roles of judges, prosecutors, investigators, and defendants and allowed for these various branches of the legal system to debate and interact in public and transparent trials mediated by impartial judges (Torres, p. 6).

Furthermore, these changes to the constitution allowed for individual citizens to petition the court for immediate action in cases when constitutional rights have been violated—a process known as *tutela* (*JURIST* . . .). It also promised the right to legal representation, and allowed for other forms of dispute resolution—like plea bargains—that were denied to individuals under the old system (Torres, p. 8).

These reforms seemed to address all the major problems that plagued the Colombian inquisitorial system. They provided citizens with the authority to challenge the excessive use of government power; they created an independent prosecutorial system, which allowed judges to act as referees and not as lords of the judicial arena; and they diffused power through-

out a multifaceted system, which made the prospect of bribery and intimidation more difficult.

Unfortunately, what looks good on paper does not always make for good governance. Although these reforms did address major structural concerns within the legal system, some scholars worry that they did little to stem the other issues—such as corruption, bribery, shoddy police work, and a general lack of infrastructure—that dogged the old system (Erazo, p. 2). Furthermore, while the 1991 reform stripped judges of their excessive power, it did not effectively curb abuses of legal authority. According to Pahl, “From the Anglo-American perspective, the [1991] Colombian system represents less a Lockean system of minimal government respecting the rights of citizens, and more a Hobbesian Leviathan capable of probing into the most intimate and private areas of a person's life, all in the name of law and order and investigative efficiency” (Pahl, p. 631). Indeed, the 1991 legal system provided little protection to citizens from abuses of what we consider civil rights. More importantly, even in cases of severe malpractice, the *tutela* proved ineffective thanks to severe backlogs within the legal system (*JURIST* . . .). Thus, the drop in impunity legislators and scholars predicted in light of the 1991 reforms never came and instead prompted another set of reforms ten years later.

These reforms came under the Uribe administration in conjunction with the United States under the Plan Colombia and sought to provide the country with a fresh approach to law and order. Essentially, Colombia abandoned the vestiges of the inquisitorial system that remained after the 1991 reform and moved to aggressively prosecute a wide range of smaller crimes with the hope of lowering the country's dismal impunity rate (Erazo, p. 5). To facilitate this, Colombia enacted Law 906, which abandoned the slow and inefficient tradition of trying cases as written arguments in favor of a purely oral system of litigation, like the one used in the United States. Law 906 also guaranteed the right to an attorney and allowed for out-of-court settlements like plea bargains as an alternative to trial (Torres, p. 8). The Uribe administration did this while simultaneously passing constitutional mandates requiring reparations to victims of violence and allowing

reduced sentences for war criminals who confess to their crimes. Unfortunately, these well-intentioned reforms have done little but exacerbate the problems latent within Colombia's criminal justice system.

The system, as imagined under Uribe and Plan Colombia, failed to effectively address the major problem plaguing it: severe judicial backlog. The reason is that the judicial system is comprised of three distinct and competing judicial organizations: a network of private courts headed by the Supreme Court that handles private civil and criminal cases; another court that handles "public" or administrative law; and a third Constitutional Court, Consejo Nacional de la Judicatura, which is responsible for protecting constitutional rights. It is to this last court that individuals may appeal via tutela. Unfortunately, these appeals often result in decisions by the Constitutional Court that disagree or undermine the rulings of the Supreme Court. In short, the different heads of Colombia's legal system often struggle to find consensus (Silva Cano). The results (discussed later) are crippling inefficiency and alarming levels of impunity.

What is more, the attempts made by Uribe under Plan Colombia to expedite the resolution of pending cases and reduce backlog resulted in the Justice and Peace Law, which allowed for former paramilitaries and guerillas to come forward and confess their crimes in return for lighter punishment (a maximum eight-year prison sentence). This law was presented as a means of moving beyond Colombia's violent past—but it has come under criticism from human rights groups, including the UN, who worry that it aids impunity and seeks to sweep human rights violations under the rug (Human Rights Watch, p. 1). Thus, Colombia is still struggling to overcome the vast array of problems that, despite numerous attempts at reform, continue to plague the criminal justice system.

Justice Denied: The Problems Facing the System Today

It is not surprising that in Colombia—a state whose democracy is in its infancy—struggles to administer justice effectively within its borders. What is surprising, however, is the

severity of Colombia's judicial ineffectiveness.

According to the World Bank, Colombia ranks 178th of 183 countries in terms of judicial efficiency (Erazo, p. 4). This means that justice is, for all intents and purposes, denied to the average Colombian citizen. According to the U.S. Office on Colombia, it takes an average of 1,346 days for a filed complaint to reach a decision (Erazo, p. 4). In 2008, the system faced a ten-year backlog of cases—meaning that a major judicial proceeding could take up to ten years to be resolved, not including appeal. The impunity rate still stands at 80 percent overall and is even higher for severe crimes, such as rape, murder, and kidnapping (Erazo, p. 4). The U.S. State Department estimates that, as of 2008, the impunity rate for murder (5 percent of crime in Colombia) is nearly 100 percent. The impunity rate for violence against women stands at 98 percent and for human rights violations at 90 percent (Erazo, p. 15).

These statistics are shocking, but numbers fail to truly represent the grave effects impunity can have on victims of violence and their families. In May 2012, a 40-year-old woman was walking home after tending to her livestock when an army commander dragged her into a bush and brutally raped her. She reported the rape to his superior, but the charge was dismissed; subsequent inquiries into her case have failed to produce a suspect. In an even more horrific case of impunity, Irina del Carmen Villero Díaz's rape and murder at the hands of a paramilitary in 2001 remains unsolved. Paramilitaries have threatened Irina's mother, Blanca Nubia Díaz, and her lawyer as they petition the government to investigate the case more aggressively, yet neither woman has received any sort of police protection, and the investigation continues to progress at a snail's pace ("Colombia: Hidden from Justice . . .," p. 18).

Why is it that, despite extensive judicial reform, impunity is such a problem? In short, the current system struggles to deal with the enormous backlog of residual cases from Colombia's dubious and ineffective history of jurisprudence. In light of this, Colombia's legal system continues to underinvest in its judiciary. Approximately 1.3 percent of the Colombian budget is allocated toward the judicial system (Silva Cano). This is so despite that, according to a report by Lawyers without

Borders Canada and the Colombia Caravana UK Lawyers Group, Colombian prosecutors remained swamped with an overwhelming amount of work (Colombian Caravana . . . , p. 22). In certain regions of the country, prosecutors are tasked with handling, on average, over 700 cases (Heyden, p. 1). Frustration over a lack of resources has persuaded some judges to embezzle funds for their pensions—and in December 2012 precipitated a strike that froze 90 percent of Colombia’s judicial proceedings (Trent, p. 1).

However, Colombia and its legal system would struggle even if impunity were not the norm and if crime were prosecuted efficiently and effectively. This is the case because Colombia’s prison system is undersized and unequipped to handle an influx in its inmate population. It is estimated that Colombia’s prison system is overcrowded by at least 38 percent³ (“Prison Overcrowding . . .”). If Colombia’s 80 percent impunity rate were to drop by 10 percent, its prison system would be physically unable to handle the influx of inmates (Erazo, p. 4). This does not even begin to touch on the conditions of the prisons themselves. The Alliance for Global Justice reports that inmates at La Tramacúa prison are given access to running water for an average of ten minutes a day, often eat food contaminated with fecal matter and bacteria, and are regularly beaten and tortured by guards (Jordan).

There seems an obvious question: how can Colombia have a very high impunity rate and a prison system that operates at 40 percent above capacity? The answer to this question is complicated, mired in politics, and indicative of deeper discord between the country’s various branches of government.

Colombia has long struggled with a high impunity rate. This is a problem for apparent reasons, but it also has grave effects on the country’s image internationally; after all, respect in the international community (already notoriously hard to come by) is difficult to garner

³Any prison overcrowding is detrimental to the well-being of inmates, but 40 percent is pretty high. In the summer of 2011, California’s prisons were overcrowded by a similar rate, and the state’s penal system spiraled into a crisis of sorts as small time offenders were released to help alleviate the enormous strain placed on prison facilities, employees, and the inmates themselves.

when statistics indicate that a country cannot exert the rule of law within its own borders. Thus, when President Uribe came to office in 2002 with the goal of modernizing Colombia’s democracy with the help of the U.S.-led Plan Colombia, the impunity rate was high on his agenda. In an effort to lower the rate, the Colombian government implemented Law 906, which essentially borrowed characteristics of the U.S. penal model, including aggressive prosecution of minor crimes. Rivera and Barreto suggest that this measure was effective in lowering the impunity rate—but only for what we would consider misdemeanor crimes: small time theft, property crimes, etc. (Erazo, p. 5). However, because these crimes are prosecuted and sentenced aggressively—with prison time—Colombia finds itself in a bind. Impunity rates are lower, as more crimes are being solved, but many of these crimes previously did not (and should not) require jail time. As a result, Colombia’s prisons are overcrowded with poor small-time offenders while the impunity rate for severe violent crimes hovers around 100 percent.⁴

The new system incorporated under Plan Colombia tried to protect the rights of the accused and mitigate this problem through *acción de tutela*. Unfortunately, thanks to the tremendous backlog in the system, the time it takes to file and hear a tutela case often further undermines the judicial process as a whole by deadlocking an already slow system with an additional slew of appeals (*JURIST* . . .). Furthermore, the Consejo Nacional de la Judicatura, which hears tutela appeals, often rules against decisions made by the highest criminal court. This greatly complicates and confuses the legal process because it undermines the criminal arm of Colombia’s judicial system and provides for yet another avenue of appeal and bureaucratic backlog (Silva Cano, p. 1). In many ways, the addition of the Consejo Nacional de la Judicatura, although intended to provide protection and fairness to Colombians, has instead pushed the system out of the realm of due process and into the realm of over process (Silva Cano, p. 1).

⁴The U.S. Office on Colombia estimates that the impunity rate for extrajudicial executions is approximately 98.5%.

Access to fair legal redress is made even more difficult by practical and bureaucratic inefficiencies within the judicial system. According to the U.S. State Department, 350 Colombian municipalities do not have a regional attorney general's office (Erazo, p. 9). This means that 31 percent of Colombia's regions do not have access to a judicial office where people can file complaints, report crimes, or contest charges filed against them (Erazo, p. 9). This problem is especially grave in rural areas, where infrastructure and access to transportation are both limited. In these instances, problems of infrastructure can be made exponentially worse when the legal system is forced to deal with internally displaced people,⁵ who may be subsisting in temporary housing structures far away from their home municipality.

Internally displaced persons pose even larger problems for the Colombian legal system than bureaucratic lag. Beyond the issues of infrastructure that stall migration from rural areas to municipal hubs where the arms of the legal system reside, internally displaced people affected by paramilitary violence are guaranteed justice under a special amendment to Colombia's constitution known as the Justice and Peace Law. Although this process is great in theory, it is a nightmare in practice. The backlogs in the legal system that make routine legal proceedings advance at a snail's pace are mired even deeper in confusion when it comes to paying constitutionally mandated reparations to internally displaced persons. Records of home ownership, municipality of origin, and countless other relevant documents are often hard to come by because most internally displaced persons hail from rural areas without electronic record keeping (Andreu-Guzmán). Thankfully, the Santos administration has made strides toward amending this problem: in 2011 it passed Law 1448 (the Law of Victims), which greatly simplified the displacement verification process (Rodríguez, p. 1).

Unfortunately, bureaucratic traffic jams are among the more pedestrian problems facing the Justice and Peace Law. It has been the opinion of many experts—including the UN

High Commission for Human Rights, the International Center for Transitional Justice, Amnesty International, and the Federation of International Human Rights—that the Justice and Peace Law seeks peace at the expense of justice and stability at the sake of fair reparations for victims and punishments for perpetrators. This is so because the system allows for demobilized paramilitaries and their colleagues to receive light punishment in exchange for their confessions.⁶ This philosophy of forgiveness seems like the first step toward a fresh start, but it works better in theory than in practice. According to the International Center for Transitional Justice, only 41 cases regarding forced displacement have been brought to the attention of the courts, resulting in nine convictions, one acquittal, and three absolvments (Andreu-Guzmán).

NGOs and legal scholars are also critical of the ways in which the Justice and Peace Law denies justice to victims of more egregious human rights violations. For example, in 2008 President Uribe allowed for paramilitary leader Giraldo Serna to be extradited to the United States to face narco-trafficking charges despite confessing to the kidnap and murder of agricultural activist Bela Henríquez (Jannish and Zill de Grenados). This is not necessarily an isolated incident: Amnesty International estimates that 90 percent of demobilized paramilitaries evaded investigation into human rights violations and that the vast majority of paramilitary leaders facing drug charges in the United States refuse to cooperate in human rights cases in Colombia. ("Impunity").

This perhaps too cordial relationship between paramilitaries and the Colombian government under the Justice and Peace Law extends beyond the realm of unseemliness and into the sphere of publicly recognized corruption. In 2006, the country faced a political disaster known as the *parapolítica* (parapolitics) scandal, when more than 30 members of Congress were revealed to have been colluding with paramilitary leaders. Among those indicted were

⁵This amounts to approximately 4 million people. Colombia has the second largest number of internally displaced people, next to Sudan.

⁶Typically, beneficiaries of this reform receive 5–8 year sentences, unless they are guilty of a severe human rights violation. The typical sentence for forced displacement, as recognized by the Colombian government in 2000, ranges between 10 and 20 years.

Mario Uribe, who is President Uribe's cousin, and Nancy Gutiérrez, who was the president of the Colombian Senate ("Colombia's 'Parapolitics' . . .").

Thus, Colombia's tense history of ineffective criminal justice lingers into the present. President Santos has made judicial reform part of his agenda, but thus far his attempts to pass any meaningful reform through Congress have failed. Nonetheless, I believe it is important to look to see what Colombia can and might do in the future to finally establish a functional and effective criminal justice system.

Progress in the Face of Impunity: Looking Forward

The focus of this article has been on the criminal justice face of the legal coin. It has exposed an arena of the law in which Colombia, due to a violent history, has long struggled to establish legitimacy. But this is not for lack of trying. As Pahl and Alcantar suggest, despite a rough legal history, Colombia has always been a country dedicated to the rule of law and order in the face of violence. Although major reforms to the legal system in 1991, 2001, and 2005 all suggest a lack of stability, they also suggest that Colombia is open to pragmatism, willing to forgo legal traditions that are clearly not working. It is this very pragmatism that has allowed for other aspects of Colombia's legal system—such as business law—to prosper while leaving the door for criminal justice reform wedged open in spite of lingering problems from the recent past.

While high impunity rates, corruption, and judicial inefficiency are alarming, they must also be contextualized. Latin America as a whole has struggled with impunity: only five of every hundred crimes are solved in Guatemala. Recent violence in Mexico has left more than 100 crimes against journalists unsolved. And Uruguay, Brazil, and Honduras all struggle with high crime rates and low prosecution numbers (Baltazar and Pastrana).

In terms of corruption, Colombia is also on par with the rest of Latin America. Transparency International, an NGO that measures corruption worldwide, ranks Colombia as a 3.4 on a 1–10 scale, with 1 most corrupt and 10 least corrupt ("Corruption Perceptions

Index . . ."). Comparatively, Venezuela is ranked at 1.9, Ecuador at 2.7, Peru at 3.4, Bolivia at 2.8, and Brazil at 3.8.⁷ Thus, Colombia might not have the best levels of perceived corruption internationally but does as well if not better than some of its neighbors.

Furthermore, although the Committee to Protect Journalists still ranks Colombia as the fifth most dangerous country in the world for journalists, the NGO concedes that this may have to do with some historical bias and notes in its most recent report that Colombia has improved its impunity rate in cases regarding violence against journalists for each of the past four years ("Getting Away with Murder . . .").

Finally, although Colombia struggles with impunity and other aspects of criminal justice, it has made enormous strides in the realm of business law. The World Bank chose to highlight Colombia's progressive business law reforms in its most recent "Doing Business" report, noting that the country is "a regional leader in narrowing the gap with the world's most efficient regulatory practice" and that, "over time, the focus of Colombia's reform efforts has shifted from reducing the cost and complexity of business regulation to strengthening legal institutions" as they pertain to contract law (Saltane, p. 1).

Conclusion

This article takes a harsh tone in assessing the state of Colombia's criminal justice system. As the analysis indicates, Colombia's impunity rates are alarmingly high. However, impunity rates are difficult to measure. Furthermore, despite their alarming levels in Colombia, they may well decrease in the future if the Colombian Congress and Santos can agree on judicial reforms that disentangle the jumbled arms of various high courts and imbue the judiciary with a clear sense of purpose—and the funding necessary to carry that purpose to its end. Additionally, although the parapolitics scandal reflects poorly on the executive branch of Colombia's government, President Santos has proved a man intent on delivering reform and

⁷Comparatively, the U.S. scored a 7.1. Nordic countries rank the highest categorically, with Finland the highest at 9.4.

deserves to be evaluated through eyes unjaded by the misdeeds of the previous administration.

Thus, the problems in Colombia do not exist in a hopeless vacuum. If Colombia can work to provide the same sweeping reforms that it instituted in the realm of business and contract law to the criminal justice system, then progress is likely. Regardless of whether or not progress comes, if this article accomplishes

nothing else it highlights the fact that, although Colombia has made strides in quieting internal conflict and opening up to foreign investors, there is still work to be done. If peace talks with the FARC usher in a new era of post-*violencia* peace, then Colombia must take this opportunity to turn its eyes further inward to focus on the enemies of peace and justice that do not outwardly defy the government.

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