

Crisis in demobilization process: Will paramilitaries in Colombia rearm – or have they already?

What is the nature of the current crisis?

On December 1, 2006, the 59 ex-AUC paramilitary leaders in government custody in La Ceja, Antioquia were transferred to a maximum-security prison in Itagüí. Feeling threatened by their transfer to prison, ex-AUC leaders met with government officials to demand respect of the guarantees they were offered in the negotiation process: that they would not be extradited, and would not face sentences of more than eight years if they complied with the justice process. Apparently unsatisfied, following that meeting ex-commanders made press statements declaring an official end to peace negotiations with the government. Although leaders have not called on the 31,000 demobilized to take up arms, they have threatened that if the Colombian Government does not make good on its promises, they will be “unable to control” the outcome. Colombian President Uribe has stated that the negotiation cannot be broken off because it is already complete, and that the justice process will proceed, headed up by the Attorney General’s office.

Does this mean paramilitary groups will rearm?

According to the Organization of American States (OAS) peace monitoring mission, this declaration has not been followed by an outbreak of violence in any of the regions of Colombia where the OAS maintains a presence. Although the recent breakdowns between the Colombian Government and paramilitary leaders may not be leading to additional rearmament, there is ample evidence to suggest that this rearmament began before this crisis, is already well advanced, and appears to be continuing:

- A December 10 report in *El Tiempo* highlights the existence of between 30 and 60 “emerging gangs” made up of demobilized paramilitaries.
- In addition, the Consultancy for Human Rights and Displacement (CODHES) reports that these newly forming groups have internally displaced at least 8,000 people in the last three months.
- Human rights groups working in the northern part of Colombia document alarming levels of continuing paramilitary control over territory, and over economic, political and social institutions. Reports by the Popular Training Institute (*IPC*) of Medellín cite a risk report prepared by the Early Warning System of the Colombian Ombudsman’s office last September 21, which states that supposedly demobilized paramilitary groups in Barranquilla “have been reconfiguring their military structures into units of hit-men who

Recommendations

- ***Monitor the paramilitary demobilization process to ensure complete dismantlement of paramilitary structures.***
- ***Insist that the Colombian Attorney General continue to pursue legal cases against demobilized paramilitaries.***
- ***Encourage the U.S. Ambassador to publicly support the victims of paramilitary violence who are speaking out against the crimes committed against them. The Embassy and Department of State must urge Colombian officials to protect the victims from harm, harassment and intimidation.***
- ***Call on USAID to develop appropriate protocols and screening to ensure US funding for alternative development is not allocated to projects implemented on land acquired by illegal means, coercion or through use of force.***
- ***Urge USAID to ensure that Risk Reports generated by the US-financed Early Warning System be made public, both to ensure adequate protection measures and to contribute to public understanding of continued paramilitary violence.***
- ***Urge the State Department to deny certification of Colombia’s human rights record in 2006.***

threaten and control the population and certain public entities...converting the metropolitan area of Barranquilla into the epicenter of action for their criminal activities on the North Coast of Colombia” (Risk Report 040-06 AI, cited by IPC).

To date there is no proof that these groups respond to orders given by any of the 59 ex-commanders imprisoned at Itagüí. However, the IPC released four press releases in November 2006 raising concerns that paramilitary commanders such as Rodrigo “Jorge 40” Tovar, Hernán Giraldo and Salvatore Mancuso continue to exert influence over these groups in the northern parts of the departments of Bolívar, Atlántico and Magdalena. To date, the Colombian Government has not announced any plans to effectively combat this rearmament.

What does this crisis mean for victims of paramilitary violence?

Our highest priority continues to be ensuring justice for the victims of paramilitary violence. The threats to rearm should not deter the Colombian Attorney General’s office from moving forward quickly and decisively to pursue the legal cases against demobilized paramilitaries who wish to take advantage of reduced sentencing offered by the Justice and Peace Law. However, **victims who want to cooperate with the justice system face two severe problems**: first, given the situation of rearmament and control described above, it is clear that security conditions are not adequate to guarantee that those who testify will not be harmed. Second, at present the majority of victims are not being allowed to hear the testimony being presented at these hearings. Although some 650 people have denounced Salvatore Mancuso as responsible for murders, massacres and forced disappearances, *El Tiempo* reported that on the first day of his hearings (December 19) the Attorney General’s office admitted only a small fraction of these victims to the room where testimony is broadcast via closed-circuit television. If victims are not allowed to hear testimony presented, they will not be able to verify if the statements being made are true and complete.

Of special concern is finding ways to allow persons internally displaced (IDPs) by the violence to return to their lands. Instead, on December 5th the Colombian Congress approved the first-round of a bill that aims to legalize lands illegally appropriated from IDPs. There is still no clear plan for dealing with the segment of the over 3 million IDPs in Colombian who wish to return to their lands: this should be an integral part of all reparations plans.

For more information:

Otis, John. “Paramilitaries put pressure on Uribe to keep the peace.” *The Houston Chronicle*, December 8, 2006.
<http://www.chron.com/disp/story.mpl/world/4387278.html>

Muse, Toby. “Future of Colombian paramilitary peace process uncertain after talks end.” *The Miami Herald*, December 8, 2006.
<http://www.miami.com/mld/miamiherald/news/world/americas/16190998.htm>

“Salvatore Mancuso acudió hoy a la Fiscalía por segundo día consecutivo a rendir versión libre.” *El Tiempo*, December 20, 2006.
http://www.eltiempo.com/justicia/juicio_paras/paramilitares/ARTICULO-WEB-NOTA_INTERIOR-3373052.html

“Se calcula que hay entre 30 y 60 ‘bandas emergentes’ surgidas de los grupos ‘paras’ desmovilizados.” *El Tiempo*, December 10, 2006.
http://www.eltiempo.com/conflicto/noticias/ARTICULO-WEB-NOTA_INTERIOR-3360296.html

Colombian Commission of Jurists. “Se aprobó en primer debate proyecto de ley que permite la legalización del despojo armado de tierras.” Boletín no. 11 Serie sobre los derechos de las víctimas y la aplicación de la Ley 975, December 11, 2006.
http://www.coljuristas.org/documentos/documentos_pag/BoletinNo11.pdf

Contact:

Gimena Sánchez-Garzoli, Senior Associate for Colombia and Haiti
Washington Office on Latin America
202-797-2171

Heather Hanson, Executive Director
U.S. Office on Colombia
202-232-8090

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