

NEED FOR CAREFUL CONGRESSIONAL MONITORING OF PARAMILITARY DEMOBILIZATION IN COLOMBIA

What is the paramilitary demobilization?

The paramilitary demobilization process aims to ensure that members of the paramilitary United Self-Defense Forces of Colombia-AUC (*Autodefensas Unidas de Colombia*) – an organization that is on the US list of Foreign Terrorist Organizations (FTOs) – turn in their arms and dismantle their organizational structures. To date, 30,144 paramilitary combatants have demobilized and begun the complicated process of reintegration into civilian life.

Are demobilized paramilitaries forming new illegal groups?

The February 2006 report of the Organization of American States (OAS) monitoring mission in Colombia indicates that these illegal structures may be taking new forms rather than disappearing. This has led many to ask if the demobilization process will be effective at eliminating these groups, or if the process will simply allow the groups to legalize their activities. In at least five of Colombia's thirty-two departments, ***the OAS has documented that demobilized paramilitaries have continued participation in armed activities.*** The United Nations High Commissioner for Human Rights office in Colombia reports that there is recruitment of youth (boys and girls) in Antioquia, Arauca and Norte de Santander. In at least eight Colombian departments, ***the OAS has found evidence of the formation of new paramilitary groups and the strengthening of existing armed structures.***

Will ex-paramilitaries escape justice?

The "Justice and Peace" law, passed by the Colombian Congress in 2005, offers reduced sentencing for paramilitaries who opt to participate in the demobilization. Unfortunately, it does not require full confession of past crimes and human rights violations, and does not require individuals to turn over all illegally obtained assets. The law gives the Attorney General's office an unfeasibly short amount of time to bring charges and to bring cases to trial. Despite modifications made in December 2005 in the codes governing the application of the law, serious flaws remain. On May 18, the Colombian Constitutional Court took the positive step of issuing a ruling that will modify several of the law's most troubling provisions. However, implementing these newly toughened provisions – for instance, requiring full confessions of former paramilitaries, and seizing their leaders' assets, both legal and illegal – will demand that Colombian authorities demonstrate an inordinate amount of political will. Monitoring by the U.S. Congress is needed to ensure the new provisions are implemented.

What will happen to the victims?

According to the UN High Commissioner for Refugees (UNHCR), Colombia's estimated 2-3 million internally displaced persons (IDPs) rank number two after the Sudan as the world's largest internally displaced population. CODHES estimates the actual number of IDPs at 3.6 million, reporting that from 1995 to 2003 Colombians were forced to abandon an estimated 4.8 million hectares of land. A just demobilization process would guarantee that lands obtained through use of force will be returned to their rightful owners. To date, however, there have been no significant recoveries of illegally obtained land, and the Commission set up as part of the demobilization has not officially established internally displaced persons as a population deserving specific consideration.

HIGHLIGHTS

- ***The OAS and the UN have documented the continued participation of paramilitaries in armed activities, and reported evidence that new paramilitary groups are being formed.***
- It is unclear whether the implementation of the demobilization process will fully take into account the May 18th ruling of the Colombian Constitutional Court, which would require full confessions and seizing leaders' illegal and legal assets.
- To date, ***none of the paramilitary leaders who are wanted for extradition to the US have been extradited.***
- To date, ***no stolen land has been formally returned to its rightful owners who were forcibly displaced by paramilitaries.***

U.S. Funding for the Demobilization Process

The U.S. has released up to \$15.5 million of FY2005 funds to support the ongoing paramilitary demobilization process in Colombia. The Foreign Operations, Export Financing and Related Programs Appropriations Act of 2006 allocates an additional \$20 million to the process. At the same time, this legislation details several conditions that must be met for U.S. assistance to be offered:

- 1) Individuals participating in the programs must meet all the requirements of the Colombia Demobilization Program, including renouncing their affiliation and involvement with the armed group, disclosing their involvement in past crimes, and providing information on the organizational structures, financing sources and illegal assets of the organization. In addition, they need to disclose the location of kidnapping victims and of the bodies of the disappeared;
- 2) The Colombian government is fully cooperating with U.S. extradition requests;
- 3) The Colombian government is "implementing a concrete and workable framework for dismantling the organizational structures of foreign terrorist organizations."

Recommendations

- Members of Congress should encourage the U.S. Embassy in Colombia and the U.S. Department of State to fully enforce the conditions on the demobilization and disarmament of former irregular combatants in Colombia that are found in U.S. legislation.
- It is essential that Members of Congress insist that the changes to the Justice and Peace law presented by the Constitutional Court are fully implemented and enforced so as to ensure that paramilitary networks are dismantled, investigators are able to uncover the truth, and victims' rights are respected.
- Members of Congress should urge the Colombian Government to ensure return of stolen lands to their rightful owners, and should look favorably on all U.S. funding initiatives designed to support such land returns.

For more information:

Post-Election Colombia: Careful Monitoring of the Paramilitary Demobilization Should Be Top Priority for Members of U.S. Congress, Washington Office on Latin America, U.S. Office on Latin America, Latin America Working Group Education Fund, and the Center for International Policy. May 30, 2006.
<http://www.wola.org/publications/FINAL%20hill%20drop%20May%2030.pdf>

Sixth Quarterly Report of the Secretary General to the Permanent Council on the Mission to Support the Peace Process in Colombia (MAPP/OEA), February 6, 2006. OEA/Ser.G CP/doc.4075/06.
<http://www.reliefweb.int/library/documents/2006/oas-col-1mar.pdf#search='mapp%20oea'>

Report of the High Commissioner for Human Rights on the Situation in Colombia, United Nations Commission on Human Rights, January 20, 2006. E/CN.4/2006/009

The State of the World's Refugees: Human Displacement in the New Millennium, United Nations High Commission on Refugees, April 2006.

Peace- or Paramilitarization? Adam Isacson, Center for International Policy, July 2005.
<http://www.ciponline.org/colombia/0507ipr.htm>

Smoke and Mirrors: Colombia's Demobilization of Paramilitary Groups. Human Rights Watch, August 2005.
<http://hrw.org/reports/2005/colombia0805/>

Desafios para construir nación, El país ante el desplazamiento, el conflicto armado y la crisis humanitaria, 1995-2005. Colombian Episcopal Conference National Secretary of the Social Ministry and CODHES, 2006.

Court Fixes Flaws in Demobilization Law: Constitutional Ruling Requires Paramilitaries to Confess. Human Rights Watch Press Release, May 19, 2006.
<http://hrw.org/english/docs/2006/05/19/colomb13430.htm>