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President Uribe Offers Leniency to Paramilitaries

by LADB Staff

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Colombian President Alvaro Uribe, who has high public support of about 65%, has clashed with national and international human rights groups in recent weeks. First he sent a bill to Congress that would effectively grant impunity to paramilitary fighters. He then attacked human rights organizations, implying that they were mouthpieces or worse for the leftist rebels. Human rights groups like Amnesty International (AI) and Human Rights Watch (HRW) hold the paramilitary groups responsible for the majority of serious human rights abuses in Colombia's civil war.

The Comision Colombiana de Juristas (CCJ) reported that, since mid-1996, paramilitary groups have murdered 11,728 people, left-wing rebels have killed 3,318, and members of the state security forces have killed 923. Bill would give human rights abusers impunity Although the administration's bill, introduced in Congress Aug. 21, would apply to members of both the right- and left-wing armed groups in Colombia's four-decade civil war, the paramilitary groups are much more likely to benefit.

Both leftist insurgent groups the Fuerzas Armadas Revolucionarias de Colombia (FARC) and the Ejercito de Liberacion Nacional (ELN) have rejected the plan. The government, which is involved in peace talks with the paramilitary Autodefensas Unidas de Colombia (AUC), recently announced a plan for the gradual demobilization of the group, to be completed by Dec. 31, 2005.

Uribe said the bill would help with the demobilization, saving lives and giving the two leftist guerrilla groups an incentive to negotiate since they, too, would be covered by the proposed law. It would circumvent the constitutional provision that sentences handed down to those guilty of atrocities cannot be suspended. Under the terms of the bill, human rights violators would be able to avoid prison sentences by serving parole or house arrest and compensating victims by providing community services, turning in their land, and paying fines.

The UN and even some of Uribe's conservative allies say the legislation would be a travesty, allowing some of the most brutal killers in the Colombian conflict to avoid justice.

"Society has a barrier it will not cross and it is that atrocities are not forgiven," said Partido Liberal Sen. Rafael Pardo, who backed Uribe's election campaign, to Colombian newspaper El Tiempo.

"You turn in a farm and that compensates for a massacre?" Pardo said that "the suspension of prison sentences" is a "euphemism" for the stark reality that the former combatants "will not spend a single day in prison." This "is the same as telling people that those guilty of crimes like terrorism, drug trafficking, and genocide will not go to jail," while "people who commit crimes like muggings face between five and eight years in prison."

US in ambivalent role

The proposed law also appears to contradict US policy in Colombia since the US State Department lists the AUC, as well as the FARC and the ELN, as terrorist groups, and a federal court in Washington, DC, last year indicted AUC leaders Carlos Castano and Salvatore Mancuso for trafficking cocaine (see NotiSur, 2002-12-06). Castano has told the press that 70% of AUC's financing comes from the drug trade.

However, The New York Times reported on Sept. 15 that the US had provided advice to Bogota on drafting the legislation. A communique released Aug. 28 by the office of the UN High Commissioner for Human Rights (UNHCHR) in Colombia said the bill offers perpetrators of atrocities alternatives to prison sentences that are overly lenient and that would violate the principles of just retribution and proportionality of punishment.

"The bill opens the door to impunity because it throws out jail time and allows those responsible not to serve a single day in prison," said the UN organization.

But government peace commissioner Luis Carlos Restrepo, who helped draft the bill, told *Semana* magazine that the bill is "based on principles of truth, justice, and reparations." He said the aim of alternative forms of punishment is "to modify the notion of wreaking vengeance through inflicting pain on the victimizer by means of a prison sentence." He said the bill satisfies the need of the victims' families to find out what happened to their loved ones because it provides for an investigation and clarification of the murder or forced disappearance.

But The New York Times quoted a "Western diplomat" who said the proposed law offers no mechanism to ensure serious investigation. The diplomat said several drug traffickers had already bought positions in the AUC in the hope of avoiding jail time and retaining their ill-gotten gains. "What is happening here is the biggest legal money-laundering and drug- profiting operation ever seen," the diplomat said.

Deputy Gustavo Petro of the Polo Democratico said he could not vote for a law that paves the way for impunity. He said a bill that addressed the need to find the truth about the atrocities committed by the paramilitaries would also reveal which social and economic sectors support them.

Petro, a former member of M-19 guerrillas, said reparations should not only go to survivors of human rights abuses and families of victims but also to the hundreds of thousands of refugees and internally displaced people, mainly campesinos, who have been forced to flee their homes. If such requisites are not met, and if the paramilitary movement's social base is not revealed to the public, those sectors will merely continue to finance the militias, he said. And if justice is not done, "all we'll have is war criminals who believe they can be pardoned and let off the hook."

Speaking for HRW, Robin Kirk, author of *More Terrible Than Death: Massacres, Drugs and America's War in Colombia*, called on US President George W. Bush's administration to cut off aid to Colombia if the proposal is adopted. "Washington's response should be unequivocal," Kirk said on Sept. 1. "If Colombia is serious about human rights and wants to continue receiving millions in aid, it cannot allow known criminals to escape justice by, in effect, writing a check."

Uribe links human rights groups to guerrillas

On Sept. 1, about 50 human rights and social activists protested the persecution of activists by the security forces. "The recent detention of 42 social activists and human rights defenders in Saravena, department of Arauca, 28 of whom remain under arrest, appears to be part of an ongoing coordinated campaign to undermine the work of trade unionists and human rights activists and expose these sectors to increased attack from army-backed paramilitaries," AI said in a communique released Aug. 28. "Trade unionists and other human rights defenders in the department of Arauca are facing a coordinated military-paramilitary strategy to label them and their organizations as subversive, thereby exposing them to arbitrary judicial proceedings and risk of violent attack by paramilitary groups."

After the protest, the government announced that it would create a commission to discuss the complaints. Instead of a government effort to improve the situation of rights workers, however, Uribe joined his voice with those attacking them.

On Sept. 8, during a speech at a military ceremony in the capital, the president said human rights groups critical of his crackdown on leftist rebels are cowards and terrorist sympathizers.

"When the terrorists begin to feel weakened, they immediately send their spokespeople for the human rights groups," Uribe said. He accused the groups of being "at the service of terrorism" and of "copying many of their criticisms from the FARC's Web site" His words came the same day that the Plataforma Colombiana por los Derechos Humanos, Democracia y Desarrollo, a group of 80 human rights groups and other nongovernmental organizations (NGOs), released a report critical of Uribe's crackdown.

The report, *The Authoritarian Spell: the First Year of Government of Alvaro Uribe Velez*, assesses the government's policies, pointing to shortcomings in education, health, labor, housing, and food security. Among the groups contributing to the report were the CCJ, the Consultoria para los Derechos Humanos y el Desplazamiento (CODHES), and the Jesuit-affiliated Centro de Investigacion y Educacion Popular (CINEP).

Alirio Uribe (no relation to the president), head of the Colectivo de Abogados Jose Alvear Restrepo, had presented the report, which said Uribe's "strategies of war and repression have been directed against the civilian population." It accused the armed forces of using excessive force and putting civilian lives at risk. It also accused the government of ignoring the plight of thousands of people displaced by the fighting and said the government's premise that the military campaign is designed to strengthen democracy is a disguise for repression and the militarization of society.

Since July 2002, there have been at least 7,000 politically motivated killings, said Gustavo Gallon, director of the CCJ. "That figure is twice the number of deaths reported five years ago, at the start of the government of Andres Pastrana (1998-2002)." Only 25% to 30% of the deaths occurred in combat. Gallon said that the human rights situation in Colombia is "extremely dire" and that Uribe's national security policy "has given rise to systematic human rights violations."

Uribe's words called a "death sentence" for rights workers

The NGOs and human rights groups called Uribe's accusations "dangerous." In Colombia, labeling individuals or groups as supporters of one of the outlawed armed groups can prove fatal. Both the rebels and the paramilitary groups often execute civilians suspected of helping the other side.

Last year, 17 human rights workers were killed or disappeared, according to the CCJ. Dozens more fled the country after receiving death threats. Alirio Uribe said most of the information in the report came from official sources and Colombian media. He said the president's words were "a death sentence" for people connected to the group because they could be seen by paramilitaries as a green light to attack human rights workers. "The lives of human rights defenders lie in the hands of the president," he said.

"This shows what we have always affirmed, that Uribe's commitment has always been with the paramilitaries," said Wilson Borja, a congressional deputy who was seriously wounded in an assassination attempt in which paramilitary fighters played a role. The Washington Office on Latin American (WOLA) said that Uribe's statements were "indiscriminate and unjust."

In his 25-minute nationally televised address, Uribe repeated the words terrorism, terrorist, or terrorists 55 times. But WOLA said that "terrorist" was only used to refer to guerrilla forces, while paramilitaries were referred to as "private justice groups."

"If the government has evidence to suggest that any particular organization is engaged in illegal activity under Colombian law, that evidence should be presented to a court of law and judged accordingly," WOLA underlined. If not, "statements characterizing human rights organizations as linked to terrorism are simply irresponsible and place the lives of all Colombian human rights defenders at risk."

In a communique on Sept. 2, AI also noted that the security forces and their paramilitary allies label human rights workers subversives to silence their campaigns in defence of human rights and justice. AI said that "intolerance toward criticism leads toward an authoritarian society."

Despite the danger to the human rights workers, armed forces commander Gen. Jorge Enrique Mora piled on criticism on Sept. 2, saying the Colombian people shared the view that "those organizations are, without doubt, wrong." Mora said rights groups resorted to allegations of complicity between his troops and paramilitary factions to justify their own existence.

On Sept. 11, Uribe again attacked human rights groups when he visited the site of a guerrilla attack that left eight dead. "Where are the acts of solidarity, even the expressions of sympathy, from those who talk so much of human rights," said Uribe. He said he was not concerned with the accusations of authoritarianism from such groups. "My commitment is to you regardless of what those sponsors of the defenders of terrorists say."

Vice President Francisco Santos had confirmed that he would attend the closing session of the international human rights conference, held in a hotel in Bogota, to hear its conclusions first-hand. But the organizers said that, after Uribe's fresh attack, the vice president would not be welcome at the conference. "Far from retracting or toning down his statements, Uribe has declared war" on human rights groups, said Gallon. "Under these circumstances, the climate is not appropriate for the vice president to be here."

On Sept. 16, Uribe said he would apologize for the "tone" but not the substance of his remarks about human rights groups. "Human rights groups need protection from the government and paramilitary leaders deserve hostility not, as Mr. Uribe seems to think, the other way around," said a New York Times editorial Sept. 20.

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