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## Some Paramilitarys Demobilize

by LADB Staff

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In what many reporters described as a made-for-TV production, 855 fighters of the Bloque Cacique Nutibara of Colombia's right-wing paramilitary Autodefensas Unidas de Colombia (AUC) piled weapons and ammunition on the floor of the Medellin convention center. The government touted the Nov. 25 disarmament ceremony as a first step toward ending four decades of war. Many national and international human rights organizations, however, saw it as a confirmation that President Alvaro Uribe was at best facilitating the impunity of paramilitary groups and at worst merely recycling them.

Government representatives and AUC leaders signed the Acuerdo de Santa Fe de Ralito on July 15 in which the AUC agreed to demobilize 11,000 troops by the end of 2005. Uribe said he hoped that process would serve as a model for future negotiations with guerrilla groups to end the 39-year civil war (see NotiSur, 2003-09-26). Several other paramilitary factions have started talks with the government to begin formal independent negotiations.

Uribe has been waging all-out war on the two leftist rebel groups, the Fuerzas Armadas Revolucionarias de Colombia (FARC) and the Ejercito de Liberacion Nacional (ELN), while negotiating the demobilization of the paramilitary groups.

Ceremony includes videotaped messages from AUC leaders "Admittedly, we have committed some excesses," said AUC leader Carlos Castano in a videotaped message played at the ceremony, which was broadcast live on Colombian TV.

Giovanni Marin, a Cacique Nutibara commander, then stood before the gathered fighters and dignitaries and apologized to the Colombian nation for "the suffering caused." He said, "The military and political structure of the Bloque Cacique Nutibara has been permanently disbanded. Let us hope the violent times will end."

The ceremony in Colombia's second-largest city was attended by national and local officials, including the government's peace commissioner Luis Carlos Restrepo and Medellin mayor-elect Sergio Fajardo. "This a huge advance and a demonstration of peace," said Restrepo. "It will help rebuild hope."

Notably absent from the ceremony was the Cacique Nutibara top commander Diego Murillo Bejarano, known in paramilitary ranks as Adolfo Paz and in the drug underworld as Don Berna. He also sent a video, however. In the 1990s, Murillo worked as head of security for a family of drug lords connected to the Medellin cartel. He had ties to the country's largest band of assassins-for-hire, La Terraza.

Colombian prosecutors and US Drug Enforcement Administration (DEA) sources say they currently regard him as one of Colombia's biggest cocaine barons. Murillo and other paramilitary leaders, including top AUC commanders Castano and Salvatore Mancuso, are still negotiating the terms of their surrender with the government. In addition to immunity for past crimes, they want a guarantee they will not be extradited to stand trial in US courts.

### *Reinsertion process off to shaky start*

Following the ceremony, the demobilized fighters were taken to a former club for state employees at La Ceja, 35 km east of Medellin. They were to remain there several weeks, during which time they were to receive job training and help in rejoining civilian life. "What you have here is a clear commitment to bring these people returning to civilian life all the conditions that could allow them a useful life within democracy," Restrepo said. "We take this first important step forward in dismantling the AUC, and we hope, of course, that this opens the way to future demobilizations of fronts and blocs of the AUC all over the nation."

Most members of Murillo's unit are young and grew up in the poor, peripheral neighborhoods of Medellin, and many already had ties with illegal groups, particularly in the drug trade. In a survey of the demobilized paramilitaries released by the Departamento Administrativo Nacional de Estadística (DANE), when asked about their futures, 85% said they wanted to settle down in Medellin. The survey found that 25% have been involved with the AUC for less than a year, 25% are married, a majority have children who depend on them financially, and more than half want to finish secondary school so that they can pursue work in security, business, or transportation. The typical fighter is a man, 18 or 19 years old, and more than half had not finished high school.

Marin said in an interview in the Nov. 23 issue of the magazine *Semana* that Cacique Nutibara wants to become a political movement. "We have known from the beginning that at some point we would look for dialogue with the government to continue our ideas legally," he said, "and now we are moving toward creating a political movement that will be able to develop a proposal for capitalism with a social sense."

On Nov. 26, the newly demobilized paramilitaries ran into their first legal obstacle when the Tribunal Administrativo of Antioquia ruled that municipal funds could not be used for the social reinsertion process. Mayor Luis Perez Gutierrez said the ruling was not that important and said resources were available to fund the process until the end of the year.

On Dec. 10, the Colombian government announced that it was reorganizing the program for demobilized paramilitaries, because applications for help had exceeded calculations. Interior Minister Sabas Pretelt de la Vega said that more than 2,500 people had applied for assistance through the program, while 100 were protesting in front of the program office in Bogota because of the delay in obtaining assistance. "The truth is that the number has been much greater than we expected," he said, adding that "some shelters have been set up that now are insufficient. We have named an expert to reorganize things."

The Programa de Atencion Humanitaria al Desmovilizado (PAHD) offers economic, educational, and medical assistance, plus help with documents for those being reincorporated into civilian life and something security protection. Process receives much criticism Jose Miguel Vivanco, head of the Americas division of Human Rights Watch (HRW), called the ceremony "a travesty." In a statement, he said, "Instead of handing these criminals a microphone, the government should be concentrating on arresting them and bringing them to justice."

Other critics pointed out that no clear rules have been laid out to ensure that those guilty of serious crimes are brought to justice. They also warn that no mechanisms are in place to ensure that the demobilizing fighters do not join other illegal groups or commit further crimes.

Restrepo said few of the 800 militia were likely guilty of atrocities, although it was not clear how he determined that. "It is very probable that most of them don't have serious problems with the law, other than belonging to an illegal armed group," he said.

"When you look at what's possible, between 15,000 and 20,000 people being disarmed and a radical decrease in human- rights violations, that's something you have to pursue," said Colombian Vice President Francisco Santos.

"There's a price to pay, but I think in the end the benefits will be tremendous for Colombia. The reduction of violence will be dramatic." Sen. Carlos Gaviria, an Uribe critic, agreed the president should pursue a disarmament deal, but said justice should not be sacrificed for peace. "I believe in the search for peace through negotiation and dialogue," he said. "This does not mean that peace should be sought at any price. If we are going to rebuild our destroyed society, the message can't be that it can be rebuilt from a base of impunity."

Meanwhile, the Uribe government has asked the attorney general's office to suspend all arrest orders pending against members of the Cacique Nutibara bloc.

### *Government responds to AUC demands*

In August, the Uribe administration presented a bill to the Senate to suspend charges for atrocities committed by members of irregular armed groups who agree to demobilize. They would instead receive lesser punishments that would include a ban on holding public office, carrying weapons, or living near anyone whom they have victimized or the victims' families. They would also have to confess to their crimes and compensate victims by paying fines, turning in their land, and performing community service. But protests in Colombia and abroad prompted Interior Minister Pretelt to announce that the government would be open to revise to the proposal.

A UN official, speaking on condition of anonymity, said the penalties in the government proposal were disproportionate to the seriousness of the crimes committed, and their application could support arguments that international courts have jurisdiction regarding the Colombian crimes. The hotly debated proposal is still pending before Congress, stalled because of the international objections and the opposition of many legislators to supporting "symbolic" punishment to

paramilitary leaders accused of massacres, forced displacement of campesinos, kidnappings, and other crimes.

The AUC is widely blamed for some of the worst atrocities in Colombia's conflict. The US said that, not only would its extradition requests remain in place, but others would be added against paramilitary commanders linked to drug trafficking. The AUC is included on the US and European Union (EU) lists of international terrorist organizations as are the FARC and ELN and US justice authorities have requested the extradition of Castano and of Mancuso on drug-trafficking charges.

On Nov. 17, Castano made a proposal to Restrepo on the AUC Web site calling for an agreement similar to the one the US is demanding of its allies to exempt US citizens from any actions at the International Criminal Court (ICC). Colombia recently signed an agreement with the US that protects US citizens from ICC jurisdiction for genocide, crimes against humanity, and war crimes.

In early October, Washington released US\$5 million in military aid to Colombia, after convincing Bogota to cooperate regarding the ICC. "Something along those lines" could be agreed to by the paramilitaries and the government of Alvaro Uribe, said Castano on the Web site.

In the past few weeks, Castano has repeatedly asked for legal guarantees for fighters who lay down their weapons as part of the peace negotiations. "We don't think it would be fair that they put us in prison," he said. "We must be certain" the agreements have national and international scope.

Castano has been named as the person responsible for some of the most shocking crimes in Colombia's recent history. In January, at least 35 criminal cases were filed against him, with 27 arrest orders. Among his alleged crimes are several particularly brutal massacres and the assassination of human rights workers Mario Calderon and Elsa Alvarado.

On Feb. 18, 2000, some 300 fighters under Castano's command entered the northern town of El Salado, set up a "court" in the main plaza and for two days took prisoners, tortured and killed 36 residents, stabbing or shooting them to death. "For them it was like a big party. They drank and danced and celebrated while they killed our people as if they were dogs," a survivor told journalists months later.

The human rights database of the Jesuit Centro de Investigacion y Educacion Popular (CINEP) said that the paramilitaries, "in January 1998 alone, had 11,388 victims, of which 7,096 were executed, 1,180 were forced disappearances, and 753 were tortured." Castano has been sentenced to three prison terms: 22 years for the assassination of leftist Bernardo Jaramillo, 40 years for the massacre of 25 people, and another 40 years for assassinating 30 individuals.

### *Process lacks planning, follow-through*

Human rights activists and political observers are wary of the demobilization. Critics say the government's approach lacks the coherence to make the process succeed and offers too many concessions to some of the most ruthless fighters in the nation's history. This is the first major

demobilization of armed groups since the administration of former President Cesar Gaviria (1990-1994) organized a similar event in 1977 in a bid for peace with the FARC and the ELN guerrillas. That effort did not succeed, say experts, because of mistakes made in implementing the demobilization.

Many of the guerrillas demobilized in that process returned to the insurgency movement, says Luis Pardo, former director of Reinsercion, a program for helping the former fighters to reinsert themselves into society. The key requirements for success, he said, are to establish clear roles for the national and local governments in the process, maintain information about the individuals who are demobilized, and include international monitoring of the demobilization. This was not done in the late 1990s and is not being done now, said Pardo.

Amnesty International (AI) researchers Peter Drury and Marcelo Pollack believe that the peace process involving the AUC, and specifically the demobilization of the Cacique Nutibara bloc, is full of holes. They say it is not clear who the individuals are who are being demobilized and what activities they will engage in once the reinsertion phase is done.

The Uribe government's policy of "democratic security," the framework in which the demobilizations are being carried out, leaves the door open for a preserving paramilitarism. The international human rights groups fear that demobilized fighters could be absorbed into state-sponsored security forces, such as the nationwide civilian informants' network, or private security companies. "We're worried that this is a recycling of combatants," said Drury. "It's the creation of paramilitarism under a new legal guise."

The government wants to concentrate the demobilized fighters in a half-dozen areas and provide education, health care, and job training to help the transition to civilian life, a program estimated to cost US\$130 million. But the process is likely to be difficult given that most of them have spent years at war and know little else. There is a concern that many fighters will join another paramilitary faction or move into drug trafficking.

Residents of Medellin have reported in recent months that individuals saying they were from the AUC have offered security services or tried to coerce them into joining the illegal group, said a human rights activist who spoke on condition of anonymity for personal safety reasons. In this context, the demobilization could be such that one day the fighters are part of the organization and the next they are part of legalized private security groups," the source said.

The most serious charge about the demobilization was that it was a farce, a spectacle put on to try to clean up the images of the leaders, many of whom are involved in drugs. The US should examine the process closely rather than support it, said independent Deputy Gustavo Petro. He said that "key details need to be examined, such as why almost 900 people turned over only 112 arms. That means that a large part of the arms were hidden or, simply, that those who turned over their arms were not paramilitaries."

"The major questions that the government has not answered, despite its saying that the process has the support of the US, are, first, whether people are going to be pardoned for crimes such as drug

trafficking or serious crimes against humanity, and whether Uribe is going to allow paramilitary leaders such as Don Berna [Murillo] to keep the wealth obtained from drug trafficking." said Petro. "We are talking about at least 6 million ha of land, without mentioning bank accounts. If the answer is affirmative and the government does nothing, it would be the largest money-laundering in the history of Colombia done with official backing."

On Dec. 3, Uribe eliminated the reward offered for the capture of paramilitary leaders. Nevertheless, in a new plan- -Colombia Acts Against Terrorism the government increased to more than US\$1 million the reward for those who provide information leading to the capture of the leftist guerrilla leaders. The government said the paramilitary leaders were taken off the list because they had entered negotiations.

On Dec. 8, Attorney General Luis Camilo Osorio said on TV that, at the request of the Uribe administration, his office had suspended the capture orders for paramilitary leaders Murillo and Eduardo Cifuentes.

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