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Shortly after initiating talks with paramilitary chiefs in 2002, Colombian President Alvaro Uribe's government promised legislation that would provide incentives for the right-wing warlords to demobilize their troops while punishing them for human rights atrocities and compensating the victims.

More than two years later, the Autodefensas Unidas de Colombia (AUC) has begun disbanding units across the country, but the government still has not set up the legal framework and has asked a politically diverse group of lawmakers to hold off on introducing such legislation.

Foreign Relations Minister Carolina Barco said this week the government would not unveil its own proposal until a Feb. 3-4 diplomatic conference in the Caribbean city of Cartagena. Promoting the measure internationally is vital for financing the demobilizations for providing the former fighters with jobs and incorporating them into civilian life. The European Union (EU) recently decided to provide funds if Colombia establishes processes ensuring "truth, justice, and reparations."

The paramilitary movement dates back to the early 1980s, when ranchers, military officers, and drug traffickers began forming armed groups to ward off attacks by left-wing guerrillas. The paramilitaries, fighting on the government's side, have committed most of the country's civilian massacres since then. To provide national coordination, the AUC formed in 1997. Paramilitary ranks had multiplied to an estimated 15,000 troops when Uribe took office Aug. 7, 2002.

Government negotiations with the AUC began later that year (see NotiSur, 2002-12-06, 2002-07-26). For the last six months, the talks have taken place in the northwestern town of Santa Fe de Ralito, part of a 228 sq km haven where the government has agreed to protect AUC leaders from arrest (see NotiSur, 2004-06-04).

The AUC has agreed to disarm all its units by the end of next year. Those include more than 3,000 by the end of this month. AUC chief Salvatore Mancuso and other paramilitary leaders have demanded amnesty, but Colombian law bans pardoning anyone guilty of atrocities such as kidnapping and homicide.

The Uribe administration's first attempt at demobilization legislation was a US-backed bill in 2003 that would have allowed the fighters, even those convicted of massacres, to evade jail time and reparations in exchange for disarming (see NotiSur, 2003-12-19, 2003-07-18).

The UN High Commissioner for Human Rights (UNHCHR) office in Bogota said the bill would have violated international law and promoted impunity.
Responding to such criticism, the government replaced that legislation in April, proposing that disarmed paramilitary fighters guilty of atrocities be sentenced to 5-10 years instead of 40, as allowed under current law. But that version did not specify whether the offenders would go to ordinary prisons, mentioning only unspecified "detention centers." And the bill did not hinge the leniency on paramilitary commanders completely dismantling their forces, confessing their crimes, providing information on paramilitary activity, helping with criminal probes, turning in illegally obtained property, or compensating victims.

Under fire from human rights advocates, that bill also went nowhere. A handful of lawmakers, meanwhile, began quietly crafting their own proposal this summer. They ranged from Rep. Wilson Borja Diaz, a former trade unionist wounded in a 2000 paramilitary assassination attempt, to Sen. Rafael Pardo Rueda, a former defense minister who supports Uribe.

In October they finished a draft and presented it to the administration, whose backing would be vital for congressional passage. Their proposal, like the government’s, would pardon disarmed paramilitaries who have committed only minor crimes and sentences the serious offenders to 5-10 years. But the lawmakers have specified regular prisons, eliminating the possibility of luxurious "house arrests." To receive the sentence reduction, the fighters would also have to confess, provide reparations, and turn over ill-gotten gains, making it conceivable that some of Colombia's three million displaced persons could recover their land.

The measure would create a legal unit to investigate the crimes, an independent tribunal for judgments and sentences, and a panel to oversee the reparations. The victims would take part in the processes, and the government would provide the compensation if the perpetrator lacked the resources. The lawmakers would also require the former fighters to provide information on their organizations.

"Impunity will continue if it's not known how many paramilitaries there really are, who has been financing or sponsoring or tolerating them, which of them are part of the government, and what crimes they've committed," said Eduardo Carreno Wilches, director of the Jose Alvear Restrepo Lawyers Collective, a Colombian human rights group. The proposal does not address extradition, a process many Colombians consider an affront to sovereignty. "Even assassins like the paramilitaries should be judged here, not abroad," Borja said. But the prospect of Colombian sentences, even short ones, has not sat well with paramilitaries.

A statement last month from a group known as the Bloque Central Bolivar (BCB) accused Borja of guerrilla ties and slammed his proposal. "The claim that the law is designed both for guerrillas and paramilitaries is absolutely false," the statement said. "The Marxist guerrillas will never negotiate under the terms this law proposes."

Meanwhile, the co-director of the Partido Liberal, Sen. Piedad Cordoba Ruiz, proposed legislation on Dec. 6 that would require much tougher penalties for disarmed paramilitaries. Her bill would imprison those who have committed atrocities for 15-20 years.
Sen. Guillermo Chavez of Norte de Santander province, site of the largest demobilization to date, was confident that a demobilization bill would eventually pass. "The only thing that's not possible," said Chavez, a Partido Conservador member who supports Uribe, "is that there won't be a penalty for the crimes." Any measure approved by Congress would go before the Corte Constitucional, a body known for its independence.

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