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Human Rights Groups Criticize "Peace and Justice" Process of Negotiating with Paramilitaries

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The Colombian government is attempting to speed up the process of negotiations with paramilitary groups responsible for the majority of human rights crimes in the country's armed conflict. The Congress hopes to complete months of work on a "Peace and Justice" bill that would outline terms for the demobilization, punishment, and pardon for those paramilitary fighters guilty of lesser crimes. Human rights groups and US senators, among others, are criticizing the bill as a potential route to impunity for war criminals.

Demobilizations continue, though conflict persists

A number of issues have slowed negotiations between the paramilitaries (paras) and the government. Leaders of the Autodefensas Unidas de Colombia (AUC) have demanded that they not be subject to extradition to the US and that crimes they may have committed as paramilitaries be either overlooked or lightly punished. Debate in the Congress has repeatedly slowed the process.

A decision by President Alvaro Uribe to have police hunt down and arrest a top paramilitary leader also threatened to shut down talks, though paramilitary leaders later said they would continue the talks. The Colombian government hopes to completely disarm the AUC's approximately 15,000 members by the end of this year. In a ceremony on June 15, 450 fighters put down their weapons, but the same day, eight paramilitary fighters died in conflict with troops.

The government says fighters are giving up the fight in droves, deserting or being discharged from the ranks of the left-wing rebels and their right-wing foes, the paramilitaries. But their numbers now threaten to overwhelm the government's capacity to return them to a normal life. A US$85 million-a-year "reincorporation program" gives ex-fighters job training or returns them to school to earn high school diplomas.

Several thousand more fighters are expected to be demobilized this year on the paramilitary side alone, pushing costs to US$170 million in 2006, said Juan David Angel, who heads the program. He said that without foreign aid to fill the shortfall, Colombia would have to cut social programs. Bogota Mayor Luis Eduardo Garzon says the influx of ex-fighters steeped in lawlessness and violence is a time bomb, and the strains have begun to show.

In April, at least 30 former fighters burst into an Interior Ministry building in Bogota to demand more financial aid. They destroyed furniture and office equipment before riot police ended their 10-hour action and arrested most of them. Some 5,000 paramilitary gunmen have given up the fight since their umbrella group, the AUC, began peace talks with the government two years ago,
according to the Defense Ministry. The outlawed factions were created by cattle ranchers two decades ago to battle the rebels.

On the leftist side, two rebel groups - the Fuerzas Armadas Revolucionarias de Colombia (FARC) and the Ejercito de Liberacion Nacional (ELN) have generally avoided peace talks and the government continues to wage war against them. However, the Defense Ministry says 4,900 fighters have left the rebel ranks since August 2002, when President Uribe took office and launched an army offensive along with a propaganda campaign to encourage desertions.

Facing a bleak future in a nation with 12% unemployment, and with 60% of Colombia's 44 million people living in poverty, some ex-fighters have been lured into crime or back to the battlefield.

"Former fighters have skills that are in high demand by illegal groups," said Cynthia Arnson, a Colombia specialist at the Woodrow Wilson Center in Washington. In northern Colombia, more than a dozen paramilitaries who disarmed as part of a peace deal have been arrested for murder, extortion, and carrying explosives, police said.

A few ex-fighters have returned to the front lines, but this time in the service of the military. A man named Alfonso said he deserted the FARC in 2003, hoping to start a new life in Bogota with help from the reincorporation program. But he said there were strings attached he had to return to the jungle for a month to help soldiers hunting for his former comrades-in-arms. On one mission, he led government forces to a rebel camp, but it was deserted and no combat ensued, said Alfonso, who refused to give his surname out of fear of rebel retribution.

Back in Bogota, he received a monthly stipend for two years, but that ended in April. Alfonso said he is jobless and destitute. A brutal paramilitary warlord who made a fortune in Colombia's drug trade demobilized more than 400 of his fighters at a ceremony June 15 under a peace deal critics say could let him get away with murder.

Under the command of former underworld assassin Diego Murillo, members of the Heroes de Tolova faction of the AUC sang the national anthem before laying down their weapons, including assault rifles and grenade launchers. "Only a peaceful and constructive dialogue will make it possible to build a harmonious and prosperous country," Murillo told the ceremony at a soccer stadium in this tiny cattle-ranching hamlet 450 km northwest of Bogota. He called on his leftist rebel foes to follow suit and enter peace talks.

The disarmament plan, however, has drawn criticism from the UN, US lawmakers, and human rights groups, who warn it may bring neither peace nor justice. Under an amnesty bill pushed by President Uribe, Murillo and some of his men may escape any meaningful punishment. The Heroes de Tolova have been blamed for numerous atrocities in northwestern Colombia, and the US has described Murillo as "the top leader of one of the world's largest cocaine cartels."

Most of the militia fighters are now expected to join a government reincorporation program to learn new skills and adapt to civilian life, though there appears little to stop them from regrouping under a different name and continuing to commit crimes.
Sergio Caramagna, of the Organization of American States (OAS) mission, insisted, however, that the ceremony represents a significant step in the peace process. Murillo has committed to "dismantling all the [illegal] structures under his command, absolutely everything," Caramagna told Caracol radio. The aim is to completely dismantle the AUC by year's end, government Peace Commissioner Luis Carlos Restrepo said in a speech. "We hope we are now entering the final phase," he said.

Congress is expected to approve the amnesty bill by the end of June, limiting prison sentences for AUC leaders to no more than eight years and allowing the fighters to keep any plundered goods. Unlike other traffickers, Murillo has avoided extradition to the US because four years ago he joined the AUC, which, although funded by drugs and extortion, presents itself as a legitimate protection force against Marxist guerrillas entitled to special benefits.

The portly, mustachioed Murillo far more involved in cocaine trafficking than fighting the leftist was taken into custody last month on suspicion of ordering the murder of a state congressman and two companions on April 10. After a nationwide hunt, Murillo surrendered, but under certain conditions: rather than being put in jail, Murillo is held under armed guard at a country house in his northwestern fiefdom, where he has been seen relaxing on the lawn.

**US senators criticize bill**

Six of the US Senate's more liberal members wrote the Colombian government to call for a harsher stance on the paras. Future US support for Colombia's struggle against rebel and paramilitary violence depends on a tougher stand against the paramilitaries, six Democratic senators claimed in a letter sent to President Uribe June 3.

In the letter, the senators Edward Kennedy (MA), Joseph Biden (DE), Barack Obama (IL), Patrick Leahy (VT), Christopher Dodd (CT), and Russell Feingold (WI) said they would not support continued funding for the process of paramilitary demobilization if Uribe's proposed peace and justice program is approved in Congress. They said a law that does not demand that combatants reveal all the information they have about the operating structure and finances of the paras, confess to illegal activities, and comply with the terms of a cease-fire is unacceptable.

"Through the years our governments have developed an active relationship based on common interests," wrote the senators. "It would be very regrettable to see this relationship affected based on this process." The US has earmarked some US$5 million in its current budget specifically to aid in demobilization efforts in Colombia, which may be adjusted depending on the final terms of Colombia's peace and justice law.

Uribe said that there will be "corrections" to the law during the final debate and that he asked the foreign minister and peace commissioner to travel to the US to explain the law to US lawmakers. Whether the six senators would be able to build a strong enough coalition to successfully reduce military aid to Colombia is also in question.
Both Clinton and US President George W. Bush have been strong proponents of the funding that supposedly goes to anti-narcotics programs, but critics say goes to insurgency fighting. "Plan Patriota" and Uribe's policy of "democratic security" have overseen a powerful military push against the FARC and, to a lesser extent, the AUC. There has also been a drop in serious crime like kidnapping and homicide in the past two years of Uribe's administration, although extortion has gone up. Weekly newspapers report the death or arrest of guerrillas in conflict with troops, yet the military has also been suffering increasing losses at the hands of rebels.

**Uribe calls for peace with ELN**

On June 9, President Uribe reached out to the rebel ELN, urging the leftist fighters to return to peace talks that fell apart in April (see NotiSur, 2005-05-27). "We were so close to peace negotiations," Uribe said prior to meeting with 27 of the group's fighters who earlier that week deserted and surrendered to the military. "I repeat, if the ELN agrees to a cease-fire, the government will agree to halt military operations against the ELN."

He asked the group, a Cuban-inspired socialist revolutionary group that began in 1964, to make a call to anyone in the international community to act as a facilitator in peace talks, who could then guarantee that the government lives up to its end of the deal. Mexico had been facilitating talks, but the ELN rejected its help after the country voted against Cuba in an international human rights declaration (See NotiCen, 2005-05-12).

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