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The June 21 passage of Colombia's Justice and Peace bill to negotiate the disarming of paramilitary groups drew criticism from many sectors, both international and domestic. Complaints ranged from the potential impunity for serious human rights criminals to allegations that President Alvaro Uribe was attempting to protect close relatives from prosecution. The bill has been under furious debate in the Congress for several months (see NotiSur 2005-06-17) and at many points it appeared that negotiations between the government and paramilitary groups could break down. Now the government hopes to completely demobilize the groups by the end of this year.

Critics say law provides impunity for serious crimes

Foreign critics of the Justice and Peace law included nongovernmental organizations (NGOs), prominent editorial writers, and top government officials. The US Congress froze about US$100 million in aid to Colombia after passage of the law. Congress said it froze delivery on the money because the Colombian government had failed to show results in the human rights area and also had not removed military officers accused of human rights crimes from active duty.

Six US senators had written a letter to the Colombian government objecting to the bill. In a subsequent letter to Secretary of State Condoleezza Rice, 22 senators urged her not to certify Colombia in the human rights area, which would reduce the country's eligibility for aid.

A July 4 editorial in The New York Times said the law "should be called the 'Impunity for Mass Murderers, Terrorists and Major Cocaine Traffickers Law'" instead of the Justice and Peace Law. Saying the bill was a "capitulation to a terrorist mafia," the editorial went on to say it would "block the extradition of paramilitary leaders wanted for trafficking to the United States and allow them to continue their drug dealing, extortion, land theft and other criminal activities undisturbed. Even those responsible for the most heinous crimes against humanity may go free because of strict time limits for prosecutions. The few who are convicted will likely serve sentences of only 22 months."

In Colombia, some social sectors resent the aggressive extradition policy the government has with the US. The country regularly ships accused drug traffickers and rebels north for prosecution. Shortly after the passage of the bill, President Uribe and other members of his government traveled to capitals in the US and European Union (EU) to "explain" and gather support for the policy.

In Spain, Uribe gained support from Spanish President Jose Luis Rodriguez Zapatero and from Prime Minister Tony Blair in the UK. Amnesty International (AI) criticized Zapatero's "ambiguous" position on Uribe's policies. "It is worrying the lack of knowledge the Spanish government has about the consequences of supporting this juridical instrument," said an AI press release after Spain's Foreign Relations Minister Miguel Angel Moratinos met with nongovernmental
organizations (NGOs). The group calls on Zapatero not to support the Justice and Peace project politically or economically.

Uribe's government seeks assistance from the US and EU for verifying compliance by paramilitaries and funding the demobilization process, since it says the budgeting necessary would entail onerous taxation on the Colombian people. European leaders Uribe visited reacted positively to sending observers to the demobilization zones in Colombia. Zapatero's government pointed out that European aid in the conflict goes to peacemaking, while US aid is primarily military. His government cut off an arms deal with Colombia that the former conservative government of Jose Maria Aznar had arranged (see NotiSur, 2004-03-26, 2004-10-08).

Amnesty spokespersons, however, say creating an oversight mechanism for the demobilization regime "is a legitimation" of the process. Thousands of paramilitary fighters have turned in weapons and relocated to demobilization zones like Santa Fe de Ralito (see NotiSur, 2004-12-17), and the government hopes to have demobilized all of them by the end of 2005 an estimated 13,000 fighters.

Feared groups like the Heroes de Granada and Frente Heroes de los Montes de Maria have given up their weapons in publicly publicized ceremonies, but there is little to prevent the fighters from leaving demobilization zones and taking up arms or criminal activity again.

The war with the leftist Fuerzas Armadas Revolucionarias de Colombia (FARC) and the Ejercito de Liberacion Nacional (ELN) continues to rack up high body counts in different Colombian departments, since Uribe's policy toward the paramilitaries differs sharply from the one he has toward rebel groups. He has been negotiating with right-wing paramilitary groups since he came into office and waging hard-line war against rebel groups, although the government has been conducting fitful peace negotiations with the smaller ELN (see NotiSur, 2004-06-25, 2005-06-17).

Although designed to encourage the Autodefensas Unidas de Colombia (AUC) to disband, the legislation could also apply to the guerrillas if they eventually decide to sign on to a peace process.

"Never before in peace processes anywhere in the world have there been so many requirements as those we are imposing during the negotiations with the armed groups," government Peace Commissioner Luis Carlos Restrepo said. But opponents say the proposal lacks teeth, will likely leave the paramilitaries' massive drug-trafficking empire untouched, and will not bring about national reconciliation.

"This law has nothing to do with peace or justice, and it's not going to ensure the dismantlement of the criminal structures of these mafia that are deeply engaged in drug trafficking," said Jose Miguel Vicanco, head of the Americas division of Human Rights Watch (HRW). The bill demands paramilitary leaders confess their crimes, return stolen goods, and compensate victims in exchange for an eight-year limit on prison terms.

**Uribe family link?**
The controversial law also faced criticism that it was designed to protect the president's brother and two first cousins who are accused of directing illegal armed groups in the department of Antioquia. The groups are alleged to have killed more than 50 people in different actions.

Gustavo Petro, a deputy from the Polo Democratico Independiente (PDI), said that Santiago Uribe Velez, the president's brother, financed and formed a group, based on the president's family property, known as the Twelve Apostles. Investigations into the activities of the group were dropped in 1999 because of lack of evidence, though prosecutors say they could be reopened at any time and they invited Petro to share any proof he had. President Uribe denied any knowledge of the accusations when asked by members of the press.

Guidelines ask aid groups to censor language

Prior to the passage of the Justice and Peace law, the Colombian government ruffled international feathers in June with an edict calling on aid groups working within the country to censor phrases like "armed conflict" from communications about the country. The office of the UN High Commissioner for Refugees (UNHCR) said it "would have to consider pulling out of the country," if the Colombian Foreign Ministry insisted on establishing official rules for the terms to be used by the international aid community when referring to the nation's civil war.

Local UNHCR director Roberto Meier was the first foreign diplomat to publicly speak out on the Guidelines for the Approach to be Taken by International Cooperation Projects, issued June 8 by Restrepo. The document was addressed to UN agencies, foreign ambassadors, international development aid agencies, and humanitarian groups working in Colombia.

The Guidelines asked the international community to refrain from using terms like "internal armed conflict," "armed actors," or "parties to the conflict" when referring to the security forces; "non-state actors in the conflict" to refer to the left-wing rebels or extreme right-wing paramilitaries; or "peace community," "peace territory," or "humanitarian zone" expressions often adopted by communities in Colombia that have declared themselves neutral in the conflict (see NotiSur, 2005-03-18). When referring to the more than four decades of violence in Colombia, the Uribe government refuses to describe it as a civil war or armed conflict, speaking instead about the terrorist threat posed by leftist guerrilla groups.

The government also asked the international community not to refer to "humanitarian" activities when proposing projects in Colombia. The 22-point, four-page document also said that "any kind of activity that could imply any contact whatsoever with the illegal armed groups is seen as unacceptable by the national government." The ban on contacting "illegal armed groups" was understood as referring to contact with the guerrillas.

"There is such a thing as international refugee law, and there is terminology that we have been using for 50 years, which has been approved by the [UN] General Assembly, and a state cannot simply change that," said Meier.
The UNHCR has been in Colombia since 1997, said Meier. "A state has neither the authority nor the right to tell other states, for example, that are cooperating with it, what vocabulary they can or cannot use. There are very clear United Nations mechanisms for this." "If a state wants to change [the terminology], it must address its concerns to the General Assembly to get the terms modified. That is the appropriate channel. So for us, this document is nonexistent," said Meier.

**Defense Minister avoids censure, resigns anyway**

Debate hit the Congress regarding several objections against Defense Minister Jorge Alberto Uribe after hearings in June. A small majority of Congress members voted to retain Uribe who is not related to the president but two weeks after a no-censure vote, he decided to hand in his resignation.

Hugo Ernesto Zarrate, representative from Tolima, introduced the motion, seeking a debate on the reasons why four Army generals were removed shortly after a number of incidents where several soldiers died in ambushes and combat with the FARC. Zarrate also accused the minister of not fulfilling his duties by failing to remove military members under disciplinary investigations, even though the nation's prosecutor had requested it. Another objection was that Uribe had appeared in camouflage in the field, even though the former businessman had never done military service.

Beyond criticism of his handling of the counterinsurgency campaign, Uribe's alleged romantic relationship with a jailed female drug trafficker brought him political heat. Opposition lawmakers had been clamoring for the defense minister's resignation after he acknowledged that he had ties to Dora Alzate, 35, who is serving a nine-year prison sentence for cocaine smuggling, and had visited her in prison.

Airline records showed that the two apparently had international rendezvous prior to her arrest when he would take business trips abroad and she would fly to the same cities. Alzate was arrested with several kilograms of cocaine when she tried to board an airplane.

The Chamber of Deputies voted 81-57 for censuring Uribe on June 14, but the Senate rejected the proposal 56-31. The motion needed a combined absolute majority to pass, meaning the total 113-112 vote against censure was inadequate to legally force out the minister. Uribe's decision to resign followed a series of guerrilla attacks that have killed more than 300 troops this year and devastated government claims that the rebels were close to defeat.

"I am leaving with the satisfaction of knowing that the armed forces are working toward the sole objective of securing peace in the country," Uribe told a news conference. "I feel I have accomplished my mission." Uribe, a US-educated businessman, was appointed less than 20 months ago despite having no prior military experience. It had been hoped his no-nonsense, business-minded style would help turn the sprawling military into an effective, mobile force capable of taking the fight deep into enemy territory.

But while Uribe did oversee a massive expansion of the armed forces and a controversial new streamlined command structure, his sometimes-abrasive manners and off-the-cuff remarks became a liability with President Uribe pushing for re-election next year.
Some lawmakers also blamed Minister Uribe for setting off a bitter diplomatic dispute with neighboring Venezuela after he publicly conceded that Colombia had paid bounty hunters to abduct a senior rebel commander in Caracas before handing him over to police across the border (see NotiSur, 2005-01-28, 2005-02-18).

Venezuelan President Hugo Chavez denounced the operation as an affront on the country's sovereignty and briefly recalled his ambassador in protest. Uribe was replaced by Camilo Ospina, a lawyer who previously served as President Uribe's judicial counsel. Ospina faces what analysts predict will be a stepped-up guerrilla offensive during the run up to presidential elections in May 2006.

President Uribe, whose hard-line security policies have made him very popular, is still awaiting approval from the Corte Constitucional before he can seek a second consecutive term.

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