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Colombian President Juan Manuel Santos Signs Controversial Bill to Aid Victims of Violence

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After four years in which the most conservative sectors of Colombia had kept the brakes on Congress, President Juan Manuel Santos has managed to get legislation passed to compensate victims of the nearly half-century-old internal war that has turned the country into the most violent in all South America. These years have seen the overlapping actions of guerrilla groups, assassins of the drug-trafficking mafias, dreaded paramilitary commandos, and the official repression that has descended into the usual practices of state terrorism—all, obviously, with different stated objectives.

Although national and international humanitarian organizations said the Ley de Víctimas passed on June 10 has some shortcomings, relatives of persons killed or forced to emigrate from the rural areas to the cities or other areas less affected by the violence will begin to receive financial compensation and may even regain the lands from which they were driven by the paramilitary groups that have battered the country for at least the last quarter century. Various sources put the number of victims at between 4 million and 5 million, a figure that takes on greater meaning when considering that it implies almost 10% of the nearly 46 million inhabitants of Colombia.

Santos says that signing the law is "a historic moment," and many Colombian political actors agree with him. In some ways, they are more than right. This is the first time in decades that a government has accepted, explicitly, that an armed conflict exists in the country and, implicitly, that, as in any war, the solution can only come through an agreement between the parties in conflict and through reparation for the victims.

Law seen as first step

The law does not confer on the guerrilla groups—the Fuerzas Armadas Revolucionarias de Colombia (FARC) and the Ejército de Liberación Nacional (ELN)—the status of belligerent party, but this first admission that a conflict with these characteristics is taking place in Colombia is a step in the right direction.

In any case, it remains clear that "there will be no legitimizing terrorism," which in official language refers exclusively to actions of the rebels and the paramilitary armies. Nothing is said about the state terrorism denounced by populations of the conflict areas and by humanitarian organizations and progressive parties.

Santos maintains that the state has a moral debt to all victims of the conflict registered since the 1960s. But the law defines victims as all those—relatives of persons murdered or families who were forced off their land because of insecurity or who were driven off—who have suffered any type of violent aggression. It calls for paying monetary compensation only to those who suffered abuses after Jan. 1, 1985 and contemplates land restitution only for those driven off their land after 1991.

No exact figures exist on the total number who could be covered by the law—some estimates are as high as 2 million. The data is also inexact regarding the amount of land taken.
speak of 6 million hectares, others refer to as many as 10 million ha, but the most widely accepted figure is 6.7 million ha).

There is consensus, however, when the conflict is quantified in human lives. Everyone accepts the horrific statistic of the nongovernmental organization (NGO) Consultoría para los Derechos Humanos y el Desplazamiento (CODHES), which lists, as the result of the 1,300 massacres registered between 1990 and now, at least 165,000 dead and 31,000 disappeared, as well as 4 million displaced.

A Radio Nederland analyst says, "Now, besides being recognized, everyone must be protected and compensated under the rubric of law not charity."

**Much effort to block bill and its implementation**

The bill was introduced in Congress in 2007, approved by various legislative committees, and passed in the first of two required votes by the lower house. But in June 2009, the delegation of senators supporting then President Álvaro Uribe (2002-2010) sank it, giving two reasons—one ideological and the other fiscal.

The Uribe administration found it impossible to equate victims of the security forces with victims of groups "outside the law," which referred to the guerrillas because the former president never used that phrase to mean the paramilitaries. In addition, Uribe and his legislators said that the economic cost of reparations and land returns could bankrupt the state.

Today, rightist sectors say exactly the same thing and have already begun to put up obstacles to applying the Ley de Víctimas. The first step was to turn public opinion against the law, basically using economic arguments. They enlisted unexpected and highly respected international allies, such as Secretary-General of the Organization of American States (OAS) José Miguel Insulza. In contrast with the strong backing of UN Secretary-General Ban Ki-moon, who traveled to Colombia specifically to accompany Santos at the signing ceremony for the law, Insulza asked victims to be "understanding, since the state cannot be allowed to go bankrupt because of applying the law."

In an interview with the Bogotá daily El Tiempo, Insulza said on June 28, "The country will have to take on a costly process; I believe that the population and the organizations that have defended human rights need to have a certain level of understanding. No one can ask the state to go bankrupt to benefit the victims because that would be harmful to other Colombians."

**Human rights organizations cautiously optimistic**

Although there is extensive recognition, and few waver when talking about a "historic" decision, there are also objections to the contradictions between Santos' words and the law's timetable for paying compensation.

Marcelo Pollack, researcher for Amnesty International (AI) in Colombia, says the law does not specifically cover indigenous and Afro-Colombian victims, and he says there are also concerns at the lack of effective measures to ensure the safety of those returning to their lands, since "some returnees may find themselves forced to work alongside, or ceding effective control over their land, to those who displaced them, often violently, in the first place."

Pollack also said, "Failing to acknowledge that paramilitary groups continue to threaten, forcibly displace, or kill thousands of people, including human rights defenders, trade unionists, and community leaders, and sometimes in collusion with the security forces, is of grave concern."
Marco Romero, president of CODHES, says it is necessary to be more vigilant than ever, "because this is a country loaded with cynicism, they respond only halfway to those who demand their rights or they deny reality, as ex-President Uribe did and does, and who found it necessary to fight only subversion, disregarding the victims, or simply denying [their existence], as when he called the displaced 'emigrants.'"

The AI's denunciations of the paramilitaries are concrete and provable. An investigation by the NGO Nuevo Arco Iris found that 68% of victims named the paramilitaries as responsible for the murders and threats that forced them to abandon their lands. It has also been proven that, from 2002 (the year Uribe first took office) to mid-June 2011, 53 members of organizations of relatives of victims of the conflict were murdered by bands made up of current or former military and mercenaries.

"They kill their former victims, making them victims a second time, to silence their demands, because [the perpetrators] are those who earlier killed to then take over the lands that the law now demands be returned," said Ariel Ávila, a researcher with Nuevo Arco Iris.

The most recent victim was Ana Córdoba, a widowed mother of three, who was gunned down June 9, the eve of the signing of the Ley de Víctimas, as she rode on a public bus in Medellín, crammed with terrified passengers. The paramilitaries kill and threaten now just as they did before, victimizing the same people twice, first Ana's husband, now her.

Beyond the objections, the law's value is that it also attempts to destroy that old and evil alliance described in 2010. A paramilitary known as Pitirri, testifying before judges at a much-talked-about trial at which former Congress president Mario Uribe, cousin of the ex-president, was convicted and sentenced to prison for being in business with the paramilitaries, said, "Some would kill, others would keep the lands, and others would legalize the theft."

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