

In Colombia, a Dubious Disarmament

Demobilized Paramilitaries Are Sidestepping Justice, Critics and Victims Say

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BARRANCABERMEJA, Colombia -- In the midst of a relentless conflict, Colombia's government and its ally, the Bush administration, are hailing the demobilization of 32,000 fighters from right-wing paramilitary groups -- a disarmament that authorities here say is larger than any of those that closed out Central America's civil wars in the 1990s.

But another, far more critical picture of the disarmament has emerged in recent months, drawn from the accounts of rights groups, victims of Colombia's murky, drug-fueled conflict, and even a report from the Attorney General's Office. Paramilitary commanders, according to these accounts, have killed hundreds of people in violation of a cease-fire, trafficked cocaine and stolen millions of dollars from state institutions they had infiltrated.

A handful of lawmakers on Capitol Hill have also voiced concerns about the disarmament, which is partly funded by the United States.

"The demobilization process has been as much about avoiding justice and consolidating ill-gotten gains as it has been about disarming the paramilitaries," said Sen. Patrick J. Leahy (D-Vt.), the ranking member of the subcommittee on foreign operations. "The government needs to stop appeasing the leaders of these outlaw militias and listen more to their victims."

Critics acknowledge that the disarmament has yielded benefits. It has removed a loose confederation of paramilitary militias from a 42-year-old war, leaving the state facing one powerful Marxist rebel organization and a second, much weaker guerrilla group. It has also lowered Colombia's homicide rate, officials here say, and given President Alvaro Uribe's government leverage in its efforts to prod the guerrillas to the negotiating table.

Now, two months after the last paramilitary fighter laid down his weapon in a carefully choreographed ceremony, Colombian officials are pledging to conduct exhaustive investigations of paramilitary atrocities and launch trials of the militias' most bloodthirsty commanders. They say the proceedings will bring justice and recompense for thousands of families who lost relatives or land to the United Self-Defense Forces of Colombia, known by its Spanish initials, AUC.

But in communities hit hard by paramilitary violence, including this grimy, oil-refining city in northern Colombia, victims are incredulous about the government's lofty claims. Once fearful that speaking out could get them killed, they are increasingly organized and assertive. And they are sharply criticizing a process that they say is tilted more toward whitewashing crimes than punishing perpetrators.

"The victims haven't had a voice," said Jaime Peña, whose son, Jaime Yesid, 16, was killed by paramilitaries during a 1998 massacre here. "How can there be reparations and reconciliation if we don't know the truth and if there isn't any justice?"

Across Colombia, victims and rights groups have been shaken by revelations in the press about paramilitary-related outrages, from wealthy commanders patronizing elegant stores in shopping malls to disclosures of paramilitary ties to Colombia's Congress.

In the latest scandal, one of the more powerful paramilitary commanders, Rodrigo Tovar, recruited peasants to play the part of paramilitary fighters in demobilization ceremonies, according to a 29-page internal investigative report by the Attorney General's Office. The report, based on records that were kept in Tovar's computer and that detailed crimes committed by his paramilitary unit, was first disclosed in *El Tiempo*, the country's leading newspaper.

According to its findings, a special bank account was set up to disburse money to unemployed peasants so they could "pass themselves off as militiamen, the more the better."

Tovar, the report continues, "gives instructions so that they are ready for demobilization day, that they know how to march, sing the hymn [of the AUC] and respond to prosecutors' questions." At the same time, Tovar ordered underlings to make sure some bands of fighters remain armed to guard "vulnerable zones."

Tovar's hit men killed 558 people in one coastal province, Atlántico, at the same time he was participating in disarmament negotiations, according to the report. The victims included shopkeepers who failed to deliver extortion payments, leftist activists, common criminals and even a university professor. The report says that "men, women, children and passersby from all social and professional levels have become victimized."

Tovar kept detailed records of cocaine shipments to the United States and Europe, the Attorney General's Office said. The office's report also recounted how rogue police units took payoffs to permit cocaine deliveries and how Tovar helped senators and congressmen close to him win reelection.

In this city in a key region of the mighty Magdalena River, paramilitary fighters entered with fury in 2000, rooting out guerrillas and killing their supporters. Caught in the crossfire were villagers and the residents of Barrancabermeja, where lush neighborhoods filled with fruit trees and tropical birds sprawl over the hillsides.

In a massacre here in 1998, paramilitaries kidnapped 32 people at gunpoint. Twenty-five disappeared, and seven were later found dead. Peña still chokes up as he recalls how he looked out his window to see two gunmen abducting his son.

A neighbor, Luz Almanza, tears up as she recounts how her husband, Ricky Nelson García, was also led away for good that night. Luz Marina López, a shop owner, can barely keep her composure when she tells how her 20-year-old twins, a son and a daughter, were killed in the same incident.

All that the victims' relatives ever learned was that the paramilitaries suspected the neighborhood of close ties to the guerrillas.

"What I want from the state is to know what happened to these people," Almanza said. "What we want is for them to tell us the truth."

Under the government's Justice and Peace Law, approved by Congress last year, generous benefits were granted to commanders accused of atrocities in exchange for disarming units of fighters. The government also announced that those who participated in the process would not be extradited to the United States on drug-trafficking charges - the paramilitary commanders' greatest fear.

In the face of international outrage, Colombia's highest court struck down some provisions in May and made the terms more stringent. Most of the commanders, including Tovar, also turned themselves in and are now housed in a spacious facility in Antioquia province.

Under the revised law, commanders must pay reparations to victims out of both their legal and ill-gotten gains. And they must confess to their crimes -- losing benefits if prosecutors later determine that they lied or omitted information.

"What we want is that there be a recognition of the victims' right to truth, to justice and reparation," said Eduardo Pizarro, who heads the government's reparations commission. "And to guarantee that it won't happen again."

Still, the law shields the commanders from serving time in prison, and they remain protected from extradition. Though officials in Uribe's government pledge to come down hard on commanders, the state appears ill-prepared to follow through, said Sergio Jaramillo, director of the Ideas for Peace analysis group in Bogota. There are only 20 prosecutors to investigate 2,695 paramilitary commanders who are believed to have committed atrocities.

Asked about the capacity of his office to investigate, Mario Iguarán, the attorney general, said in an interview: "You'd have to say it's not sufficient. The Justice and Peace Law did not create positions for prosecutors."

The sheer complexity of the cases helps paramilitary commanders not only to sidestep criminal investigators but to shield their properties. The commanders have already claimed that they own far less than authorities believe they do. Determining the truth is a formidable task, since the properties they own are registered under third parties' names.

Though there are no exact figures, government officials have calculated that Colombian paramilitaries and drug traffickers control a swath of territory three times the size of New Jersey.

"The government has no clue about what these guys own, how they've operated for all these years, who's supported them, where their assets are, and it hasn't really set up an effective system to figure that out," said Maria McFarland, who tracks Colombia for New York-based Human Rights Watch.

In Barrancabermeja, groups such as the Popular Women's Organization, which runs soup kitchens and works on human rights issues, have no illusions about what the process with the paramilitaries will deliver.

Paramilitaries have slain three members of the group, including one this year, and its president, Yolanda Becerra, said that threats continue. Becerra, a slight woman who races around town meeting with members, said her group is still poised to lead protests and lobby for a tough approach to the paramilitaries.

"We're doing what we've always done -- maintain a hope for a new country," she said. "A people can save themselves when they're united."