

# The Other Half of the Truth

## Searching for Truth, Justice and Reparations for Colombia's Victims of Paramilitary Violence



### The Latin America Working Group Education Fund

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The only way to change the nation's destiny is to help the victims tell their story.

— Colombian journalist Hollman Morris

**O**n February 4, 2008, Colombians marched in the millions in a powerful rejection of violence by the FARC guerrillas. It was an inspirational, authentic cry by Colombians weary of horrific guerrilla tactics, and a show of solidarity for the suffering of the many Colombians held for years as captives of the FARC. While the march was a citizens' effort, the government supported it enthusiastically, and President Álvaro Uribe offered "our voice of gratitude to all the Colombians who today expressed with dignity and strength a rejection of kidnapping and kidnappers."<sup>1</sup>

For many of the victims of paramilitary violence, the march's enormous scale raised the question of why the same Colombian society that stood so united behind the victims of the FARC would fail to stand behind them. Why did so few seem to care about the families of the thousands of people who had been killed or disappeared by the paramilitaries, about the mass graves in the countryside, about the bodies that washed up on the banks of the rivers, or about the several million people forced to flee their homes, many by paramilitary violence? Why would the government lend support and credibility to this march, but remain mute about paramilitary crimes? Victims called for a second march a month later, to reject the violence by paramilitaries, as well as the actions of the soldiers and politicians who had supported them. As movement leader Iván Cepeda explained,

victims wanted Colombian society to "offer a just homage to the displaced, the disappeared, the families of those assassinated or massacred... We don't want just a moment of remembrance, we want solidarity."<sup>2</sup> Yet Colombian society was divided about participating, the government failed to support this march, and march organizers faced a wave of death threats and violence.

The tale of the two marches helps to explain why a process that demobilized thousands of paramilitaries, members of a murderous armed group, would be so controversial. The victims, after an astounding period of violence, expect and demand not only an end to violence, but some tangible measure of truth, justice and reparations. But the victims of paramilitary violence are still waiting for the acknowledgment they long for, from the government and Colombian society: to recognize what they suffered, to admit the role of government officials, politicians and members of Colombia's armed forces in aiding and abetting paramilitary atrocities, and to say: "Never again." There is a palpable fear that the demobilization is a sham—with groups that never really demobilized, others rearming, and paramilitary power maintaining a lockhold over national politics and local communities.

This report will examine the official framework for the paramilitary demobilization and the limited opportunities for truth, justice and

reparations that it has offered to date. Then, it will highlight some of the often heroic efforts by diverse actors—human rights activists, journalists, members of the judiciary, and especially victims—to push the boundaries and wring, if not yet reparations and justice, at least a little more truth from this process.

For the limits to the truth offered by the official framework began to unravel as many different actors in Colombia tugged at truth as if at a tightly wound ball of yarn. One hundred and twenty-five thousand people, far more than expected, attempted to register as victims with

year has been sufficiently enlightening... that this year can pass down in history as the one in which we began to discover the truth.”<sup>3</sup>

### The official process

In 2003, the Colombian government reached a peace agreement with the leaders of the paramilitary umbrella group Autodefensas Unidas de Colombia (AUC). In the agreement, the government promised to refrain from prosecuting paramilitary members solely for belonging to an illegal armed group and to establish reduced penalties for those paramilitaries

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“Like rabbits out of a magician’s hat came the names of businessmen, military and other accomplices of the paramilitary *barbarie...*”

—María Teresa Ronderos

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government agencies. Victims groups, many vociferously denouncing the official process, began to carry out their own truth sessions, mock trials and alternative registries of stolen land. Human rights groups assailed the obstacles to achieving justice through the demobilization law, and redoubled their efforts to document new abuses by the military and the rearming of paramilitary groups. Journalists published investigative stories and thoughtful opinion columns that sparked public debate on a subject long shrouded in silence. Colombia’s highest courts pried open the door to more justice than contemplated by the executive by setting some minimum standards for application of the demobilization law and hauling the politicians behind the paramilitaries into court. By the end of 2007, *Semana* columnist María Teresa Ronderos could say, “Like rabbits out of a magician’s hat came the names of businessmen, military and other accomplices of the paramilitary *barbarie...* The truth that emerged this

who had committed serious crimes. In July 2005, Colombia’s Congress approved Law 975, also known as the “Justice and Peace” law.

The law permitted demobilized combatants who had committed crimes to apply for the benefits of the law, including reduced penalties. The maximum penalty, even for carrying out the most barbaric crimes against humanity, was eight years. The law allowed for penalties to be further reduced by time spent in designated zones where paramilitaries gathered during the lengthy negotiating period. Paramilitaries seeking the law’s benefits must belong to a group that demobilized, provide information about assets obtained illegally, turn over child soldiers, release kidnap victims, and cease interference in the free exercise of political rights and other criminal activity.

The law established a National Commission of Reparation and Reconciliation (CNRR) which would help guarantee victims’ rights

## The Scope of Paramilitary Violence: *Why the Truth Matters*

Paramilitary forces brutally slaughtered civilians as they sought to gain control of the Colombian countryside. The Colombian Commission of Jurists documents 14,677 people killed or disappeared outside of combat allegedly by paramilitaries from July 1996 to June 2007, and this estimation may considerably undercount the real toll.<sup>4</sup> The following descriptions of paramilitary massacres and military complicity, documented by Human Rights Watch, help to understand why it is so important that the truth about paramilitary violence be revealed and some justice be served.

**El Aro massacre:** Survivors told Human Rights Watch that while soldiers maintained a perimeter around El Aro, an estimated twenty-five ACCU [paramilitary group] members entered the village, rounded up residents, and executed four people in the plaza.... Witnesses said that paramilitaries told store owner Aurelio Areiza and his family to slaughter a steer and prepare food from their shelves to feed the ACCU fighters on October 25 and 26 [1997].... The next day, witnesses told Human Rights Watch, paramilitaries took Areiza to a nearby house, tied him to a tree, then tortured and killed him. They added that the ACCU gouged out Areiza's eyes and cut off his tongue and testicles. One witness told journalists who visited El Aro soon afterwards that families who attempted to flee were turned back by soldiers camped on the outskirts of town. Over the five days they remained in El Aro, ACCU members were believed to have executed at least eleven people, including three children, burned forty-seven of the sixty-eight houses, including a pharmacy, a church, and the telephone exchange, looted stores, destroyed the pipes that fed the homes potable water, and forced most of the residents to flee. . . . Afterwards, thirty people were reported to be forcibly disappeared.<sup>5</sup>

**Chengue massacre:** On January 17, 2001, an estimated fifty paramilitaries pulled dozens of residents from their homes in the village of Chengue, Sucre. They assembled them into two groups above the main square and across from the rudimentary health center," the *Washington Post* later reported. "Then, one by one, they killed the men by crushing their heads with heavy stones and a sledgehammer. When it was over, twenty-four men lay dead in pools of blood. Two more were found later in shallow graves. As the troops left, they set fire to the village." Among the reported dead was a sixteen-year-old boy, whose head was severed from his body.

The *Washington Post* reporter interviewed more than two dozen residents who said that the Colombian military helped coordinate the massacre by providing safe passage to fighters who identified themselves as paramilitaries. They said that the military sealed off the area by conducting a mock daylong battle, allowing the paramilitaries to search out and kill the Colombians they had targeted for death.

Months earlier, local authorities warned military, police, and government officials that paramilitaries planned to carry out a massacre. Yet their pleas for protection proved futile. Even as paramilitaries moved toward Chengue to commit the massacre, timely information from local police on their vehicles, whereabouts, and direction was ignored by military commanders responsible for the area.<sup>6</sup>

**El Salado massacre:** On February 18, 1999, some 300 armed men belonging to the paramilitary Peasant Self-Defense Force of Córdoba and Urabá (Autodefensas Campesinas de Córdoba y Urabá, ACCU) set up a kangaroo court in the village of El Salado, Bolívar. For the next two days, they tortured, garroted, stabbed, decapitated, and shot residents. Witnesses told investigators that they tied one six-year-old girl to a pole and suffocated her with a plastic bag. One woman was reportedly gang-raped.

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## Scope of Paramilitary Violence

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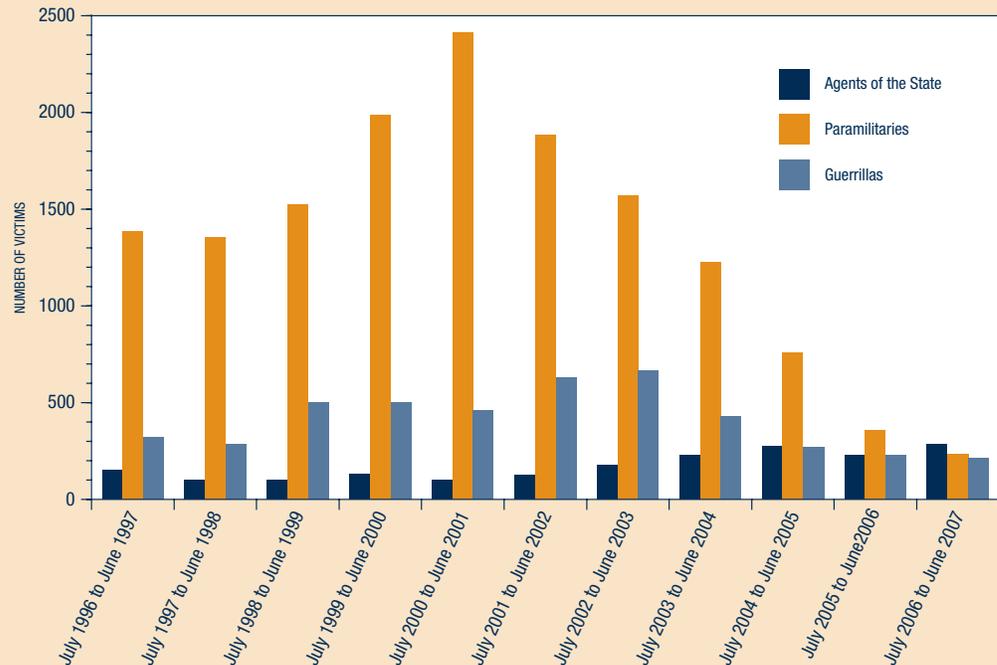
Authorities later confirmed thirty-six dead. Thirty other villagers were missing. “To them, it was like a big party,” a survivor told the *New York Times*. “They drank and danced and cheered as they butchered us like hogs.”

While these atrocities were being carried out, the Colombian navy’s First Brigade maintained roadblocks around El Salado that prevented the International Committee of the Red Cross (ICRC) and others from entering. Thirty minutes after paramilitaries had withdrawn safely with looted goods and animals, navy troops entered the village.<sup>7</sup>

**Mapiripán massacre:** In July 1997, paramilitaries working with the Colombian Army killed more than thirty residents of Mapiripán, Meta. Judge Leonardo Iván Cortés tried to alert authorities, including the military, with urgent messages describing the macabre scene that lasted a full five days. “Each night they kill groups of five to six defenseless people, who are cruelly and monstrously massacred after being tortured,” he said. “The screams of humble people are audible, begging for mercy and asking for help.” Judge Cortés was later forced to leave Colombia with his family because of threats on his life. Dozens of others fled the village, joining Colombia’s massive population of internally displaced.

Subsequent investigations by civilian prosecutors reveal that troops under General Uscátegui’s command welcomed paramilitaries who arrived at the San José del Guaviare airport, helped them load their trucks, and ensured that local troops who could have fought the paramilitaries were engaged elsewhere. General Uscátegui ignored alerts about the massacre, and a subordinate testified that the general later ordered him to falsify documents to cover up his complicity in it.<sup>8</sup>

## Killings and Disappearances (Outside of Combat)



**Source:** Data for chart is from Colombian Commission of Jurists, “Actualización: Violaciones a los derechos humanos, diciembre 2002 – abril 2007,” updated with information from “Situación de derechos humanos y derecho humanitario en Colombia 2006-2007,” 4 de marzo 2008.

and promote reconciliation, but it was far from an official truth commission.

The Justice and Peace law was harshly criticized by Colombian and international human rights groups as legislating impunity. The Colombian Commission of Jurists declared that the law would bring “neither justice nor peace.” Human Rights Watch Americas director José Miguel Vivanco said it “made a mockery of the basic principles of human rights and accountability.” Underlying these criticisms was the deadly serious concern that the paramilitary demobilization was a sham, and that paramilitaries would continue to kill, threaten, traffic drugs and displace people from their lands. The demand for a more rigorous justice stemmed not just from an abstract or ideal notion of justice, but from the fear that without justice, the violence would inexorably grind on.

Colombian human rights groups mounted a challenge to the law’s constitutionality. On July 13, 2006, the Constitutional Court ruled the law constitutional, but laid out important guidelines about its application. The court established that the alternative sentences were acceptable, but could not be further reduced by time spent during negotiations. It extended the time that prosecutors had to investigate crimes committed by ex-combatants seeking the law’s benefits. Significantly, it established greater incentives for truth by allowing benefits to be withdrawn if it were later found out that a paramilitary had lied. It ordered that paramilitaries would have to pay victims’ reparations not just from their illegally acquired assets, but from all their assets. Finally, it expanded victims’ access to the proceedings.<sup>9</sup> While the Constitutional Court ruling was welcomed by human rights groups within and outside Colombia for its potential to improve the law’s application, the executive branch has not agreed to fully implement the court’s decision.<sup>10</sup>

How successful has the Justice and Peace process been so far in fulfilling, as it

promised to do, “the rights of the victims to truth, justice and reparation”?

### Truth

While the official framework offers more opportunities for justice than many peace processes, it offers fewer guarantees for truth. Most notably, there is no provision for a truth commission with independent leadership (as with UN-sponsored truth commissions). This has serious consequences, especially for the potential to reveal the connections that existed between the paramilitaries and government officials, members of Congress, security forces and members of the business elite. The truth that is emerging is more through other avenues—the Supreme Court, the media, grassroots action by victims—than through the Justice and Peace framework.

The government squandered the first opportunity to expose paramilitary operations during the intake proceedings in which authorities registered the demobilized—the only moment at which all of the demobilized combatants were interviewed. According to the Inter-American Commission on Human Rights (IACHR), the prosecutors who handled this were given no special training and used a questionnaire poorly designed to elicit specifics regarding the commission of crimes.<sup>11</sup> The Colombian government later admitted that the procedure “did not have the purpose of having the demobilized reveal other members of the armed unit, let alone acknowledge the crimes committed.”<sup>12</sup> According to the IACHR, some 90 percent of the 28,000 people processed “offered no significant information on illegal acts or crimes committed by the paramilitary units to which they belonged.”<sup>13</sup> The vast majority of the paramilitaries, therefore, simply walked away without confessing to abuses, providing information on their group’s structure, drug trafficking, money laundering and other criminal activities.

## Chronicle of Deaths Foretold

Yolanda Izquierdo, a leader of displaced people in Córdoba, was killed January 31, 2007 after representing hundreds of victims at the demobilization hearing of Salvatore Mancuso. She and other leaders were summoned to the land notary's office where paramilitaries pressured them to give up their demand for return of their land.

Yolanda's death instilled fear in thousands of victims, as the national press documented how she had gone, weeping, from one government agency to another demanding protection for the death threats she was receiving in the weeks before her assassination. Her efforts to get protection from the Attorney General's office, the Ombudsman's office, the DAS intelligence agency, and the Inspector General's office came to naught. "I can't do anything, come back on Friday," she was told, when she broke down in tears in the local attorney general's office.<sup>14</sup>

Carmen Cecilia Santana Romaña was killed on February 7, 2007, as she stood in front of her house with her children, who were 7, 9 and 14 years of age. The person responsible for making human rights claims for the National Rural Workers' Union (Sinatrainagro), Santana was also demanding reparation for the killing of her husband Marco Tulio Hernández by paramilitaries. She had given testimony to the National Reparation and Reconciliation Commission (CNRR).

On April 23, 2007, Judith Vergara Correa was killed. She was an advisor to the victims' group Madres de la Candelaria, a member of the peace initiative Redepaz and worked with nongovernmental youth projects. She had several times been detained by paramilitaries and released with threats. Vergara had been attending the hearings in Medellín.<sup>15</sup>

According to the CNRR, at least 15 victims who sought justice through the Justice and Peace process were killed as of September 2007, while another 200 people were threatened.<sup>16</sup>

One woman whose father was killed in the El Aro massacre said she, her mother and sister received cell phone messages warning them "not to complicate your lives... Your father already had to pay," after the family decided to attend Salvatore Mancuso's hearing. The family was forced to move. "This angers us because the paramilitaries have all the advantages, while the victims, we have to continue to flee."<sup>17</sup>

The toll of victims and witnesses killed includes:

Yolanda Izquierdo, Córdoba  
 Freddy Abel Espita, president, Internally Displaced Persons Committee of Córdoba  
 Oscar Cuadrado Suarez, La Guajira  
 Gregoria Solano, La Guajira  
 Edgardo Sandoval Ruiz, Magdalena  
 Osiris Jacqueline Amaya Beltrán, La Guajira

Carmen Cecilia Santana Romaña, Antioquia  
 Judith Vergara Correa, Antioquia  
 Gustavo Espitia, Cotorra, Córdoba  
 Manuel López Ayala, Cartagena  
 Miguel Orozco, Nariño  
 José Dionisio Lozano Torralvo, Sucre  
 Jesús Emiro Durán, Norte de Santander  
 José Guillermo Sosa Neira, El Valle

The government had been warned by victims' groups that they lacked protection (for example, the National Movement of Victims of State Crimes declared that "no guarantees exist for the victims" in October 2006, after learning about the existence of an "extermination list" with 26 names on it).<sup>18</sup> Yet little was done until courts ordered the government in June 2007 to produce a plan for witness protection, which the Ministries of the Interior and Justice finished in September 2007. However, the threats and attacks continued, many bearing the name of the paramilitary *Aguilas Negras* (Black Eagles). Disturbingly, human rights and victims' associations offices were broken into and information stolen, including their registries of victims.<sup>19</sup> While the government promised to investigate, similar cases the previous year have not advanced. In the meantime, countless victims may have been frightened into silence.

The second chance to obtain truth is through the declarations made by the paramilitaries who, having committed serious crimes, seek the benefits of the law in order to receive a reduced penalty. Paramilitaries seeking benefits must make a declaration, called the "confession" part of their "*version libre*," regarding their participation in crimes.

Victims have the right to participate in the confession hearings, but their participation is limited by lack of information and fear. At least fifteen victims participating in the process have been killed (see box on page 6). According to lawyer Alirio Uribe, "some victims have received threatening phone calls before or after taking part in a hearing, or suspicious people have approached them and told them not to go to the so-called Justice and Peace trials, or that if they go to the hearings the same thing will happen to them as happened to their family members."<sup>20</sup> The widely publicized murder of Yolanda Izquierdo after testifying in paramilitary chieftain Salvatore Mancuso's hearing struck fear into the hearts of many victims.

Often, victims do not receive notification in time of these proceedings, which are held in only a few locations. While published on the internet and in the national paper *El Tiempo*, notifications are not widely

broadcast by radio, the most common form of communication in the countryside where most of the violence occurred. The dissemination strategy does not adequately take into account that many victims have been displaced from where the violence took place.<sup>21</sup> Moreover, most victims can not identify by name the specific perpetrator responsible, so would find it hard to know which hearing to attend.

Even for the victims who do participate, the access they have to the proceedings is tightly constrained; according to one human rights lawyer, the methodology is "appalling."<sup>22</sup> Victims, who are sitting in a separate room from the prosecutor and the paramilitary, can not ask the paramilitary direct questions. Instead, they submit questions in advance to the prosecutor. The prosecutor can choose to ask or ignore questions, and the victim is not able to follow up with the prosecutor after hearing answers to improve cross examination. While the victims are supposed to have access to public defenders, in practice the government ombudsman's office, the *Defensoría del Pueblo*, has not provided adequate representation. A senator from the pro-Uribe "La U" party, Armando Benedetti, revealed in April 2008 that only 8,634 victims of the more than 125,000 who had registered had actually participated in the Justice and Peace hearings, and only

## Not Exactly Nuremberg: Paramilitary Confessions

While startling details about paramilitaries' crimes and connections are emerging from some of the *versiones libres*, the process has been tarnished by the sessions' atmosphere. Here are some of the low points as the paramilitaries "confess their crimes":

Paramilitary leader Jorge 40 opened with a lengthy explanation of why self-defense groups were necessary due to guerrilla warfare and peasant marches in the region he brutally dominated, refusing to respond to the prosecutor's 552 questions about murders, disappearances and displacement. Victims gathered in the adjoining room began to protest, causing the prosecutor to temporarily suspend the hearing. Victims' lawyer José Humberto Torres explained that the victims felt desperate upon hearing this "socio-political explanation trying to justify a criminal career" after traveling long distances to find answers to the loss of their loved ones.<sup>23</sup>

Long-time paramilitary leader Ramón Isaza claimed that Alzheimer's caused him not to remember his hundreds of alleged crimes, and called on his victims to "help him remember."<sup>24</sup>

When asked about a massacre in which witnesses claimed eight people were killed with knives and bullets by a group of 50 paramilitaries who hauled them out of their houses, Jorge 40 admitted to the murder of only one person, saying, "I don't have in my files 'actions with multiple objectives,' in that municipality on that date."<sup>25</sup>

Paramilitary leader Macaco (Carlos Mario Jimenez) claimed that his men's evil deeds were caused by being possessed by spirits in pain, explaining that his group carried out an exorcism before they exhumed and cremated their victims' remains. "In this process of impunity, the only thing lacking was for paramilitaries to resort to paranormal explanations to justify the terror they exercised," remarked the National Victims Movement.<sup>26</sup>

In the "confession" by feared leader El Alemán (Freddy Rendón), *El Tiempo* reported, "since dawn, buses had been arriving with 350 of Rendón's sympathizers, who formed an honor guard and tossed white and red carnations at the INPEC [prison agency] motorcade that accompanied him." "Outside the justice building more than 300 banner-waving Rendón supporters arrive in buses, complete with musicians and dancers, to hail the man they call El Líder, the leader," reported the *St. Petersburg Times*. "At one point Rendón appeared at a sixth floor window to salute them and shake his hips to the music below. When Rendón left the building in a police sport utility vehicle with heavily tinted windows, his fans showered the vehicle with blue and yellow confetti."<sup>27</sup>

As commentator Adam Isacson noted, "Not exactly Nuremberg or the Hague, is it?"<sup>28</sup>

10,716 received legal counsel from the Ombudsman's office. With just 68 public defenders available for victims in the Justice and Peace process, each public defender served 815 victims. Moreover, of the 125,368 victims who had come forward, only slightly more than half, 69,027, were accepted by the government.<sup>29</sup>

Most discouragingly, some confessions turned into ugly spectacles in which the perpetrator was surrounded by his own cheering section while the victims were relegated to the sidelines (see box on page 8). According to the Organization of American States' monitoring mission, "At the hearings, the statements of the former commanders have been markedly political in nature. The Mission's monitoring, attending over half of the voluntary

a public report "regarding the reasons why illegal armed groups started up and evolved," a terse phrase which serves as the report's entire mandate. Headed up by distinguished scholar Gonzalo Sánchez, the report may offer insightful analysis of the violence that has plagued Colombia. But it will be very far from a comprehensive, independent truth commission, as the CNRR's own website admits.<sup>31</sup> And work on the report has barely begun.

As this report went to press, in a surprise move the United States extradited 14 top paramilitary leaders to the United States, including Mancuso, Jorge 40 and Don Berna. The U.S. and Colombian governments cited the leaders' failure to comply with the Justice and Peace

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statement hearings, shows that very few of the persons making statements directly face their responsibility for specific events, yet others prefer not to disclose names or institutions involved, and others claim they have forgotten."<sup>30</sup>

And yet, as the hearings continued, some bits of the awful truth began to emerge. Salvatore Mancuso coolly confessed to being involved in the killings of 336 people and asserted that police and soldiers were in league with paramilitary forces. However, the high-level officials he named tended to be conveniently dead.

But the most serious limitation in searching for the truth is the lack of any kind of truth commission. The National Commission for Reparation and Reconciliation was charged with drafting

law as the reason for the extradition, and the extradition could result in much longer jail terms for these leaders. However, human rights groups are greatly concerned that this controversial move will halt progress that had begun to be made in the Justice and Peace hearings and, especially, in the Supreme Court's investigations into the paramilitaries' connection with politicians. "Just as local prosecutors were beginning to unravel the web of paramilitary ties to prominent politicians, the government has shipped the men with the most information out of the country," commented Human Rights Watch.<sup>32</sup>

This decision throws the Justice and Peace process into confusion. Judges and prosecutors were caught unawares by a decision taken at the very highest

level. The U.S. charges are solely on drug trafficking, so that the U.S. judicial process will not include human rights crimes. While the governments claimed that Colombian prosecutors would have some kind of access to the paramilitary bosses, now scattered in five cities across the United States, in fact no specific agreement had been worked out beforehand for Colombian prosecutors' access, much less for access by victims. The United Nations High Commissioner for Human Rights' office in Colombia cautioned that "the extraditions might weaken the possibilities for advancing, in a timely and effective manner,

the fight against impunity for grave human rights violations."<sup>33</sup>

### Justice

Colombian government officials claim that the Justice and Peace process offers more possibilities for perpetrators to be brought to justice than many previous peace processes. And this is true. But human rights groups argue that the punishment is minimal even for crimes against humanity, and implementation to date is fatally flawed. The jury is still out on how much justice the process will provide—but it will not be enough.

## An Elusive Justice

*Chengue, Colombia*—The ceremony to remember Chengue's dead included a puppet show for children, free groceries and bagpipes wailing "Amazing Grace," all courtesy of Colombia's military.

And then Adm. Edgar Cely, the navy's operations chief, lamented how paramilitary fighters roared into this town seven years ago and, wielding truncheons, split open the heads of 27 villagers in one of the more egregious displays of depravity in Colombia's long civil conflict. "We want punishment for those criminals," Cley told families of the victims.

Luis Barreto, who lost six relatives in that pre-dawn attack, could only shake his head at Cely's words. In his view, justice is still glaringly absent in Chengue—as is the truth about the government's culpability in a crime that made this northern hamlet a monument to terror... "How much more proof do you need? Everybody knows what happened."

The truth, as villagers see it, is that the paramilitary commanders who carried out the killings received uniforms and armaments from the military, and passed unmolested through this region, which was controlled by the navy. Once inside Chengue, the paramilitary fighters went about killing villagers they had branded rebel sympathizers.

In the aftermath, only one paramilitary member was convicted, a low-level fighter who confessed after nightmares spurred by memories of the massacre haunted his sleep. Authorities implicated several officials from the navy, but none was ever convicted.

Juan Forero, "An Elusive Justice/Seven Years After Massacre in Colombian Village, Truth of Paramilitary Attack Remains Hazy," *Washington Post*, January 25, 2008, p. A13.

## The Warlord Reads Gandhi

In his prison cell here on the outskirts of Medellín, Salvatore Mancuso reads Gandhi and self-help books. He taps notes to his lawyers into a BlackBerry. He gazes at photos of his 19-year-old wife and 8-month-old son. He listens to vallenato music on his iPod.

And he meditates on the meaning of war. “There are no good men or bad men in war... There are objectives, and the objective of war is to win by combating the enemy, and the enemy is not fought with flowers or prayer or song. The enemy is fought with weapon in hand, which produces dead men.”

As a commander and the premier strategist for the death squads that committed some of the worst atrocities in this country’s long internal war, Mr. Mancuso knows a lot about killing....

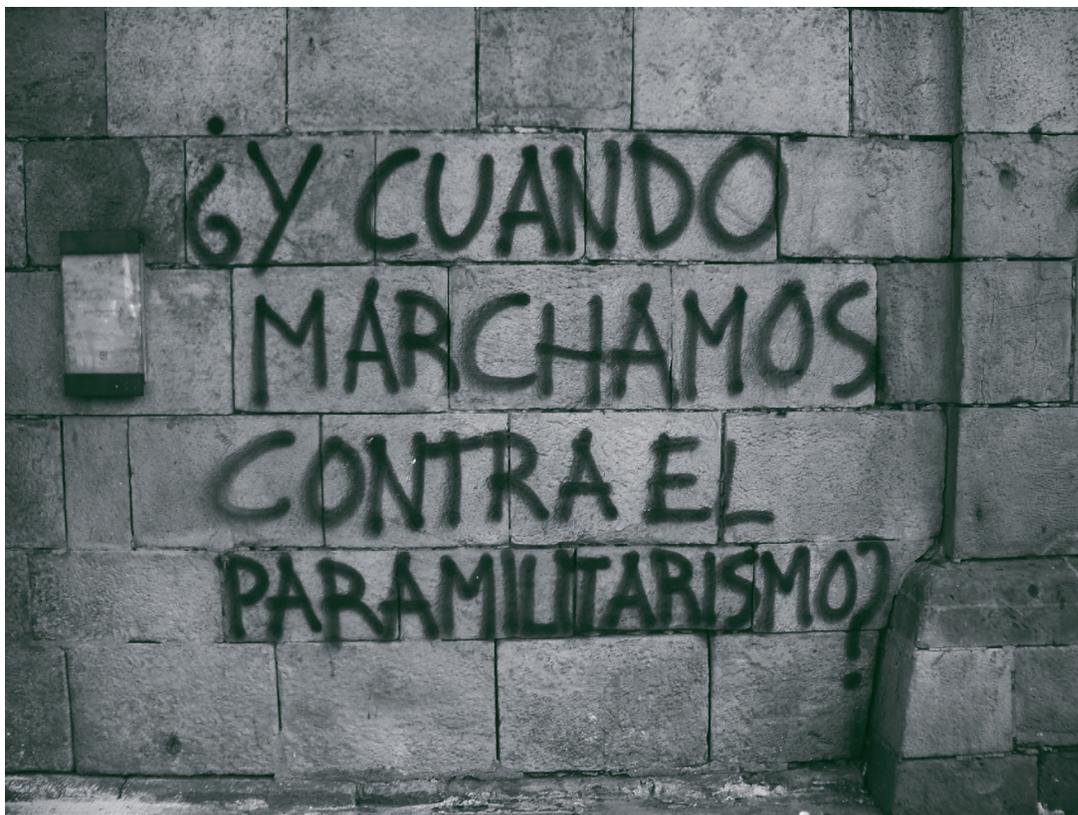
“We were the mist, the curtain of smoke, behind which everything was hidden,” Mr. Mancuso, dressed casually in sandals and a black striped shirt and sitting in an ergonomic chair in his cell, said of the paramilitaries....

Under Colombia’s lenient rules, Mr. Mancuso could end up spending much less than eight years in a prison where he is already allowed amenities like satellite television in his cell, bodyguards, visits each weekend from his wife, Margarita, and their son, Salvatore, and a laptop computer with Internet access....

Simon Romero, “From Jail, Colombian Warlord Ponders Long Years of Conflict,” *New York Times*, July 28, 2007

The process permitted the vast majority of paramilitaries to demobilize and receive benefits without any punishment. For a year and a half while the Justice and Peace law was being finalized, paramilitaries as well as guerrillas demobilized under previous legislation provided for individual and collective demobilizations. Once established, the Justice and Peace law allowed all paramilitaries against whom there were no pending legal cases, provided they did not commit new crimes, to receive no punishment and be eligible for reintegration programs. Only those against whom there were pending cases, or who believed that their crimes would be discovered, sought the reduced sentences provided by the law—a total of 3,127 paramilitaries.<sup>34</sup>

There are formidable obstacles to prosecuting this small subset of perpetrators. Responsibilities rest with only 23 prosecutors in the Justice and Peace unit of the Attorney General’s office, each with 3 to 4 investigators and 2 to 3 legal assistants. Located only in Bogotá, Barranquilla and Medellín, this staff is responsible for covering the entire national territory, including many areas still in conflict. The limited quantity of investigations against paramilitaries prior to the demobilization has been an obstacle. Of the 3,127 paramilitaries who sought the reduced sentences, the great majority have yet to complete their *versiones libres*, and many of these appear to have walked away from the process. According to the United Nations High Commissioner for Human



*"When will we march against paramilitarism?" Credit: Emily Goldman*

Rights office in Colombia, as of December 19, 2007, the Attorney General's office had begun the process of receiving 1,057 voluntary depositions, but of these, 941 depositions were closed because the demobilized paramilitaries did not choose to ratify their willingness to receive the law's benefits; and not a single indictment was issued.<sup>35</sup> Even paramilitaries who originally thought that their crimes meant they should apply for benefits are banking on the inefficiency of the Colombian justice system, betting that they will not be effectively prosecuted. Moreover, the mass extradition of paramilitary bosses by the United States presents new obstacles for achieving justice. While it could result in longer jail terms for these fourteen leaders, it is likely to jeopardize prospects for justice for their human rights crimes and complicate prosecutions into other paramilitary leaders and the politicians and military officials who collaborated with them.

One of the most visible signs of progress on the judicial front are the exhumations of unmarked graves, and the Attorney General's office notes that as of April 2008, 1207 graves have been discovered with 1452 bodies. However, human rights and forensic experts claim that many exhumations have not been carried out in a way which would glean the most evidence possible. For example, the government has not worked carefully with relatives of the disappeared to create an adequate registry of missing persons, and thus has lost opportunities to identify the bodies and allow some closure to the families. Only some 169 bodies to date have been positively identified.<sup>36</sup>

### **Reparations**

While the Justice and Peace process has created limited opportunities for truth and justice, reparations to date have gone nowhere. "Reparations" in the Colombian context means not just



compensation for suffering but return of stolen land. Paramilitaries must disclose illegally obtained assets as a condition for their demobilization. These assets are supposed to be channeled into a National Reparations Fund administered by the CNRR. But even paramilitaries believed to have vast riches pled poverty. Feared mob boss Don Berna, who allegedly ruled Medellín's illicit businesses with an iron fist, famously declared, "I'm the owner of a house in Medellín, a *finquita* [a little farm], and some heads of cattle."<sup>37</sup> Colombia's prosecutors simply have not managed to pressure paramilitaries to fulfill this basic requirement of the law—to date, scarcely more than a dozen have returned any property at all.

While the paramilitaries are believed to have obtained through violence, extortion

The Justice and Peace law is vague about what constitutes reparations, stating that "the rights of the victims to reparation include actions that tend towards restitution, compensation, rehabilitation, satisfaction; and the guarantee that the behavior will not be repeated." The law allows for economic and symbolic reparations, individual and collective. It leaves open the possibility that government social programs can be considered reparations, a concept critiqued by the Inspector General and IACHR as permitting the government to label as reparations the minimal services it was already obliged to provide for its citizens. The Colombian government announced that paramilitaries could contribute to productive projects that would benefit themselves, displaced persons and other small farmers—and that this would constitute reparations.

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Feared mob boss Don Berna famously declared, "I'm the owner of a house in Medellín, a little farm and some heads of cattle."

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and drug trafficking enormous wealth, not the least of which would be much of the 5 to 6 million hectares of land stolen from Colombia's nearly 4 million displaced persons, the following is what has been turned over to the National Reparations Fund: 21 rural properties covering 5,439 hectares; 7 urban lots; clothing; 4,666 head of cattle and horses; 8 vehicles; 2 helicopters; 739 million pesos; 70 pairs of shoes, and a television in bad repair.<sup>38</sup>

But even less has actually been returned to victims. To obtain economic reparations, the burden of proof has been on the victim. The victim would have to know who perpetrated the crime and provide proof of what was stolen, including the land title, which in itself would exclude many poor farmers who work the land for decades without proper title.

This prospect horrified victims' groups, who criticized it as a forced reconciliation scheme that would oblige displaced persons to live together, and be dependent upon, those who had victimized them.

The Colombian government issued a decree for reparations to be provided "administratively," recognizing that the paramilitary-funded reparations scheme was at a standstill. This means that the government will provide reparations directly rather than through the courts, and that the funding would come primarily from the government's budget and international donations rather than through the paramilitaries' ill-gotten gains. The decree would provide for economic reparations of between one and ten times the monthly minimum salary to be administered by the CNRR.

Victims and human rights groups have raised a number of objections to this scheme. First, the decree would cover victims of paramilitary and guerrilla violence, but specifically excludes those who were harmed directly by the state, such as the relatives of civilians killed by the army. Second, it is not integrally linked to a process of truth and justice. “Experience has shown us that reparation isn’t achieved by merely handing over a check or erecting a monument, but with official, public discourse that makes clear what the material reparations actually

to acknowledge the State’s responsibility to return land as well as provide services to the displaced. While after much pressure the government agreed to include internally displaced persons as victims who could receive reparations, they will receive smaller sums than other victims, and nothing near the value of the land that they lost. The Colombian government has made very few efforts to even identify, much less return, the huge quantity of land obtained by violence. According to the Colombian government land agency INCODER, under the Uribe Administration, 54,565 hectares

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“Reparation isn’t achieved by merely handing over a check or erecting a monument, but with official, public discourse that makes clear what the material reparations actually symbolize.”

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symbolize,” comments Catalina Diaz of the International Center for Transitional Justice.<sup>39</sup> While many poor victims will doubtless welcome some economic reparations, however inadequate, the National Movement of Victims of State Crimes expressed concern that without linking reparations to systematic efforts to achieve truth and justice, “a program of administrative reparations can turn into a tool that tries to buy the victims’ silence.”<sup>40</sup>

The most glaring problem with this administrative solution is that it tacitly admits that the paramilitaries will not return the millions of hectares of land that they obtained by violence. From the start, the Uribe Administration has been resistant to the idea that reparations include return or compensation for stolen land. Victims groups and advocates for the displaced have argued forcefully that Colombia’s nearly 4 million displaced are among the primary victims of the conflict, and that restitution must include land. They were joined in this effort by the Constitutional Court and by the Inspector General’s office, which urged government agencies

of land was returned to 4,653 families (of the some 5 million hectares stolen from over 4 million displaced persons).<sup>41</sup>

In February 2008, the Congress passed a bill supported by the executive branch that made it easier to legalize land that had been held in someone’s possession for more than five years. In another, peaceful context a proposal to legalize land for small farmers would be progressive—in Latin America many smallholders still farm land without title. But in wartime Colombia, the five years coincide with the period of paramilitary expansion and violent expulsion of small farmers, Afro-Colombian and indigenous people from their lands. Given demobilized paramilitaries’ power advantage over poor farmers, due to threats, greater access to resources and legal advice, even with safeguards in the law to exclude land taken by violence, this law is likely to help paramilitaries legalize their ill-gotten gains.

The mass extradition of the paramilitary bosses also left hanging the question of what would happen to the lands paramilitaries had stolen. Would this

## I Loved Him Not Only Because He Was My Son, But Because He Was Good

In the end, getting his picture taken with President Bush and attaining a modicum of local fame was no help to Miguel Daza. In fact, his high profile may have been the death of him.

The young farmer was killed in a roadside ambush in February near this mining and drug trafficking hub in north-central Colombia, apparently by one of a new generation of criminal gangs that have emerged in the two years since right-wing paramilitary fighters officially disbanded.

The status of the paramilitary fighters has serious ramifications for President Alvaro Uribe, a conservative U.S. ally who famously broke up the militias, which were playing a role in destabilizing the country. But he has seen his presidency challenged by revelations that many of his closest allies were tied to the right-wing gunmen....

How the new criminal groups should be tagged and whether they are growing have become matters of debate. The Uribe government prefers the term “emerging gangs” because it conforms with its position that paramilitarism is a thing of the past.

But critics, including human rights groups and opposition figures such as Sen. Gustavo Petro, say the groups are wreaking the same havoc and committing the same crimes. The government is merely “putting a new name on the same old phenomenon,” Petro said.

What is certain is that the new groups act with the same murderous efficiency when someone such as Daza threatens their grip on an area and its people.

Authorities theorize that members of the notorious Black Eagles killed Daza, 37, because he had become what the drug trafficking outlaws fear most: a rising community leader who convinced 250 poor farmers that there was a better alternative to growing coca.

A former coca grower himself, Daza was a vocal backer of the government's manual eradication of the plants and in frequent public talks described coca as a “curse that must be driven from the heart of the pueblo....”

Said his mother, amid sobs, “I loved him not only because he was my son, but because he was good.”

Chris Kraul, “New Colombia drug gangs wreak havoc; The killing of a farm leader suggests the rise of former right-wing paramilitary fighters,” *Los Angeles Times*, May 4, 2008.

weaken already inadequate incentives on these paramilitaries to identify their stolen assets? Would the U.S. process permit investigations of these assets and the return of land to displaced persons?

What is clear is this: Close to three years after the passage of the Justice and Peace law, virtually no reparations have been made, and almost no land has been returned.

### The Right to “Never Again”

Colombian human rights and victims’ groups do not only speak of the rights to truth, justice, and reparations—they also speak of the right to “non-repetition.” This means the victims’ right to a guarantee that the violations will never take place again. But the paramilitary demobilization falls far short of satisfying this minimal requirement.

Paramilitary power is still far from broken. The OAS monitoring mission documented the emergence of some 22 illegal armed groups, as the paramilitaries “recycled” and regrouped into new, smaller but still deadly units. The groups, which are believed to range from 3,000 to 9,000 members, are taking over drug trade routes, money laundering and extortion. While many of these new or recycled groups focus on criminal activities, some groups, like those who use the “Black Eagles” name, continue the paramilitaries’ practice of threatening union, community and student leaders and politicians whom they perceive as leftists in league with the guerrillas. In some areas, they continue to receive support from members of the Colombian armed forces.<sup>42</sup> Even the few paramilitary leaders jailed in Itagüí, according to a *Semana* investigation, continued using their cellphones to “order hits, continue drug trafficking and rearming their men.”<sup>47</sup>

### CNRR’s Pizarro: Lowering Expectations

In his public statements, Eduardo Pizarro, head of the National Commission for Reparation and Reconciliation, often appears to be trying to lower expectations of the opportunities for truth, justice, reparations, rather than to be trying to inspire Colombian society and to push the process towards the maximum.

“If we need truth, it is to reconcile us. But, still in the midst of conflict, I don’t know if the best thing for reconciliation is to make public who financed whom, who was an accomplice of whom. Could it unleash, like in Rwanda, more violence?”<sup>43</sup>

“The UN and Europe were smart. In Yugoslavia they said: we will judge 90, not the 20,000 criminals we pardoned... To bring 150 people to justice in an exemplary manner would be extraordinary. If we try to judge them all, justice will collapse. We chose the worst path, trying to judge a massive number.”<sup>44</sup>

“Reparations won’t be money except for a limited, very defined universe of victims, especially the most vulnerable, such as orphans, the handicapped, women heads of households, etc.”<sup>45</sup>

“[The rearming groups are] a real concern, but at the same time it is inevitable. In all parts of the world, after such conflicts, between 5 and 15 percent of demobilized return to criminal life.... I think that we should not get horrified by it, this always happens when an armed conflict finishes.”<sup>46</sup>



From the start of the ceasefire agreement between the Colombian government and paramilitary forces in December 2002 until June 30, 2007, the Colombian Commission of Jurists documents at least 3,530 killings and disappearances by the paramilitaries (outside of combat). These abuses, while trending downward, indicate many paramilitaries have not demobilized (1,225 killings and disappearances from July 2003-June 2004, to 233 from July 2006-June 2007). The guerrillas (FARC and ELN), who are not “demobilized,” and who have not signed a ceasefire agreement with the government, were responsible for 1,805 killings and disappearances of civilians during nearly the same time period (July 2002 through June 2007).<sup>48</sup> Paramilitaries in a period of ceasefire and demobilization killed and disappeared nearly twice the number of civilians as the guerrillas who were still in active combat.

The Colombian government prefers to talk about the new, undemobilized or rearmed paramilitaries as a problem of “criminal gangs,” but this downplays the extent to which paramilitary groups continue to exercise power and commit abuses. According to the International Crisis Group, “While taking some 32,000 AUC members out of the conflict has certainly altered the landscape of violence, there is growing evidence that new armed groups are emerging that are more than the simple ‘criminal gangs’ that the government describes. Some of them are increasingly acting as the next generation of paramilitaries, and they require a more urgent and more comprehensive response from the government.”<sup>49</sup> The Colombian government’s insistence that the paramilitaries are largely demobilized in some cases makes it even more difficult to get protection for victims. Said one local civic leader trying to get aid for people recently displaced by paramilitary violence, “The government refused, because they said there were no longer paramilitary groups in this area, so we must have been inventing it.”<sup>50</sup>

## The National Commission of Reparation and Reconciliation

The National Commission of Reparation and Reconciliation (CNRR) was set up through the Justice and Peace law to address the needs of both victims and demobilized combatants. It is governed by thirteen commissioners, five members chosen by the president from outside the government, two representatives of victims’ associations, and six governmental delegates. The CNRR has responsibility for overseeing and providing demobilization and reintegration programs for ex-combatants, and has invested more energy in carrying out its mandate to assist ex-combatants than to provide direct services to victims.

The CNRR is tasked with all manner of responsibilities for attending to victims and their efforts to claim truth, justice and reparations: informing them of their rights under the Justice and Peace process, registering them as victims, returning land through regional land commissions, pointing victims towards legal and psychosocial assistance, conducting symbolic acts of reparations, promoting reconciliation projects, and orienting state agencies to their responsibilities to provide services for victims. The CNRR states that it has attended to some 35,000 victims in the two years of its existence.<sup>51</sup> However, this includes meetings where victims are briefed on the Justice and Peace law or told where they can access government services—not just direct services. The lack of progress on reparations and land leaves the CNRR’s branch offices with little to do. Without anything to hand out, according to one church leader in the Sucre area, “there are offices but they have no function.”<sup>52</sup>

The CNRR’s list of tasks is impossible from the start to carry out, particularly without concerted support from government agencies. But these logistical difficulties are compounded by the bitter taste left by the lack of consultation with victims and

civil society over the Justice and Peace law and the CNRR's creation. The CNRR includes a number of civil society leaders with distinguished careers in human rights and peace-building, such as Ana Teresa Bernal, Regulo Madero and Patricia Buritica. According to one church leader, "They are marvelous people—marvelous. But the very fact that they have been hand-picked by the President erodes the trust people had in them."<sup>53</sup> CNRR director Eduardo Pizarro often appears to be trying to lower expectations for truth, justice and reparations, rather than viewing his role as inspiring Colombian society to reach for more. And the CNRR's public relations efforts for the government can undercut its role as advocate for victims. For example, with almost no reparations given out or land returned, in April 2008 the CNRR website boasted, "It is predicted that with the process of integral reparation, Colombia will 'break the world record for reparation of victims,' given that international examples show that the average time to begin reparation cases is an average of 10 to 15 years."<sup>54</sup> This has led some victims, such as those grouped in the National Movement for Victims of State Crimes, to say, "The CNRR does not represent us." At the least, the CNRR's lack of independence limits the useful services to victims that it could offer.

## Pushing the Limits: The Drivers towards More Truth, More Justice

### Victims' movements

Victims' groups in Colombia have been searching for years for truth, justice, and the location of their loved ones who have disappeared. To give just a few examples, Asfaddes, the National Association of Families of the Disappeared, helps family members search for the missing; Mujeres de la Candelaria groups mothers of victims of violence by all armed actors in demonstrations and calls to action; numerous indigenous and Afro-Colombian organizations, such as ONIC and Proceso de Comunidades Negras, express the collective

demands of their communities; Ruta Pacífica de la Mujer conducts symbolic actions for peace, victims' rights and the rights of women; Pais Libre advocates for the victims of kidnapping; Asfamipaz works with the families of soldiers and police captured by the guerrillas, and many associations of the internally displaced advocate for their immediate needs and the return of land.

As the government's negotiations with paramilitary groups advanced, victims of paramilitary violence began to come together so that their voices would not be excluded at this historic moment. They feared that the truth about paramilitary violence could be buried forever. They launched the National Movement for Victims of State Crimes on June 25, 2005, four days after the Colombian Congress approved the Justice and Peace law. Iván Cepeda Castro, the son of a murdered senator, has become a face of this movement.

The National Movement of Victims of State Crimes (MOVICE) is a loose confederation of victims' groups from around the country. It came into being "as a cry for unity by people and groups persecuted by the Colombian state, to leave behind isolation, forgetting and fear, with the objective of fulfilling the rights to truth, justice, and integral reparations." With annual national conferences preceded by regional consultations, it provides visibility for victims' demands. The movement, while substantial, cannot claim to represent all victims of paramilitary violence.

These victims' groups consciously made the decision to be a movement of victims of "crimes of the state," meaning violence by paramilitaries and Colombian security forces, rather than attempt a united front with victims of guerrilla violence. The decision to do this is understandable, a direct reaction to Colombian society and government's refusal to deal with the reality of paramilitary violence and the responsibility of the government and

security forces in not only allowing, but also aiding and abetting, this violence.

There is a cost, however, to the victims of all armed actors for the inability, at this moment, to build a common front. At times, these differences have been bridged; groups representing victims of paramilitary and army violence have supported the demands of relatives of kidnap victims and soldiers and police held captive by the guerrillas for a “humanitarian accord” with the FARC, and anti-kidnapping groups have marched with victims of paramilitary violence. But the chasm that divides the victims of

violence is deep, often not allowing one group to fully understand and acknowledge the pain that the other experiences.

“How do we find a way to put both truths together?” questioned Father Mauricio García Durán, director of the Jesuit research center CINEP.<sup>55</sup>

The organizations grouped in MOVICE helped to visibilize and amplify the voices of victims of paramilitary violence, who otherwise would have been largely hidden from public view. The movement denounced the Justice and Peace law and remains vocally opposed, but also continues

## MARZO 6

POR LOS DESAPARECIDOS • POR LOS DESPLAZADOS  
• POR LOS MASACRADOS • POR LOS EJECUTADOS

En Colombia han sido desplazadas cerca de cuatro millones de personas, en su mayoría por los grupos paramilitares. Estos grupos, solos o en conjunto con miembros de las fuerzas militares, han desaparecido al menos a **15.000** compatriotas y los han enterrado en más de **3.000** fosas comunes o han arrojado sus cadáveres a los ríos; han asesinado a más de **1.700** indígenas, **2.550** sindicalistas, y cerca de **5.000** miembros de la Unión Patriótica. Regularmente torturan a sus víctimas antes de matarlas. Entre 1982 y 2005 los paramilitares perpetraron más de **3.500** masacres, y robaron más de seis millones de hectáreas de tierra. Desde 2002, después de su “desmovilización”, han asesinado **600** personas cada año. Llegaron a controlar el **35%** del Parlamento. Desde 2002 hasta hoy, miembros del Ejército Nacional han cometido más de **950** ejecuciones, la mayoría presentadas como “positivos”. Tan solo en enero de 2008, los paramilitares cometieron **2** masacres, **9** desapariciones forzadas, **8** homicidios, y el Ejército ha cometido **16** ejecuciones extrajudiciales. **En Colombia, agentes del Estado y paramilitares violan los derechos humanos y el derecho humanitario. Muchos grupos paramilitares no se han desmovilizado. Ahora se hacen llamar Águilas Negras. Muchos parapolíticos están en cargos públicos y diplomáticos.** Usted marchó el 4 de febrero. ¿Acompañará el 6 de marzo a las víctimas de los paramilitares, los parapolíticos y los agentes del Estado? **Nunca más fosas comunes. Nunca más desplazamientos forzados. Nunca más paramilitares. Nunca más parapolíticos. Nunca más crímenes de Estado.** El Movimiento Nacional de Víctimas de Crímenes de Estado convoca: **6 DE MARZO DE 2008**

**Homenaje nacional a las víctimas del paramilitarismo, la parapolítica y los crímenes de Estado**

to push for better implementation of its provisions and acknowledges the efforts of the Constitutional and Supreme Courts. It has vociferously rejected token or sheerly monetary reparations, urging reparations that advance, not substitute, for truth and justice.

While attempting to improve the official process, the victims' movement places greater emphasis upon creating alternative mechanisms for truth, justice and reparations. The movement launched alternative truth commission hearings in the areas of the country worst hit by paramilitary terror. Without the kind of protection that a UN-style truth commission could offer, the movement dared to organize a public hearing in San Onofre, a town in which paramilitaries had created

regulating private security and other measures.

"Sons and Daughters for Memory and Against Impunity," a younger generation who had lost parents to violence, adds a new flavor to the victims' movement, bringing artistic expression, personal reflection, and a joyous touch. "We don't just want to hold up the picture of our dead parents, we also want to celebrate their lives," said Diana Gómez, daughter of slain Senate aide Jaime Gómez.

"Violent death only leaves sorrow. But the struggles that our parents were committed to were joyful, and they are our constant inspiration," said Oscar Pedraza, son of disappeared human rights lawyer Alirio Pedraza. For Daniel Chaparro, son of slain journalist Julio Daniel Chaparro, "I

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**"Violent death only leaves sorrow. But the struggles that our parents were committed to were joyful, and they are our constant inspiration," said Oscar Pedraza, son of disappeared human rights lawyer Alirio Pedraza.**

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extermination camps where victims were taken to be tortured, killed and buried in mass graves, and in which paramilitaries were supported by many local politicians. Selections from the San Onofre hearings are included on page 40. The movement also convened an "ethical commission" of international human rights and victims groups such as Argentina's Madres de la Plaza de Mayo to listen to testimony and issue proclamations, as one step towards a truth commission.

The movement plans to create an alternative registry of land stolen by violence. Although this will be technically impossible to implement fully, it could help to create greater political will for the government to shoulder this crucial task. Additionally, the movement has backed a bill to prevent future paramilitaries by

realized that [my father's death] was not a personal matter. It was the living history of this country... What happened doesn't deserve this profound denial that splits you in two."<sup>56</sup>

When the paramilitary leadership came to the Colombian Congress to discuss issues as the Justice and Peace law was being finalized, Iván Cepeda stood quietly in the Congress with a picture of his murdered father. Outside the building, groups of paramilitary supporters bussed in from the countryside celebrated the arrival of their chiefs. Later Cepeda would reflect, "When we stood there in the Congress, we felt completely alone."<sup>57</sup>

Perhaps the greatest value of this movement is that it provides the sense of not being alone any more.

## The Other Half of the Truth

By *El Tiempo* columnist Óscar Collazos

Many of us fear that the other half of the truth will not have the same support as the march [against FARC violence] on Monday.

Despite the disgust I felt knowing that [paramilitary leader] Salvatore Mancuso called for people to participate in the Monday march, I walked with a white T-shirt, without slogans, and without shouting. I did it knowing that the government would use the sentiment from this enormous popular rejection of the FARC, adding new arguments for a second presidential reelection. I did it because I wanted to march to protest for one half of the truth.

I marched to stand with the multitudes who protested against kidnapping and clamored for the immediate liberation of the kidnapped who are in the power of the guerrillas....

Half of the truth, I say. The other half, as horrifying as the first, was absent in Monday's crowds. Many of us fear that this other half does not interest so many thousands of people and that the 120,000 victims of paramilitarism will never have the march that they deserve and that we owe them as a symbolic act of justice.

Many of us fear that the other half of the truth will not be supported by the government and by their embassies and consulates abroad, nor by the major media. Nor by the companies who paid taxes to the paramilitaries and who felt relieved when they protected them from the guerrillas.... If this march does take place, it is possible it won't have publicity because among the guilty and the complicit are government agents, long-time government officials and friends of the President.

The march for the other half of the truth should be in silence, with sober signs that commemorate the names of the victims of the paramilitary madness. They should recall the place and dates of the genocides, the names of the paramilitary leaders who taught how to exterminate methodically and ritually.

But also the names of the politicians who closed their eyes to these atrocities...

If we do not manage to carry out a massive condemnation of this other horror, Colombians will have lied with a half truth....

We will not have closed the circle of revengeful violence. We will be opening a new episode of wars that have their origins in historic injustices.

Óscar Collazos, "La mitad de la verdad," *El Tiempo*, el 7 de febrero, 2008

### The Tale of the Two Marches

Some seven hundred indigenous and Afro-Colombian people displaced by the war cast thousands of flowers into the Magdalena river in Flandes, Tolima, in honor of all those whose bodies the paramilitaries had thrown into Colombia's rivers. Then they walked to Soacha, a shantytown outside Bogotá, home to thousands displaced by violence, where they were greeted by Senator Juan Manuel Galán, son of presidential candidate Luis Carlos Galán, slain at that spot in 1989. March organizers invited participants to add their testimonies to an open book. "But as one toothless woman in tattered clothes said, 'There aren't enough pages to describe what I have suffered.'"<sup>58</sup>

In Bogotá, cities and towns around Colombia, and in some 60 cities around the world, hundreds of thousands of people joined in to denounce paramilitary violence. According to José Darío Antequera, son of a Patriotic Union leader killed by paramilitaries, they marched "for the disappeared, for the displaced, for the assassinated, we affirm the right of victims, but also the possibility that through their memory, we will understand that the problem of human rights violations does not just belong to those who have suffered them directly."<sup>59</sup> Kidnap victims who had just been released by the FARC after years of captivity and the relatives of those still in captivity such as Ingrid Betancourt's mother endorsed or joined in the march, as did the anti-kidnapping group Pais Libre. At the march's end, organizer Iván Cepeda concluded, "We feel very supported after having overcome many obstacles."<sup>60</sup>

But the March 6<sup>th</sup> rally exposed like a raw nerve the different ways in which victims of violence by the guerrillas and paramilitaries were treated by Colombian society, government and media. Victims' groups decided to use the rally to directly challenge this unfair treatment and to inspire Colombian society to stand behind them. March organizers called on the

government to support the rally. They met with some of the major papers, radio and TV stations, and demanded that they endorse the rally, as they had endorsed the February 6 rally, and to provide the same coverage.

After being challenged to do so, some Colombian media outlets gave substantial coverage to the march, and a few endorsed it. But the treatment was never equal. Commentators grilled the march's organizers: is your march motivated by revenge? Won't it be seen as a competition to the other march? Won't your march polarize society further?—questions that would never be asked of a march to reject kidnapping by the FARC.<sup>61</sup> A journalist at one of the associated events said, "I had to argue with my editor to let me cover this... but for the February rally, our bosses rented buses to cover it."<sup>62</sup>

The only acknowledgment the government offered of the march was a distancing communiqué stating that "although [the government] does not share some of the way this event is framed, we will guarantee the rights of those who choose to participate on March 6, and call on the organizers of the march to be peaceful and respectful of institutions and of constructive, opposing opinion."<sup>63</sup> Defense Minister Juan Manuel Santos suggested that the government would support the march if the organizers stopped talking about government or military culpability. "This march, of course, has the support of the government, but they are talking about crimes of the state and this is inconvenient."<sup>64</sup> March organizers reported that public employees, who had been allowed to take the day off for the February rally against the FARC, were warned that they would be disciplined if they were not at their posts on March 6.<sup>65</sup>

One of President Uribe's top advisors, José Obdulio Gaviria, made a telling statement to Colombian radio when asked if he would participate in the march against the paramilitaries convoked by



the victims' movement. "I, personally, will not participate, unlike what I did with full enthusiasm for the march against the FARC.... It's very hard for Colombian society to participate in that kind of event, when we just finished marching against the people who are organizing it."<sup>66</sup>

When Iván Cepeda filed a petition asking the government to fire Gaviria, Gaviria responded that the government always replied to "petitions made by the FARC." Rather than distancing himself from these remarks, President Uribe reaffirmed his advisor's right to free speech. After an international outcry regarding Gaviria's comments, including a letter from the U.S. Congress, President Uribe dug his heels in further, publicly labeling Cepeda a "human rights imposter" and a fake victim.<sup>67</sup>

In the days leading up to, during and following the march, march organizers, union leaders, human rights defenders and victims faced a wave of death threats and

### Colombia's Human Rights Groups, Undaunted

Colombia's leading human rights groups resolutely opposed the Justice and Peace law as it wound its way through the Congress. Undaunted by being labeled obstructionists opposing peace, they were determined to expose the myriad of ways in which paramilitary leaders could escape justice. The Colombian Commission of Jurists scrutinized each draft of the law, and pointed out every loophole and escape clause.

Once the law was finalized, Colombian human rights groups focused on two arenas: the highest courts in the land and the international system of justice. Colombian human rights groups submitted friends-of-the-court briefs to urge the Constitutional Court to rule the entire Justice and Peace law unconstitutional. While the court declined to do so, it did issue a ruling that substantially changed

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In the days leading up to and following the march, march organizers and victims faced a wave of death threats and violence the like of which they had not endured in many years.

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violence the like of which they had not endured for years. The march organizers believed that Gaviria's comments, and the government's failure to distance itself from them, helped create the climate that permitted this violence. Six union leaders were assassinated, including two who were local march organizers. Over 50 civil society leaders and organizations received death threats, apparently from rearmed or new paramilitary groups such as the Black Eagles. The twelve-year-old daughter of MOVICE activist Ingrid Vergara was approached by men who threatened to kill her if her mother continued her activities. Displaced persons leader Blanca Nubia Diaz was beaten by men who had followed her since she participated in the march.

the law's implementation, increasing the paramilitaries' responsibilities for revealing their crimes and paying reparations, lengthening the time the government had to investigate these crimes, and improving victims' access to the proceedings.

The human rights groups appealed to the international instruments of justice that they had available, including the Inter-American Commission for Human Rights and the United Nations High Commissioner for Human Rights. Their concerns regarding the failure of the law to meet international human rights standards as well as problems in implementation were reflected in reports by the IACHR and UNHCHR.

Colombian human rights groups' critique of the Justice and Peace law left them facing a dilemma once the law was passed and the Constitutional Court decision finalized. Over one hundred and twenty-five thousand victims decided to try their luck with the Justice and Peace process, providing their information to the Attorney General's office or other agencies. The Colombian government failed to provide anywhere near the public defender representation needed to ensure access to justice for the victims. Human rights groups were not prepared for this flood of victims, having focused most efforts on challenging the law. Human rights groups and individual lawyers scrambled to provide advice to the victims, but many victims went forward alone.

### **The Churches: Building Blocks for Truth and Peace**

Colombia's Catholic and Protestant churches and faith-based organizations pursue their own initiatives to unearth the truth, along with efforts to foster peace-building and reconciliation. Some notable projects include the Catholic Church's TeVeré project, which collects testimony from victims and provides support for trauma, and their Rut project, which documents the experience of internally displaced persons in several areas of Colombia. The surveys carried out by Rut remain one of the best historical records of the suffering of displaced persons and include one of the few systematic sources of records of stolen land which could help serve as the basis for reparations and land return.

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*Were a serious truth commission to be launched, these church-related projects, just a few of which are mentioned here, could be building blocks for such an effort.*

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At the same time that human rights groups pursued legal challenges to the Justice and Peace law, they also sought to provide support and visibility to victims of paramilitary violence. The Colectivo de Abogados José Alvear Restrepo, for example, provided advice and support to the National Victims Movement of State Crimes. The nongovernmental group Justicia y Paz accompanies some of the most excluded and marginalized victims as they create their own processes to uncover the truth or press for justice.

Colombian human rights groups' relentless criticism of the Justice and Peace process helped to convince the high courts to improve the law, and created greater space for victims to raise their voices. Their efforts also laid the groundwork for future challenges to paramilitary and governmental impunity in the international arena.

The Jesuit research center CINEP maintains an invaluable database of human rights and international humanitarian law violations. This database, Noche y Niebla (Night and Fog), serves as a kind of collective database for Colombia's human rights groups. The Colombian Commission of Jurists draws upon this database as well as other sources in its annual reports on abuses.

Catholic and Protestant churches separately and together, working with victims associations, universities and nongovernmental groups, are building peace and reconciliation networks in the most conflicted areas of the country. Some protestant churches became "peace sanctuary churches," which supported peace initiatives and victims' rights in conflict areas. These projects recognize, according to Mennonite pastor Ricardo Esquivia, that "no reconciliation will come without truth. And people long for the

## Truth, Model 2007

*Semana's astute editor and commentator, María Teresa Ronderos, had a somewhat more optimistic view of what truth came out than did many human rights groups and victims' advocates. Here is her view.*

Guessing at the future, with the Justice and Peace process and the unfolding of the parapolitical scandal, this magazine baptized this year as “the year of the truth.” And it was, in fact, a year of many truths. We found out the depth of the damage caused to thousands of Colombians and the whereabouts of those who had disappeared, even long ago. We found out the extent of the complicity between political life and paramilitarism. The faces of evil of a handful of people were identified, perverted by a social climate in which killing and torture became normal. There were answers about stolen lands, about atrocious crimes; thousands of cases without perpetrators identified were reviewed and many began to be deciphered. Like rabbits out of a magician's hat came the names of businessmen, members of the military and other accomplices of the paramilitary barbarie.

Although all this was made public in 2007, when we look at it from a distance, really nothing is so new. Some who knew it all, and in fact had said so, were blamed for doing so. All of us knew something. Nonetheless, what made this year so singularly truthful is that what was known in a haze, like a landscape in the background, became known with first name, last name and exact dimensions. And it was the personal stories, the precise numbers, that pierced the clouds and made it so that for the first time, truth became reality for Colombians.

Some 120,000 violent acts were registered with some precision, each one of which left one or more victims. With first name, last name, signature and fingerprint, each of these thousands of victims went to the Attorney General's office, Ombudsman's office, Inspector General's office, to the National Commission of Reparation and Reconciliation, in pilgrimages, like ants, each one with a little grain of truth but determined to reconstruct it all, traveling from the countryside to the city. There were more than 90 days of attention to victims. They had been invisible, and now they existed. Almost a dozen leaders, among them Yolanda Izquierdo, Carmen Santana, Oscar Cuadrado and Gustavo Espitia, were assassinated for coming out of the earth to dare to speak. But even in this there was a change, because there were efforts to defend them, such as legal measures to force the government to protect them.

Forced disappearance was a tragedy that Colombia had tried to sweep under the rug ever since it started. The truth this year: 973 unmarked graves found with 1,153 bodies of people who had vanished in the hands of the paramilitaries. The statistic of 7,500 disappeared used by the Association of Families of the Disappeared (Asfaddes), for which they had been labeled alarmist, was found to be an underestimation when examined in the light of this year's events, and now we know it to be 15,000 or more...

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### Truth, Model 2007

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The other truth that we began to appreciate is that of the perpetrators. For the first time they have been put on the stand so that they can explain themselves to the justice system.

There have been hours and hours of justifications; the efforts of the bosses to give a political face to these barbaric acts, or to give the appearance of a hierarchical structure organized by the United Self-Defense Groups of Colombia, when in reality it was an umbrella structure that covered a brotherhood of enemies in continual competition for domination and resources. But in the *versiones libres* almost 600 demobilized paramilitaries have floated profound truths about how terror against the civilian population was organized and what was done....

Now, it isn't all the truth. It's just the truth so far of the alleged perpetrators. There's still a long judicial process of verifying the confessed acts, confronting the perpetrator with the judicial truth, and finally deciding if he receives benefits of law 975 of the justice and peace process.

Therefore perhaps the most scandalous part of the truth that has flowed in the mass media this year, the names of possible accomplices among the military, businessmen, priests and government officials, is on the slipperiest terrain. Many of the paramilitaries have carefully chosen whom they fingered: many have only mentioned the dead....

There's still a long road ahead. The sheer number of the cases has overwhelmed the technical and financial capacity of the justice system. There are obstacles to resolve, like the more than 16,000 demobilized who have been pardoned and who, given various decisions by the courts, have remained in limbo. The truth is also harmed by the new criminal bands, or the old paramilitary chieftains who still do not break their ties with armed groups. Nonetheless, the truth that emerged this year has been sufficiently enlightening, giving enough relief from sorrow, that this year can pass down to history as the one in which we began to discover the truth.

María Teresa Ronderos, "Verdad Modelo 2007," *Semana*, September 9, 2006

truth, they will sacrifice their lives for it. But getting at the truth while the conflict still goes on, that's complicated. We are trying to find creative ways to get at the truth without putting people's lives in danger."<sup>68</sup> Were a serious truth commission to be launched, these church-related projects, just a few of which are mentioned here, could be building blocks for such an effort.

### The Inspector General Steps Up

The Inspector General's office, the Procuraduría General de la Nación, used the means in its power to prod the executive, judicial and legislative branches of the government towards greater respect for the rights of victims of violence. In June 2005, it produced a remarkable two-volume report examining the demobilization and reinsertion process. It critiqued Law



975, cautioning the government that “national reconciliation does not justify a model based on denying the necessity of historical truth.” In this report and subsequent statements, the Inspector General’s office urged the government to broaden the category of victims to include Colombia’s millions of internally displaced persons, and to include the fundamental right to the return of land. Procurador General Edgardo Maya led a group of state employees who attended the March 6<sup>th</sup> rally against paramilitary violence, although most other national government

prominent critic of the Justice and Peace law, also began to persistently call attention to the paramilitary hold over politics.

But as journalist María Teresa Ronderos later reflected, all this would have “stayed dead” if the Supreme Court had not begun investigating the links between the paramilitaries and the politicians. It was these investigations—and the image of powerful politicians hauled into court and even jailed—more than any consequences from the Justice and

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The court’s investigations ultimately resulted in the arrest of dozens of members of the Congress, local and regional governments, the majority linked to the ruling party or to its coalition partners.

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figures did not participate. The Inspector General’s office during this period appeared to take seriously its role to encourage the government to protect the rights of Colombia’s most vulnerable citizens.

### Paragate Unfolds

The parapolitical scandal—“Paragate”—is being exposed by a dynamic combination of few outspoken politicians, the Supreme Court and some determined Colombian journalists. It did not emerge from the Justice and Peace process, although once the scandal began to unfold, the Justice and Peace hearings contributed valuable leads.

In 2005, Senator Gustavo Petro of the Polo Democrático Alternativo party began denouncing publicly that at least a third of congressional seats were held by politicians who had struck secret deals with the paramilitaries. At first, Petro, a former guerrilla member who had helped to write the 1991 constitution after demobilizing, was a rather lonely voice. Senator Rafael Pardo, a centrist politician who was a

Peace law, that awakened Colombian society to how deeply their politicians were connected to paramilitary violence. The Supreme Court’s investigations and parallel journalistic investigations by some of Colombia’s major media, which had previously barely covered the story, began to reinforce each other. The court’s investigations ultimately resulted in the arrest of dozens of members of the Congress, local and regional governments, the majority linked to the ruling party or to its coalition partners. Today, 63 politicians are under investigation, charged or convicted of paramilitary collaboration.

The discovery of a computer owned by paramilitary boss Jorge 40 widened the scandal and gave Petro’s charges new impetus. The computer contained evidence linking members of Congress, governors and mayors to local paramilitary networks. It also contained evidence alleging that the head of the state intelligence agency, Jorge Noguera, had handed over to paramilitaries lists of union leaders and others to be killed.

## Killing the Messengers

### Hollman Morris

*Hollman Morris is an independent Colombian journalist who has done more than anyone to bring the stories of victims of violence to Colombian television screens. He received the 2007 Human Rights Defender award from Human Rights Watch.*

This autumn I had coffee with a journalist colleague who was forced to leave Colombia for more than two years due to death threats. When he returned, President Álvaro Uribe welcomed him home by publicly calling him a liar. Soon after, fresh death threats arrived at this office.

Uribe commonly tars the opposition, human rights defenders and journalists with the same brush, accusing us of being in cahoots with guerrillas and terrorists. In Colombia, such accusations can be a death sentence.

I have also been the victim of Uribe's attacks. Two years ago, he accused me of working with guerrillas. Weeks earlier, our babysitter found a funeral wreath decorating our front steps. The messages sent to journalists can be subtle or unsubtle, but they're always unmistakable....

A recent survey of 235 Colombian journalists found that more than one third had received death threats. Almost all of them—88 percent—said they believed that freedom of the press is under threat and admitted to having refrained from publishing information due to pressure from paramilitaries, guerrillas, politicians, media owners and government officials. The vast majority have seen no improvement in the situation of freedom of the press in the last five years....

Colombia is a society that prefers to forget: to forget the atrocities, the lost lives. We forget every day. To end the conflict, we must recover our memory of these abuses.

The government has done almost nothing to help the victims—too many abuses ignored, too few abusers brought to justice. But sometimes even the voiceless can speak.

I will never forget reporting the discovery of a mass grave in the southern state of Putumayo. As the experts who were exhuming it said, "The bodies will tell their stories."

If this work sound grim, it's only part of the story. We see tragedy, yes. But we also see brave people—journalists, judges, human rights defenders—who are pressing for the truth despite all the obstacles. They are Colombia's greatest assets. One day, they will show our government that the only way to change the nation's destiny is to help victims tell their stories.

Hollman Morris, "Killing the Messengers," *The International Herald Tribune*, December 18, 2007

Thinktanks such as Corporación Nuevo Arco Iris, with investigators León Valencia and Laura Bonilla, independent investigators such as Claudia López and Mauricio Romero, and Indepaz, with analysts such as Camilo González Posso, made major contributions with their in-depth research about the extent of the parapolitical networks, which they published at considerable risk.

The Uribe Administration has sought to portray Paragate as proof of its own willingness to purge corrupt elements—rather a remarkable display of chutzpah given that the great majority of the politicians implicated are from the President's own party or coalition partners. While President Uribe provided full funding for the Supreme Court during this period, he used his “bully pulpit” to discourage investigations and intimidate the courts. Uribe called for the courts to release from jail anyone who had told the truth and had not committed gross violations of human rights—a proposal aimed primarily at the politicians in jail for paramilitary links or the businessmen who supported them.<sup>69</sup> When paramilitaries threatened to rearm, he called for terming paramilitarism “a political act,” which would have effectively blocked criminal charges. He publicly castigated Supreme Court Justice Iván Velasquez, who headed up the team investigating the parapolitics scandal, accusing the justice of pressuring a paramilitary witness to implicate Uribe in ordering the murder of another paramilitary leader. The Supreme Court justices considered mass resignation, but then stayed, issuing a statement supporting Justice Velasquez and appealing to the executive to respect the autonomy of the judicial branch.<sup>70</sup> This public conflict was so disturbing to the justices in part because public condemnations by high-level government officials of journalists, human rights groups or members of the judiciary are often followed by death threats from paramilitary groups.

In January 2008, President Uribe filed charges against Supreme Court Chief Justice Cesar Julio Valencia Copete.

Valencia had signed the Supreme Court communiqué supporting Velasquez. Later, the President had phoned Valencia, and Valencia told *El Espectador* newspaper that Uribe had questioned him about his cousin, Mario Uribe, one of the politicians being investigated by the court. President Uribe denied that he had done so and filed for slander. The Supreme Court justices pledged to respect the President's right to file a charge, but defended Justice Valencia as “focused on preserving the rule of the Political Constitution and the law, and guaranteeing the autonomy of the Republic's judges, the separation of powers, and respect for human rights and international humanitarian law.”<sup>71</sup>

As the Supreme Court investigations resulted in an arrest warrant being issued even to the President's own cousin, President Uribe and allied members of Congress began to warn of a crisis of “institutionality” due to the Supreme Court's actions, and to float the idea of creating a special tribunal which would supersede the Supreme Court and find a resolution to the “crisis.” Yet President Uribe still tread cautiously, aware of the international and domestic appearance of impropriety if he were to intervene directly in the judiciary or on his cousin's behalf.

On April 22, 2008, Mario Uribe, facing an arrest warrant for paramilitary collusion, fled to the Costa Rican embassy to request asylum. Victims gathered at the embassy, propping up cardboard statues of paramilitaries and pictures of the dead and disappeared on the gates. The embassy denied asylum, and President Uribe chose at this moment not to intervene. But the President's sudden decision in May to extradite 14 top paramilitary bosses to the United States dealt a blow to the parapolitics investigations.

### Breaking the Story

Much of the Colombian media, particularly television, missed the story behind the paramilitary demobilization. It offered little

critical analysis, rarely featured the voices of the victims of paramilitary violence, and generally did not cover the reemergence of armed groups. Colombian human rights groups regularly lament the way the media will not give paramilitary violence the same coverage granted the violence of the guerrillas. But some remarkable coverage began to open the door for the light to spill out.

*Semana* magazine closely followed the parapolitics scandal and blew the whistle on the jailed paramilitary leaders' continued control, via cellphone, of violence and drug trafficking. Editor María Teresa Ronderos' commentary gave space to the voices of victims and offered astute analysis about the unfolding of the Justice

*extermination camps.... And what about the guerrillas? There have also been mass graves [with victims of the guerrillas], but 98 percent of the claims [of mass graves] which the Attorney General's office is dealing with are by the paramilitaries.*<sup>72</sup>

*El Espectador* ran a regular column by victims' movement leader Iván Cepeda, thus giving voice to an important movement.

And independent journalist Hollman Morris, despite threats, continued his television series, *Contravía*, which did more than any other program to bring the

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*“When we decided to do a story in *El Tiempo* on mass graves, the same scene kept repeating in our editing room: one by one, the reporters returned from their field work, horrified...”*

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and Peace process. *Semana*, *El Tiempo* and *Cambio* magazine all documented the paramilitaries' growing hold over local politics, a dangerous story to tell.

*El Tiempo* published an extraordinary series about mass graves. As editor Luz Maria Sierra explained,

*When we decided in *El Tiempo* to do a special report about the phenomenon of mass graves, the same scene kept repeating in our editing room: one by one, the reporters returned from their field work, horrified.... The testimonies of paramilitaries and the results of the forensic teams allowed us to conclude that not only did the AUC design a method to cut up human beings into pieces, but also they went to the extreme of carrying out courses [on how to do so] using live people who were taken to their*

faces and voices of victims of violence into Colombian households. His series vividly explores the heroism of ordinary people's daily struggles to survive, and to achieve justice. In his program on the peace community of San José de Apartadó, he shows this group of campesinos in daily life as they organize and discuss their problems. Then, later, he superimposed their name and the date when each of them was killed.

This reporting was the exception rather than the rule—but it was heroic. See the examples on pages 21, 25 and 38. As Hollman Morris shows (see box on page 28), journalists took risks to cover these stories. According to the Committee to Protect Journalists, Colombia ranks fourth on the CPJ's impunity index, which ranks unsolved murders of journalists per number of population, with journalists “targeted for their coverage.”<sup>73</sup>

### An Unfinished Story

As this report goes to press, the full scope of what will be revealed regarding the paramilitaries' connections to the Uribe Administration, politicians, landowners and the armed forces is not yet known. It is a volatile moment. Important actors within Colombia—starting with the victims, but joined by human rights groups, journalists, judges, politicians, prosecutors, churches—are running new risks to open the box of locked secrets. The Uribe Administration is navigating a demobilization process which on paper includes a measure, however limited, of truth and justice. Yet at the same time, it is trying to use its influence to prevent the full truth from being revealed. So the Colombian government tells the victims to come forward and participate in hearings, while at the same time, the President singles out, and makes intimidating statements against, some of the most vocal voices for truth. But the forces driving forward the truth are gathering steam, and they will not all be silenced.

### The U.S. Government and the Paramilitary Demobilization

As the Clinton Administration prepared to launch in 2000 a massive counternarcotics aid program known as Plan Colombia, mainly directed to Colombia's security forces, the U.S. government was well aware of paramilitary abuses. The administration had also been passionately warned by human rights groups of pervasive collusion between the Colombian armed forces and paramilitaries. Concerned with these reports, and not persuaded that the administration would act on them with sufficient seriousness, the U.S. Congress attached human rights conditions to aid to Colombia's security forces. The conditions required the State Department to certify twice a year that the Colombian government was making progress in breaking links between the military and the paramilitary and to investigate and prosecute any member of the armed forces engaged in aiding and abetting paramilitary

violence. On September 10, 2001, in a twist of fate, the AUC was placed on the official State Department terrorist list, next to the FARC and the ELN.

This massive increase in U.S. assistance coincided with some of the worst years of paramilitary violence (see chart on p. 4). While U.S. and Colombian human rights groups, which the State Department was required to consult every 90 days regarding Colombia's compliance with the human rights conditions, presented evidence in each consultation from 2000 to 2008 that the conditions were not met, regarding both armed forces' collusion with paramilitaries and the failure to investigate and prosecute direct human rights violations by the armed forces, the State Department certified Colombia on a regular basis. Only the well-publicized allegations that soldiers murdered men, women and children in the San José de Apartadó massacre in 2005, and congressional and nongovernmental groups' pressure around this case, as well as growing reports of other direct killings of civilians by the army, began to make these decisions more difficult. Senator Patrick Leahy (D-VT), ranking member and then chair of the Senate foreign operations appropriations subcommittee, who monitored the human rights situation in Colombia with admirable care and concern, used his leverage to demand that the State Department enforce the conditions. Responding to this pressure, the State Department and embassy did raise specific cases with the Colombian government, which likely led to the convictions achieved in a few high-profile cases, such as three trade unionists killed by soldiers in 2004; the San José de Apartadó massacre, and the Jaimundi case in which soldiers mowed down an entire group of U.S.-trained counternarcotics police. Most cases of army-paramilitary collusion and army killings of civilians, however, went unsolved and unpunished.<sup>74</sup>

The U.S. government enthusiastically encouraged the Colombian government's negotiations with the paramilitaries

and the resulting demobilization, which promised to remove a vexing problem in the U.S-Colombian relationship. As the demobilization began, the Bush Administration sought funding for reintegration programs for ex-combatants. The U.S. Congress, more skeptical about the demobilization, included conditions on the funding to encourage dismantlement of paramilitary networks. In 2007, the Congress made substantial changes to the administration's FY2008 proposed aid to address concerns about the overwhelmingly military nature of the aid package as well as to improve implementation of the

conference with Colombian President Uribe was nothing short of glowing praise for the government's record, particularly for the paramilitary demobilization.

*Colombia is an inspirational story not just to the people of this region but to the people around the world who are trying to overcome years of civil conflict, who are trying to overcome their differences, and who are trying to do so in a democratic framework. Mr. President, you and your Government have always been generous, not*

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By 2008, it should have been clear to the U.S. government that something was seriously amiss with the implementation of the Justice and Peace law, given how few paramilitary leaders were still cooperating with the Attorney General's office in order to receive benefits from the law.

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paramilitary demobilization. This included considerably more funding for the Attorney General's investigations and prosecutions of paramilitary leaders under the Justice and Peace law as well as for general prosecution of human rights crimes; assistance for the Inspector General's office, aid for exhumations and assistance for victims.

By 2008, it should have been clear to the U.S. government that something was seriously amiss with the implementation of the Justice and Peace law, given how few paramilitary leaders were still cooperating with the Attorney General's office in order to receive benefits from the law, and the persistence of undemobilized, rearmed and new paramilitary groups. However, the Bush Administration's tireless push for a free trade agreement with Colombia swept aside human rights considerations. As Secretary of State Condoleezza Rice brought the first of six codels (congressional delegations) to Colombia designed to showcase Colombian progress to court support for the trade agreement, her press

*just with your time, but you have been generous in spirit, in your transparency, in talking about difficult circumstances that you are trying to overcome. We have been able to talk about human rights, we have been able to talk about labor rights, we have never found your Government to be unwilling to answer difficult questions, and we've found the same today...<sup>75</sup>*

The only mention of human rights and labor problems were in the sentence praising the government's willingness to discuss issues. In another speech to private sector leaders, the secretary of state gushed,

*The story of Colombia is one that is inspirational, inspirational in the region and inspirational in the world, because there are so many places in the world that are trying to overcome civil conflict.... And it is extraordinary to see that the*

*justice system is indeed starting to punish those who have engaged in violence against their fellow citizens.... We want Colombia to succeed, Colombia is an inspirational story. And with our partnership and our continued partnership and with this free trade agreement, we can continue to make Colombia an inspirational story in the future.<sup>76</sup>*

In making the case to Congress for the free trade agreement, the rhetoric continued to escalate:

*Secretary of State Rice: Through sustained bipartisan policy, Plan Colombia, and strong leadership by the democratically-elected President Uribe, Colombia has not only come back from the brink of being a failed state, but is becoming one of the most successful states in Latin America. This critical ally of America has done all of the right things to try to bring stability, democracy, and prosperity to its own citizens. At the same time, the Government of Colombia is making significant progress in protecting unionists and reducing labor violence, fighting terrorism, demobilizing paramilitaries, and standing strong against hostile anti-American states and forces in Latin America.<sup>77</sup>*

*President Bush: And I'll tell you another problem. In not moving the Colombia free trade agreement, we are turning our back on a very strong ally of the United States of America. There's a President of Colombia named Uribe, and he's got a tough situation down there because he's dealing with what's called FARC, which is an extremist group that uses drug dollars to perpetuate violence and to move their products—mainly to here. And here's a man who says, I'm going to deal with them, I'm going to be tough with them. And then all of a sudden the United*

*States Congress turns its back on him. What kind of message is that?<sup>78</sup>*

The secretary of state and President's statements were made while the parapolitical scandal engulfed President Uribe's congressional allies and some members of his administration, and while millions of dollars in U.S. military aid were on hold over human rights issues.

These speeches contrasted with at least some recognition within the State Department's bureaucracy, as well as in the Congress, that there were problems of paramilitary rearmament, widespread threats against human rights defenders, and a serious problem of increased killings of civilians by the armed forces as the paramilitaries had demobilized. The State Department's Bureau of Human Rights and Labor, led by Acting Assistant Deputy Jonathan Farrar, listened carefully to these concerns, attempted to raise them with Colombian counterparts, and covered them in the annual State Department human rights report. USAID held numerous consultations with Colombian and U.S. civil society groups regarding its human rights program, at which detailed criticisms of the government's human rights record and efforts to improve human rights programming were aired. In just the most recent examples of expressions of congressional concern on human rights in Colombia, fourteen senators, led by Senators Christopher Dodd (D-CT) and Russell Feingold (D-WI), called on Secretary Rice in February 2008 to hold up military aid attached to human rights conditions until progress was made in halting, investigating and prosecuting alleged killings of civilians by the army. Sixty-three members of the House of Representatives led by Representatives Jim McGovern (D-MA) and Janice Schakowsky (D-IL) in April 2008 called on the Colombian government to investigate threats and attacks against victims denouncing paramilitary violence. Ambassador

William Brownfield expressed concern regarding threats against human rights defenders in the wake of the March 6<sup>th</sup> rally against paramilitary violence. But the highest-level message, from Secretary Rice and President Bush himself, was of Colombia's "inspiring story."

### **A Map for U.S. Policy: Towards Supporting Truth and Justice**

How can U.S. policy be more supportive of truth, justice, and meaningful reparations for victims of paramilitary violence—and all victims?

The drivers for truth, justice and reparations are not outside Colombia—they are within the country. Victims and victims' groups bravely demanding justice despite risk to their lives; indigenous and Afro-Colombian groups, and internally displaced persons associations, organizing for the return of land, the satisfaction of immediate survival needs, and justice; indefatigable human rights defenders who hold Colombian laws up to international standards of justice, expose human rights abuses, and accompany victims and communities at risk; Supreme Court and Constitutional Court judges who faithfully interpret the law; dedicated staff people within the Attorney General's office, Inspector General's office, and Ombudsman's office; the small band of politicians who have decried the parapolitical scandal; some determined journalists... U.S. policy can choose to support these voices. This support can and should include funding to improve justice and protect and assist victims, but words—U.S. diplomatic efforts—are equally or more important.

This kind of international diplomacy is crucial because the belief that paramilitaries were a lesser, necessary evil—or even heroes—in order to destroy the guerrillas is still widely held among some sectors of Colombian society. These societal attitudes must change if this cycle of violence is to close.

The changes made by the U.S. Congress in 2007 to increase assistance for the judicial system, development aid and assistance to victims are trending in the right direction, and many of the aid programs mentioned in these recommendations have already been begun by USAID and the Department of Justice. But these directions must be continued and strengthened, and they must be supported consistently by the highest-level diplomatic message.

Finally, the desire of the administration for a trade agreement must not overshadow its diplomacy for democracy and human rights. If the U.S. government devotes its best efforts to a publicity campaign that sells Colombia as a marvelous success story, there is no way a strong human rights message can be delivered and heard.

#### **1 Support and protect victims and human rights defenders**

- ▶ The State Department and embassy should visibly, repeatedly, through diplomatic efforts demonstrate that the U.S. government stands behind victims and defenders as they struggle for truth and justice. This should include incorporating statements of support into official speeches; the State Department and ambassador speaking publicly when defenders and victims receive death threats; and regular visits by the ambassador, embassy staff and visiting, high-level U.S. government officials. These signs of support should encompass a wide range of organizations, and should include victims of all armed actors.
- ▶ The State Department and embassy should use diplomatic channels to insist that threats and attacks against human rights defenders and victims, and break ins of their offices, are effectively investigated and prosecuted. These cases generally do not progress even when the Attorney General's office opens an investigation. Therefore, the State Department needs to systematically follow up with specific cases so that it is clear interest does not wane after the opening of an investigation, and continue

to press for results. Even a handful of convictions with perpetrators serving time in some high-profile cases would help to deter new threats.

- ▶ The U.S. government should encourage the Colombian government to enforce existing presidential directives that prohibit government officials from making denigrating statements regarding human rights defenders—and should communicate to the Colombian President that his own comments denigrating defenders reflect poorly on his government’s commitment to human rights.
- ▶ The U.S. government should continue funding for the Ministry of the Interior’s protection program for human rights defenders and union members, but also should regularly advocate for improvements in this program. The U.S. government should insist that the Colombian government effectively implement its plan, largely so far only on paper, to protect victims testifying in the Justice and Peace hearings.
- ▶ The U.S. government should continue increasing funding for legal representation of victims in the Justice and Peace process and in other efforts to achieve justice, and encourage the Ombudsman’s office to implement this and improve its attention to victims.
- ▶ USAID should fund public education campaigns regarding human rights groups’ activities, victims’ rights, and workers’ rights and the right to organize. Such campaigns, via television and radio, could help to deliver the message that people can legitimately organize peacefully for their rights.

## 2 Urge the Colombian government to fully implement the Justice and Peace law regarding investigations and prosecutions of paramilitary abusers

- ▶ The State Department and embassy should use diplomatic leverage to encourage effective investigations and prosecutions of paramilitary leaders under the Justice and Peace law. This

includes ensuring that overall statements about the demobilization by the highest-level U.S. officials include measured evaluations that recognize problems in achieving justice and full dismantlement.

- ▶ The Justice and State departments should insist that the Colombian government investigate and prosecute the financial backers of the paramilitary and increase technical assistance to track such financial networks.
- ▶ The U.S. government should show support for efforts by the Supreme Court to investigate and prosecute the politicians who collaborated with the paramilitaries, including by making statements about the independence of the judiciary when necessary.
- ▶ The U.S. government should ensure that Colombian prosecutors and investigators (including those from the Justice and Peace unit, Human Rights unit, and Supreme Court investigations into politicians’ connection to paramilitaries) as well as human rights groups and victims, have full access to the extradited paramilitary leaders. The U.S. government should ensure there are incentives for the extradited leaders to reveal their human rights crimes, connections with Colombian government and security force officials, and illegally obtained assets, particularly land; and that no plea bargains with the extradited leaders prevent such disclosures. The U.S. government has the obligation to ensure that this controversial decision to extradite most of the paramilitary leadership does not jeopardize the rights of victims to truth, justice and reparations.
- ▶ The U.S. government should continue to fund exhumations, but should encourage this support to be used to provide the maximum evidence possible, including identification of remains. U.S. aid should support the creation of a registry of missing and “disappeared” people. The State and Justice departments should insist that the Attorney General’s and Ombudsman’s office collaborate closely

with relatives of the disappeared, with an inclusive group of their associations, in creating this registry and using it to identify remains, as well as throughout the exhumation process.

### **3 Encourage nongovernmental efforts to unearth the truth and encourage the development of an official truth commission**

- ▶ U.S. embassy staff should attend, as a show of support, some key events held by victims' groups in unofficial truth-telling efforts.
- ▶ The U.S. government should advocate for strong mandates for and continued presence of international agencies such as the UN High Commissioner for Human Rights, the International Labor Organization's office and the Organization of American States' mission monitoring the demobilization. The U.S. government should continue to contribute funding to these international missions and should oppose the Colombian government's efforts to limit their mandates or choose weak leadership.
- ▶ If concerted efforts to secure an official, independent truth commission develop, the U.S. government should support these efforts publicly, and pledge to provide funding and to declassify documents to support such a commission.

### **4 Insist upon marked progress to return land to internally displaced persons and improve and expand programs to assist and protect IDPs**

- ▶ The State Department and embassy should urge the Colombian government to insist upon full disclosure and return of illegally held land by demobilizing ex-combatants who wish to obtain benefits under the Justice and Peace law or the law governing individual demobilizations. The "administrative reparations" for victims funded by the Colombian government should not be used as an excuse to fail to push for return of land by demobilized combatants.

- ▶ The State Department and USAID should urge the Colombian government to carry out a systematic review of land that has been lost by internally displaced persons fleeing violence. This review should pull together existing databases within the Colombian government as well as civil society initiatives like CODHES's surveys and the Catholic Church's Rut project. USAID should fund this review as well as efforts by the Inspector General's office to monitor and encourage government agencies to identify and return land.
- ▶ USAID should carefully implement the guidelines it has developed to ensure that U.S. funding does not support any project on land obtained by violence.
- ▶ The U.S. government should expand programs for both emergency assistance for refugees and IDPs and for long-term programs for durable solutions. Aid programs should help IDPs and refugees know and exercise their rights, and strengthen IDP leadership. The embassy and USAID should encourage the Colombian government to abide by the Constitutional Court rulings, including decision T-025, regarding its obligations to the displaced population.

### **5 Encourage efforts to ensure the guarantee of "never again"**

- ▶ The U.S. government should publicly, regularly comment on the rearmament, failure to demobilize and emergence of new groups of paramilitaries. This should be carefully documented in the State Department's annual human rights report. Underplaying the problem of continued paramilitary violence only contributes to its persistence.
- ▶ The State and Justice departments should insist that the Colombian government seriously investigate, prosecute and combat new and undemobilized paramilitary networks.
- ▶ The U.S. government should make military aid conditional upon prosecutions of high-level armed forces officials who in the past and present aided and abetted paramilitary groups.

Greater progress in these cases is essential if this kind of collusion is to end.

- ▶ The State and Defense departments, along with the U.S. Southern Command, should insist that the Colombian armed forces' own human rights performance improve. This must include, at a bare minimum, holding up all military aid subject to the human rights conditions until extrajudicial executions of civilians by the army come to an end and past cases are moved systematically into the civilian justice system and convictions of both soldiers and officers who were intellectual authors of such crimes take place. This dialogue should include urging the armed forces to respect the collective land and the customs of indigenous and Afro-Colombian communities.
  - ▶ The State Department and USAID should encourage the Colombian government to improve the protection of communities at risk of paramilitary and guerrilla violence. This must include insisting that the Colombian government improve implementation of the "early warning system," including by making its reports public, so that Colombian justice and security agencies are forced to respond.
  - ▶ The embassy should encourage the Colombian government to approve laws that regulate private security forces so that the paramilitary phenomenon—legal private security forces that commit abuses and then are outlawed—does not continue.
- 6 Encourage movement towards an eventual peace agreement with the guerillas**
- ▶ The U.S. government should encourage efforts for a humanitarian accord between the Colombian government and the guerillas so that kidnap victims, as well as U.S. contractors and Colombian police and soldiers, who have been long held and suffer tremendous hardship can be released.
  - ▶ U.S. aid should focus on improving justice, providing humanitarian assistance, and poverty reduction, including providing sustainable alternatives to coca production, rather than military aid which fuels the conflict.
  - ▶ The U.S. government should encourage movement towards eventual peace agreements with the guerrilla forces. While admittedly difficult, a negotiated settlement will provide the only lasting solution to this conflict, and the only real possibility of truth and justice for all victims of Colombia's multidimensional violence.

## ***El Tiempo* Tells the Truth about Mass Graves**

Colombia's main daily newspaper *El Tiempo* ran a remarkable series of articles on April 24, 2007 drawing attention to the high number of clandestine mass graves in the country. Below are some excerpts from those articles.

### **Colombia in Search of 10,000 Dead**

The testimonies of members of paramilitary groups and the forensic team's analysis conclude that the United Self-Defense Forces of Colombia [the main paramilitary group] not only designed a method of cutting up human beings into pieces, but also went to the extreme measure of teaching this practice by using live people who were brought to their training camps for this purpose.

### **They were Trained to Kill Farmers Alive**

"They were old people who were brought in by truck, alive and tied up," [paramilitary combatant Francisco Villalba] described.

"The instructions were to cut off their arms and heads, to quarter them alive. They started crying and asking us not to hurt them, they had families." Villalba described the process: "We had to rip the people open from the chest down to the stomach and tear out the intestines, the guts. We would cut off their legs, arms and head with a machete or knife. The rest, the guts, you do with your hands. Those of us who were in training had to pull out the intestines."

Later came "courage training." They divided people into four or five groups "and right there they tore them apart," said Villalba in his hearing. "The instructor said to one guy, 'You stand here and the other guy over there to guard the person who is doing the quartering.' Every time you take over a town and you go to quarter someone, you have to stand guard for the person who's doing the work."

The training was mandatory, according to [Villalba], to "test your courage and learn how to disappear people."

The bodies were taken to graves there in La 35 [paramilitary training camp in Antioquia], where more than 400 people are estimated to be buried.

### **Rosalba Searched for her 3 Sons in Dumpsters Full of Cadavers**

"They've hurt me so much in this life that they've even killed my fear." – *Rosalba Velásquez, mother*

Even though she's alive, Rosalba Velásquez says that she has died four times. Once for each of her sons that has been disappeared. She's spent nearly a decade looking for them among piles of bodies and police records, all without any result....

"You're being watched. Stop doing what you don't have to be doing, stop looking for your dead because the dead aren't there.' That's what the paramilitaries told me when I finally decided to denounce the kidnapping of my husband. They had taken him away 6 months beforehand. That was in 1991. I stopped looking for him, but today, 15 years later, I still hope that someone will tell me where he is." – *Victim in Meta that asked to remain anonymous*

"The saddest thing for a mother is not knowing where the bones of her only son lie." – *Woman in San Onofre, Sucre*

### **Anthropologist Returns from Kosovo to Exhume those Killed by Paramilitaries**

[Colombian forensic anthropologist Liliانا Meléndez Segura] says she's convinced that exhuming bodies that have been mutilated by paramilitaries will help the country, and she therefore risks her own safety to travel to the most dangerous areas [of Colombia].

“Someone has to overcome the horror, and reveal the buried truth. Someone has to keep going and not give up. I’m doing my part.” – *Liliana Meléndez Segura, forensic anthropologist under the Attorney General’s office.*

### **We Have to Do More than Dig up Bodies for the Country to Heal**

“We [Colombians] have a problem of tremendous pain. . . . This country has gone through unbelievable pain and carnage, which isn’t seen in any other part of the American continent. . . . What do people in Bogotá care if 15 bodies are found in Sucre? . . . Bogotá is an island. The problems of Bogotá have nothing to do with the problems of the countryside. . . . I promise you that in 20 years we will again be seeing beheadings and bodies cut into pieces if we do not manage to face what happened.” – *María Victoria Uribe, anthropologist*

### **Spilled Blood Ran through Seven of Colombia’s Rivers**

For years, the paramilitaries used bodies of water to disappear their victims. It was all part of a military strategy.

Narcés Palacio, the undertaker in Marsella, remembered that he buried some 500 bodies in unmarked graves. “The bodies came sometimes in pieces, a leg showed up, then a head. Some had been tortured.”

“The river around here is an accomplice. The river takes people away. My brother’s story is just a tombstone of water.” – *Jorge Núñez Hernández, brother of lawyer Boris Núñez, disappeared by paramilitaries*

“They told me that the paramilitaries weren’t satisfied with just killing [my son], but that they then threw his body in the river, they say, so that the fish would eat him,” says [Isabel] Mejía. “I would like to be able to find at least part of my son to be able to bury him and be at peace for the rest of my days.” – *Isabel Mejía, El Catatumbo, victim*

### **The “Room of the Last Tear” was in Sucre**

“One time I saw [paramilitary leader Rodrigo Cadena] and my legs started trembling. He and his men forced my cousin out of his house, they took him to El Palmar, and we never heard from him again,” said one woman.

No one who was taken to El Palmar ever came out alive. Some were buried in graves far from the living quarters of the hacienda. In the hacienda was the “room of the last tear.” There, people were tortured and humiliated, according to one San Onofre resident.

### **Armed with Sticks and a Machete, a Pastor Digs up the Earth in Search of her Daughter**

“If I have to go to hell to rescue her, then there I’ll go,” says Pastor Mira García in a slow but steady voice.

“When you have and raise a child, and then suffer like this, it starts a new phase of your life that can only be complete when you are able to bury your child. My daughter hasn’t appeared yet, we’re just going round and round in circles.” – *Pastor Mira García, mother of Sandra Paola Montes [disappeared]*

### **All of Santa Fe de Ralito Was Turned into Gravesite**

“And hopefully [the government forensic teams] will get here soon,” said [people in a town in Córdoba], whose main fear is that ex-paramilitaries will dig up and move the bodies from their gravesites.

Their anxiety is justified, since in June 2004, days before the start of [talks in the region between paramilitaries and the government], an official institution found out that [paramilitary leader] Salvatore Mancuso’s men had gone into “The School,” an old training camp, with tools for digging and ordered the removal and reburial of bodies. . . . or suggested that they be thrown in nearby rivers. The objective: to get rid of all evidence.

## The Unofficial Story: The Victims' Hearings in San Onofre

On November 27, 2006, the National Movement of Victims of State Crimes held a hearing in San Onofre, Sucre, in an area still under paramilitary control. In the hearings, witnesses and victims told how paramilitaries, including chieftains "El Oso" and "Cadena," used terror to exercise near total control, telling inhabitants who to vote for, firing public employees, and siphoning funds from public works projects. At the nearby paramilitary base El Palmar, more than 600 people were believed to be executed, with some 3,000 people killed or disappeared in the municipality from 1996 to 2004. Lacking other official government sponsorship, victims' groups sought the protection of the Senate human rights committee, and Senator Alexander López Maya presided. Here are some selections from the transcript.

### Young Afro-Colombian man with striped shirt

When I was a kid, nobody had ever heard of paramilitary groups in our town... We didn't have this fear that we could die at any hour of the night...

I have lost three members of my family. In 1997, my older brother was dragged out of the arms of my grandmother, kidnapped and murdered by a paramilitary group... Later, in August 2003, my mother was murdered in Cartagena as she was fleeing the violence... My sister was kidnapped here in San Onofre ... on November 13, 2003... They have her recorded as disappeared, but we know she is dead because "El Oso" never took anyone away to throw them a party... everyone he took out of here, he killed... Because of [my sister's kidnapping], my little two-month old niece also died because she wasn't able to breastfeed anymore...

Today we live with this terror that if someone makes a speech here, people will be waiting for us in our homes to kill us... In Sucre, they can kill us at any time for telling the truth... If we hear a car or a motorcycle idling... we think they are coming to find us. A lot of people say, "I'd like to speak up, but what guarantees my security? If I speak, I might be safe for the moment, but afterwards, I won't be..."

### Afro-Colombian man from Libertad

I was a victim of the paramilitaries. On May 19, 2002, I was taken from my house along with Mr. Benito Ricardo [by] "El Oso" and his people.

We arrived at .. a place where there was a pond and they made us get out. They gave me a shovel... so that I could dig my own grave. They sent me downhill with one of their men, and the rest stayed up by the pond. When we got to the place where I was supposed to dig the hole, a shot rang out from where the others were... the man who was with me went to see what was happening and he left me alone. That's when I "made like a deer" as they say. I was in flip-flops but I didn't feel the thorns or anything else in that field. I just ran. I heard the shots when they were killing Benito. They shot him 14 times.

### Afro-Colombian young man holding banana plant and candle

I offer this banana plant and this candle on behalf of the people La Libertad for all of those who are here today. The banana plant signifies the source of life. The candle signifies the source of light.

I was also the victim of the autodefensas... because they wanted to kill a friend of mine... They wanted him to give them all his belongings and he said no, that they were his, and that he and

his brothers had worked for them... I said, "No. You must respect life. You don't have the right to kill him."

He told me, "We are going to kill this son of a bitch and if not, we're going to kill you." I told them, "I'm poor, but you are going to respect me.. If you're going to kill me, kill me right here."

### **Enriqueta Diaz Salgado, sister of Tito Garcia, assassinated mayor of Roble**

My brother [Tito García, former mayor of Roble], was constantly harassed by his political enemies because he refused their invitation to share in the "electoral spoils" [corruption] of Roble... This is the kind of political assassination that is so common in our country, when someone is honest, or takes public office, or is a labor leader, or a journalist...

[Before he died], my brother told the community council [on an occasion when President Uribe was visiting and present], "I've already been unjustly suspended. Now they are going to fire me, and then my death will come... I repeat: They are going to kill me." But the President turned a deaf ear... He wasn't moved.

A month before Tito was murdered, he sent a letter to Col. Norman Arango of the Police in Sucre, saying, "As you know, I have publicly denounced acts of corruption, which has created a certain resentment among the officials I have named... I ask you to please assign a bodyguard to protect me."

Three days after (his death), a police official said, "We never received a request for protection."

They never made any effort before or after [his death] to find the murderers. But... Col. Norman Arango was sent to France as a military adviser.

### **ECOPETROL union representative**

Our friend Aury Sara Marrugo was kidnapped on November 30, 2001, one day before the forum... that we were organizing was to have taken place... Members of the paramilitary, with the support of the police, took Aury and... Enrique Orellano. We say they had the support of the National Police, because National Police motorcycles were seen doing rounds around the house before he left the house. After he left the house... around 8:30 in the morning. They were intercepted about five blocks away by armed men. The two men were taken... along with the vehicle they were in.

On December 3, 2001, Carlos Castaño of the AUC issued a press release saying they had Aury Sara Marrugo and that they were going to put him through a political trial because he supposedly belonged to the ELN guerrillas... a big lie! These men decided they had the right to conduct a political trial, and they told the government, they would turn him over afterwards. But that was a lie!... Two days later, on December 5, Aury and his bodyguard were assassinated... I know that somewhere in this region there are farmers who saw how Aury was tortured and murdered. That's why events like these are so important, so that people who know something about what happened will decide to come forward and make a statement.

Carlos Castaño, Salvatore Mancuso and [inaudible] were subpoenaed for this crime. They have had six different dates for hearings but not one of the men have come forward. The most likely thing is that the case will remain in complete impunity.

– continued on the following page

### The Unofficial Story

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[But] those of us who are workers at ECOPETROL have cases against us... in court right now for having called a strike to protest this kidnapping. It is very likely that we, who led a strike in defense of life, will be found guilty, while the men who murdered Aury and Enrique will go free...

### Older Afro-Colombian man from San Onofre

I would like to denounce... what the paramilitary groups did between 1997 and 2006 [here in San Onofre]. [These groups] sowed terror and death and committed abuses like rapes; they stole cattle, they conducted illegal land surveys and stole land... and they extorted and threatened the people who live in this area.

I was personally made a victim.. when they murdered my brother. "El Oso" was extorting him and 14 of us... each one of us had to pay "El Oso" a million pesos.

...[one man was] the victim of extortion several times. After they left him in ruins, they kidnapped him and murdered him, leaving behind a wife and five children in utter poverty and traumatized, like all of us who have suffered from this epidemic which is the worst in our century.

I was the victim of paramilitary groups in the municipality of San Onofre during the 2000 Senate campaigns. Marco Tulio Pérez Guzmán, also known as "El Oso," showed up in Pajonal and made the whole community go out to the plaza to listen to two candidates...

I told Oso that I couldn't go to the plaza because I had been sick for five days. I had a bad cold, a fever, and a headache... He was abusive as always and sent two of his subordinates... who forced me out of the house.

I was displaced. I lost everything. But I am a man who holds his head up high. And I am sure that you will go to jail and pay for all of this.

### Man in green-and-white-striped jersey

If you walk down the streets of San Onofre, [you will see] children begging for a scraps of bread. This is a shameful situation for any government official. Sucre has the highest rates of child malnutrition, as our newspapers constantly tell us... and to make things worse, it's the department that receives the most aid to combat this scourge. Here in San Onofre, I have a meat market across the street from the daycare center... I see truckloads of [food for children] being unloaded there... But I've done some investigating, and these [food supplies for children] are ending up in the houses of city councilmen and they being used to feed pigs, chickens and ducks. All the while, children are begging for food!

What does the government expect from this? If we don't pay attention to these children, they will be the paramilitaries of the future... the next authors of violence and terrorism in our country...

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