

## **COLOMBIA: TOWARDS PEACE AND JUSTICE?**

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## COLOMBIA: TOWARDS PEACE AND JUSTICE?

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

How Colombia implements its controversial new legal framework for demobilising the far-right paramilitaries and returning them to society is critically important. It can either take a decisive step towards ending its 40-year armed conflict or see prolongation of violence and the rise of an ever more serious threat to its democracy. Most paramilitaries have turned themselves in but the Justice and Peace Law (JPL) – criticised by human rights groups when enacted in July 2005 – has still not been applied. There is concern the Uribe administration prioritises quick fix removal of the paramilitaries from the conflict at the cost of justice for victims and the risk of leaving paramilitary economic and political power structures largely untouched. International support for JPL implementation should be conditioned on a serious government strategy to apply the new framework, as well as steps by President Uribe to contest paramilitary efforts to keep their crime (including drug) fiefdoms and build their political power.

By early March 2006, President Alvaro Uribe had achieved demobilisation of some 24,000 of an estimated 27,000 to 29,000 paramilitaries, including its most notorious commanders, using a 2002 law which authorises pardons for rebellion and sedition. Focusing on dismantling the overt military structures of the paramilitaries, but not their powerful mafia-like criminal networks that continue to exist in many parts of Colombia, however, his government has not sent a clear signal that it is determined to apply the JPL rigorously and take into account the arguments of its many critics. Indeed, the new law is still not being implemented – because of a constitutional court review but also tactical calculations.

The government appears to believe it may endanger demobilisation of the remaining 4,000 or 5,000 paramilitaries if they witnessed an early demonstration that the JPL was being applied stringently. However, the overlap of the congressional elections (12 March) and presidential elections (28 May) with the final phase of paramilitary demobilisation has raised suspicion in some circles that the reluctance to send a clear message about how the JPL will ultimately be implemented is also affected by electoral considerations. Uribe is running for re-election and while it would only damage him in the long run to have any taint of support from the

paramilitaries, there is evidence that former commanders and circles supporting them have attempted to use intimidation and money to get some of their own candidates into the new Congress, elected on 12 March, and weaken the anti-Uribe opposition.

Whether, if re-elected, Uribe could achieve sustainable peace depends in large measure on how his administration handles the implementation of the JPL and the reinsertion of former paramilitaries. The law has a history of strong human rights criticism because it does not guarantee victims' rights to reparations and truth and opens the door to impunity – or at best relative judicial slaps on the wrist – for former paramilitaries who committed heinous crimes. These concerns need to be addressed now through a transparent government strategy that prioritises full dismantling of the paramilitary military and criminal structures, the rigorous prosecution of past atrocities and partnership of the victims and civil society in implementing the JPL. The government also needs to remedy the flaws of its programs for reinserting demobilised paramilitaries.

The law was designed to apply as well to demobilisation of the country's left-wing insurgencies, the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). It is highly unlikely that it could be used in the foreseeable future with the larger and more powerful FARC, which has staked out a position of unremitting hostility toward Uribe and is unwilling to negotiate. But the commitment the government shows now to a transparent and rigorous application of the JPL to the paramilitaries could help advance the rapprochement with the smaller ELN, which talks in Havana in late 2005 and February 2006 seem to have set in motion (though a number of other obstacles exist, such as fragmentation of the insurgent organisation).

### RECOMMENDATIONS

#### To the Government of Colombia:

1. Design and implement now a strategy for the rigorous and transparent implementation of the JPL that embraces the following:

- (a) prompt and rigorous law enforcement action against demobilised or still active paramilitaries as well as their sponsors and supporters, including members of the security forces collaborating with paramilitaries, who are interfering with the democratic electoral process; and
- (b) monitoring and screening mechanisms to ensure that prosecution of demobilised paramilitaries under the terms of the JPL fully comply with all stipulations of the law, including:
  - (i) hand-over of all ill-gotten assets, including land, to the National Reparation Fund;
  - (ii) disclosure of involvement in crimes and knowledge of paramilitary structures and financing sources;
  - (iii) dismantlement of the paramilitary unit and criminal networks to which the prosecuted individual belonged;
  - (iv) liberation of all kidnap victims and identification of the burial sites of disappeared persons;
  - (v) hand-over of all under-age fighters to the Colombian Institute for Family Welfare; and
  - (vi) assurance that there are no drug traffickers among the JPL-prosecuted individuals.
2. Establish positions of vice-minister in the ministry of the interior and justice and high commissioner in the presidency, charged with implementing programs for reinsertion of ex-combatants into society and coordinating the efforts of government and state agencies, as well as the private sector and NGOs, in particular on the local and departmental levels.
3. Incorporate a more effective monitoring system into the reinsertion programs to address the danger that ex-combatants will re-enter criminal and drug trafficking networks or otherwise become security threats again.

#### **To the Attorney General:**

4. Increase efforts to consolidate a comprehensive and standardised database on human rights violations and serious crimes committed by the paramilitaries, the FARC and the ELN and link this database to information gathered by other

state agencies as well as civil society and human rights organisations.

#### **To the National Commission for Reparation and Reconciliation:**

5. Make victim and civil society participation, including indigenous and Afro-Colombian groups, a priority, both in the work of the national and regional commissions and in implementation of the JPL.
6. Engage victim associations and civil society organisations broadly in a dialogue aimed at building consensus on the commission's strategies and work plans and emphasise its independence from the executive.
7. Identify lands obtained by members of illegal armed groups through violence and intimidation and seek to return those properties to internally displaced persons.
8. Request support for identifying victims from experienced human rights-related forensics organisations such as the Argentine Forensic Anthropology Team and the International Commission on Missing Persons.

#### **To the Government of the United States:**

9. Maintain its requests for extradition of former paramilitaries to the U.S. to face drug trafficking charges.
10. Condition material support for JPL implementation and reinsertion programs for ex-combatants upon the above-listed reforms but provide immediate aid to prosecution efforts of the Attorney General.
11. Emphasise assistance to vulnerable populations, and in the case of the internally displaced help the Colombian authorities identify land illegally obtained through violence and return it to the original owners.
12. Help the UN High Commissioner for Human Rights field offices, Colombian human rights organisations and the Organisation of American States (OAS) verification mission to improve their monitoring of the JPL, demobilised ex-paramilitaries and human rights violations.

#### **To the European Union and its member states and the Government of Canada:**

13. Condition material support for JPL implementation and reinsertion programs for ex-combatants upon the above-listed reforms.

**To the OAS Verification Mission:**

14. Focus on complete paramilitary demobilisation and introduce a system establishing whether the number of demobilised fighters matches that of weapons turned in.
15. Design a strategy for verifying the reinsertion process that serves as an early warning mechanism for violations by ex-combatants and report periodically on government response to such violations.

**Bogotá/Brussels, 14 March 2006**

## COLOMBIA: TOWARDS PEACE AND JUSTICE?

### I. INTRODUCTION

Creation of a legal framework for demobilisation and reinsertion of members of irregular armed groups has been an issue of great concern and controversy during the last three years in Colombia. The entrance into force of Law 975, better known as the Justice and Peace Law (JPL), on 25 July 2005 was preceded by a drawn-out and turbulent legislative process. In August 2003, the government of Alvaro Uribe submitted a draft to congress,<sup>1</sup> which was not passed, in large part due to strong domestic and international human rights criticism.<sup>2</sup> No headway was made the next year but early in 2005 the executive presented a second proposal,<sup>3</sup> whose weak provisions prompted an alternative draft from a group of legislators headed by Senator Rafael Pardo.<sup>4</sup> Months of vigorous debate ended with passage of the JPL, though criticism continued, including from the Office of the UN High Commissioner for Human Rights (UNHCHR) in Colombia.<sup>5</sup>

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<sup>1</sup> Proyecto de ley estatutaria No. 85 Senado "Por el cual se dictan disposiciones en procura de la reincorporación de miembros de grupos armados que contribuyan de manera efectiva a la consecución de la paz nacional", 21 August 2003, at [www.presidencia.gov.co](http://www.presidencia.gov.co).

<sup>2</sup> "Observaciones al Proyecto de Ley Estatutaria que trata sobre la reincorporación de miembros de grupos armados", UN High Commissioner for Human Rights (UNHCHR), Bogotá, 28 August 2003, according to which the Alternative Sentencing Bill opened the door to impunity by allowing such sentences for human rights violations without requiring reparation for truth to be established. The law failed to clarify government responsibility for victims and meet international humanitarian standards.

<sup>3</sup> The Justice, Peace and Reparation bill was presented by the Ministry of the Interior, Proyecto de Ley 211/05 Senado, 293/05 Cámara, Bogotá, 9 February 2005.

<sup>4</sup> The Truth Justice and Reparation bill was presented by Congresspersons Rafael Pardo, Gina Parody, Luis Fernando Velasco and Wilson Borja, Proyecto de Ley 208/05 Senado, 290/05 Cámara, Bogotá, 3 February 2005.

<sup>5</sup> "Consideraciones Sobre la Ley de Justicia y Paz", UNHCHR, Bogotá, 27 June 2005; "Sin Paz y Sin Justicia", Comisión Colombiana de Juristas, 29 June 2005; "La CIDH de Pronuncia Frente a la Aprobación de la Ley de Justicia y Paz en Colombia",

The government strongly defends the new law, which, according to President Uribe, reflects a balance between the requirements of justice and peace.<sup>6</sup> Others, such as the late Senator Roberto Camacho, have called it "pioneering" legislation that will serve as a "framework of reference in other [demobilisation] processes around the world".<sup>7</sup> The many critics in and outside Colombia complain that it does not guarantee victims' rights to reparations and truth and opens the door for demobilised paramilitaries who committed grave crimes to enjoy impunity, while throwing up obstacles to the destruction of their powerful criminal networks.<sup>8</sup>

Whatever its serious shortcomings, the law and the legislative process that produced it at the least placed the difficult transitional justice issue at the heart of national debate. The JPL is the first transitional justice law in Colombia's history. In contrast to the amnesty-based demobilisations of insurgent groups that the country experienced in the early 1990s, it provides a means for dealing with the grave crimes committed by armed groups. This was recognised by European Union (EU) foreign ministers, who in October 2005 described it as "a significant development, since it provides an overall legal framework for [disarmament, demobilisation and reintegration]", while also criticising it for "not tak[ing] into sufficient account the principles of truth, justice and reparation in accordance with internationally agreed standards".<sup>9</sup>

However, by the first week of March 2006 nearly 24,000 of the estimated 27,000 to 29,000 paramilitaries<sup>10</sup> have

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Comision Interamericana de Derechos Humanos, Washington DC, 15 July 2005.

<sup>6</sup> See "Presidente Uribe explica la Ley de Justicia y Paz", *SNE*, 5 June 2005, at <http://www.presidencia.gov.co>.

<sup>7</sup> Roberto Camacho, "Qué va a pasar con la AUC"?, *Foro Paramilitarismo, Desmovilización y Política*, Bogotá, 21 September 2005.

<sup>8</sup> "Smoke and Mirrors: Colombia's Demobilisation of Paramilitary Groups", Human Rights Watch, August 2005; Consideraciones sobre la ley de "justicia y paz", UNHCHR, Bogotá, 27 June 2005.

<sup>9</sup> Council of the European Union, General Affairs, 2678<sup>th</sup> meeting, Luxembourg, 3 October 2005.

<sup>10</sup> The number of paramilitaries has been growing since the negotiations with the Uribe administration began in 2003. In the beginning, the government said that 15,000 fighters would be

been demobilised on a different legal basis. At least 3,500 paramilitaries in the north-western Urabá region and the central Casanare department are yet to demobilise, despite the fact that the first and second deadlines for full demobilisation (31 December 2005 and 28 February 2006) have passed.<sup>11</sup> Law 782, which has been used, authorises pardons for rebellion and sedition and in practice will preclude criminal investigation of those who otherwise have no pending charges against them, which is most of the demobilised.<sup>12</sup> The JPL, whose implementing regulations were only enacted in December 2005, has not yet been applied and is not likely to be until after completion of congressional and presidential elections and the next government has taken office in August 2006. Moreover, a constitutional court ruling on the law is still pending. It is to be expected that only a small number of former paramilitaries who demobilised under Law 782, in particular the most notorious commanders such as Salvatore Mancuso, Iván Duque and Diego Murillo, will be prosecuted under the JPL because they fear losing its benefits and face ordinary criminal investigation or International Criminal Court (ICC) investigation for serious crimes in the future.<sup>13</sup> This will undoubtedly limit the effectiveness of the JPL for punishing all offenders, establishing the truth and making victim reparation happen.

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demobilised. This was increased to first 20,000 and then 25,000. The end total will likely be above 27,000 and possibly could reach 30,000. The government's and the paramilitaries' explanation for this dramatic increase is that not only fighters are demobilising but also support cadres, such as drivers and cooks. The same reason is cited for the low ratio of weapons handed in to fighters, roughly 1:3. However, the emergence of rearmed, demobilised groups of paramilitaries in several Colombian departments, which was recently denounced by the OAS verification mission, indicates that weapons have also been hidden. See section II below; "Sexto informe trimestral del Secretario General al Consejo Permanente sobre la Misión de Apoyo al Proceso de Paz en Colombia", Washington DC, 1 March 2006.

<sup>11</sup> See Appendix B.

<sup>12</sup> See *El Tiempo*, 2 March 2006.

<sup>13</sup> One important incentive for demobilised paramilitaries who have committed serious crimes to opt for prosecution under the JPL is that they believe it will shield them from ICC prosecution in the future. ICC sources told Crisis Group that the Uribe administration has been acutely aware of this possibility and took precautions to draft the JPL in such a way that it effectively precludes ICC prosecution of crimes against humanity because the perpetrators were sentenced sufficiently by Colombia's judicial system. The maximum jail sentence contemplated by the JPL is eight years; if prosecuted under other Colombian criminal statutes law, the paramilitaries could receive life sentences for the kind of crimes they are accused of. Under JPL the paramilitaries can also anticipate being able to retain more of their illegally acquired wealth. For all these reasons, paramilitary leaders have real interest in a quick implementation of the JPL.

The process of creating the entities required to implement the JPL, such as the Justice and Peace Unit (JPU) in the attorney general's office and the National Commission for Reparation and Reconciliation (NCR), has gone slowly. While the pending constitutional court ruling has played a role in postponing the application of the JPL, the government has also been reluctant to send a clear signal that the law will be rigorously and transparently applied as soon as possible. Facing former commanders with imminent prosecution and jail sentences, it is believed, could prompt still active paramilitaries to pull out of the demobilisation process or even take up arms again. The Uribe administration's caution may also be due in part to a desire not to confront the paramilitary commanders with the prospect of a stringent application of the JPL before the end of the electoral cycle, since they wield considerable influence over important parts of the electorate. Consequently, the JPL is for the moment, as a senior Colombian official said, in "limbo".<sup>14</sup> This situation is exacerbated by the difficulties of the government's program for reinserting paramilitaries, which increases the risk of seeing the rearming of some groups.

The overlap of elections, reinsertion of many thousands of former combatants into civilian life, and entrance into force of the JPL has already created political problems for the Uribe administration. Much will depend on the constitutional court's ruling. Notwithstanding this uncertainty, however, transparent and efficient implementation of the JPL is needed to move Colombia towards peace. The administration needs to define a strategy for this that gives priority to ensuring that paramilitary military and criminal structures are fully dismantled, past atrocities can be prosecuted, and all illegally acquired assets, drug trafficking activity and other crimes are accounted for.<sup>15</sup>

It is important to analyse the application of the JPL and the reinsertion of ex-combatants in the broader context of government policy and the electoral campaign. There is strong evidence that demobilised paramilitaries have used intimidation to promote their own congressional candidacies and those of others whom they favour in much of the country.<sup>16</sup> This is a serious threat to Colombia's democratic institutions and its chances to

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<sup>14</sup> Crisis Group interviews, Bogotá, 5 and 6 December 2005.

<sup>15</sup> "As long as current regulations are not modified, only a proactive attitude on the part of the judicial apparatus, a strong political will and exceptionally wide-ranging resources will be able to limit the persistence of impunity", "Report of the High Commissioner for Human Rights on the Situation of Human Rights in Colombia", UNHCHR, January 2006, p. 32.

<sup>16</sup> For example, Alfonso Palacio, candidate for mayor in the La Jagua municipality (Cesar), recently received death threats from "Tolemaida", an active paramilitary leader under the orders of Commander Rodrigo Tovar (Jorge 40).

achieve a sustainable peace that needs to be addressed. Uribe, who polls indicate holds a large lead in the presidential race, has a strong interest in ensuring that his political future is not tainted by a debt to former paramilitaries. His government should also be receptive to proposals to address JPL flaws by giving civil society, particularly victims, a larger role in its implementation. International support for the demobilisation process should be made dependent on this.

What is done in the next months with regard to the paramilitaries will also affect the government's struggle with the country's two left-wing insurgencies. Commitment to the transparent and rigorous implementation of the law could help advance the rapprochement that is being attempted with the ELN through discussions conducted in Cuba and contribute to the establishment of a negotiation agenda with that movement. Eventual application of the JPL to the FARC is at present a very much more remote possibility due to that larger movement's adamant refusal to negotiate with the Uribe administration.

## II. THE POLITICAL CONTEXT

The need to apply the JPL rigorously and transparently, in itself a daunting task, comes at a sensitive political moment. The government's failure to build consensus by incorporating amendments proposed by legislators and civil society organisations during the drawn-out congressional process reduced the law's acceptance. In order to gain much needed credibility and financial support, in particular outside Colombia, the Uribe administration must now show it is committed to rigorous application.<sup>17</sup> There are no signs, however, that implementation will start soon, certainly not before completion of the congressional and presidential election cycle.<sup>18</sup> The constitutional court ruling, which could modify some core provisions of the law or suspend it in totality, is expected in May or June.<sup>19</sup>

A pragmatic approach to paramilitary demobilisation and JPL implementation appears to be taking root both inside and outside Colombia.<sup>20</sup> Two diplomats in Bogotá told Crisis Group the international community would have preferred a "tougher" law that contemplated more severe punishment for those responsible for grave crimes and put more emphasis on reparations for victims and finding truth. But since the JPL was passed by a democratically-elected legislature and departs from the practice of sweeping amnesties,<sup>21</sup> it is important to "reconcile justice

<sup>17</sup> Crisis Group interview, Bogotá, 4 November 2005.

<sup>18</sup> The congressional election was on 12 March 2006; the presidential election, conducted in two rounds unless a candidate receives more than 50 per cent of the vote in the initial round, is 28 May and 18 June.

<sup>19</sup> In a non-binding opinion on 15 February 2006, State Prosecutor Edgardo Maya found the JPL unconstitutional in part. He cited problems, among others, with omission of information on crimes committed by individuals prosecuted under the law, and provisions on the state's responsibility for investigating crimes, the definition of victims, exclusion of armed forces members in its coverage, and the transfer of illegally acquired assets to the National Reparation Fund. "Concepto no. 4030 del Procurador General de la Nación ante la Corte Constitucional frente a la llamada Ley de Justicia y Paz", Bogotá, 15 February 2006.

<sup>20</sup> Crisis Group interviews, Brussels, 11 January 2006 and Bogotá, 17-19 January 2006.

<sup>21</sup> The first legal framework for the demobilisation and reinsertion of insurgent groups, Law 35 of 1982, granted amnesties to rebel groups who demobilised without requiring them to hand their weapons over to the state. Law 77 of 1989 provided the basis for pardons granted to members of the Movimiento 19 de Abril (M-19), Ejército Popular de Liberación (EPL), Partido Revolucionario de los Trabajadores (PRT) and y Movimiento Armado Quintín Lame (MAQL) in 1990-1991. Once pardoned, some 4,000 ex-combatants were able to benefit from reforms which facilitated their participation in politics. See Gabriel

and realpolitik” and cooperate with the Colombian authorities in order to avoid more victims in the future.<sup>22</sup>

This stance largely conforms with Uribe administration policy. After paramilitary demobilisation ground to a halt from December 2003 until November 2004,<sup>23</sup> the High Commissioner for Peace proudly announced demobilisation of one bloc after another throughout 2005. Despite a temporary halt by the main paramilitary organisation, the United Self-Defence Forces of Colombia (AUC), due to a U.S. extradition request for the arrested leader Diego Murillo (alias Don Berna or Adolfo Paz) on drug charges,<sup>24</sup> 23,685 paramilitaries had presented themselves

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Turriago and José María Bustamante, *Estudio de los procesos de reinserción en Colombia. 1991 – 1998* (Bogotá, 2003); Marco Palacios, “La Solución Política al Conflicto Armado”, in Rafael Pardo (ed.), *El Siglo Pasado* (Bogotá, 2001), pp. 501-508.

<sup>22</sup> Crisis Group interviews, Bogotá, June 2005 and 16 January 2006.

<sup>23</sup> After the dismantling of the paramilitary Cacique Nutibara bloc in Medellín in November 2003, there were no other collective demobilisations until November 2004, mostly due to an extensive, often deadly reshuffling of power within the United Self-Defence Forces of Colombia (AUC) and uncertainty over the legal framework for demobilisation and reinsertion of irregular armed groups. In April 2004, the former leader of the AUC, Carlos Castaño, disappeared, probably killed by other paramilitaries. In July, the government inaugurated the Zona de Ubicación in Santa Fe de Ralito (Córdoba), where ten members of the newly-created “AUC negotiation general staff” and 400 bodyguards gathered after the government lifted their arrest warrants. Three – Salvatore Mancuso, Ramón Isaza and Iván Duque – were permitted to appear before Congress where they vociferously reiterated opposition to “spending a single day in jail” and demanded a “political” negotiation. In September, a recorded explanation to the paramilitary commanders by High Commissioner for Peace Restrepo that Uribe, not the U.S., had the last word on extradition was leaked to the Colombian press, allegedly by Mancuso and produced a crisis in the negotiations. Demobilisation of the Bananero and Catatumbo blocs in November and December 2004, respectively, along with that of several smaller paramilitary units, restored some credibility to the process, at least in government eyes, and came at the same time as constitutional amendment allowing Uribe to run for re-election.

<sup>24</sup> Murillo was arrested on 27 May 2005, charged with murdering a congressman from Córdoba department. He was put under house arrest on a farm near Santa Fe de Ralito, the site of the government-AUC negotiations. In October, a New York court demand for his extradition on drug trafficking charges was rejected by the government. After U.S. Ambassador William Wood expressed his “disillusion” about the Colombian refusal, Murillo was transferred to the high security prison in Cóbmita (Boyacá). Threatening to halt demobilisation and hinting the government had agreed with them to foreclose extradition to the U.S., the AUC commanders achieved the transfer of Murillo to Itagui prison in Medellín. Medellín is a stronghold of paramilitary groups commanded by Murillo and has been for years the site of intermittent talks between imprisoned ELN spokesman Francisco

for demobilisation as of 4 March 2006. This is a significant number that reflects progress toward a major Uribe goal: “the extrication of one armed actor from the conflict”.<sup>25</sup>

Data on human rights and international humanitarian law violations from a variety of sources indicates an overall reduction in violations committed by paramilitary groups between 2003 and 2005. According to the Centre for Research and Popular Education (CINEP) in Bogotá, assassinations committed by paramilitaries have decreased from 1,240 in 2003, to 686 in 2004 and 329 in 2005. Torture cases have fallen from 128 in 2003 to 77 in 2004 and 59 in 2005. Disappearances have gone from 130 in 2003 to 102 in 2004 and 65 in 2005. The number of death threats, however, increased from 271 in 2003 to 307 in 2004 before falling to 243 in 2005. CINEP also recorded two sexual violations by paramilitaries in 2003, four in 2004 and three in 2005.<sup>26</sup> Figures released by the government’s National Fund for the Defence of Personal Freedom show a drop in extortion-related kidnappings involving paramilitary groups from 75 in 2004 to twenty in 2005.<sup>27</sup> The Vice President’s Office recorded a drop in human rights violations committed by paramilitaries, including abductions from 176 in 2003 to 110 in 2004 and 29 in 2005, and massacres from fourteen in 2003 to thirteen in 2004 and two in 2005.<sup>28</sup>

A critical question, however, is whether the paramilitary command and control structure, communications and capacity for regeneration are being dismantled. A senior U.S. military official acknowledged that despite the many paramilitary fighters who have given up some weapons (roughly one weapon for every three demobilising), a considerable number of groups have maintained their structures and their control over drug trafficking and illicitly acquired assets.<sup>29</sup>

However, it is becoming ever clearer that the demobilisation and reinsertion of the paramilitaries, as it has been handled since November 2003, involves a potentially high price

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Galán and civil society organisations, the Catholic Church and foreign and Colombian officials. See *El Tiempo*, 5 October 2005.

<sup>25</sup> Crisis Group interview, High Commissioner for Peace, Bogotá, February 2003.

<sup>26</sup> CINEP, Bogotá, 2005. Figures for the last semester of 2005 are based on estimates taken from human rights and international humanitarian law violation reports and may be subject to change.

<sup>27</sup> Fondelibertad, Bogotá, 2005. No consolidated data was available for 2003.

<sup>28</sup> Vice President’s Office, Human Rights Observatory, Bogotá, 2005. Kidnapping figures were measured from January to October / November. Data on massacres was only available up to October 2005.

<sup>29</sup> Crisis Group interview, Miami, February 2006.

for Colombia and the Uribe government. The lack of transparency that has characterised negotiations with the AUC and the legitimacy deficit resulting from the way the JPL was enacted<sup>30</sup> could make it more difficult to apply the law and even affect the president's re-election aspirations, while the reinsertion program's shortcomings will become harder to address as time goes by.<sup>31</sup>

There is mounting evidence that the demobilised paramilitaries – who were not defeated militarily by government forces and in part continue to act as economically and politically powerful mafia-like groups<sup>32</sup> – are not willing to play by the JPL rules and honour their agreements with the Uribe administration.<sup>33</sup> “The influence of paramilitarism continues to be felt in diverse regions of the country, through pressures, threats and clandestine agreements to control local political, economic and social aspects”, UNHCHR says.<sup>34</sup>

In effect, the government, with electioneering in full swing and the deadline for complete paramilitary demobilisation past,<sup>35</sup> appears to be under increased pressure from both demobilised and still active paramilitaries, who are determined to make good the pledges they made in 2004 and 2005 to expand their representation in congress and maintain a firm grip on many regions.<sup>36</sup> A study released by the Colombian NGO Fundación Arco Iris in December 2005 documented strong paramilitary interference in the 2002 congressional elections and the races for governor and mayor in 2003. Two congressmen who reportedly

attended a meeting with AUC commander Rodrigo Tovar (alias Jorge 40) in January 2006<sup>37</sup> were elected to the lower house and the senate by implausibly high margins in 2002.<sup>38</sup>

The spectre of paramilitary interference in the electoral process emerged forcefully again in January 2006 with good evidence of attempts to place candidates on party lists for the congressional elections and to promote favoured candidates by force, intimidation and bribery, particularly in the Atlantic coast departments. It was reported that Tovar, who commanded the powerful Northern bloc of the AUC, which is currently completing its demobilisation, met with five candidates, four congressmen and a number of mayors of municipalities on the Atlantic coast in Curumaní (Norte de Santander), before his recent demobilisation.<sup>39</sup> Reportedly, the aim was to “design the electoral strategy for the Sierra Nevada”.<sup>40</sup> After witnessing on 3 January a verbal fight between two senators from Córdoba department who accused each other of running with paramilitary support, President Uribe was compelled to ask the attorney general's office to investigate.<sup>41</sup> In Medellín and the coffee belt, the political influence of paramilitary leaders Diego Murillo, Iván Báez and Carlos Jiménez (alias Macaco) is notorious.<sup>42</sup>

Jairo Angarita, the former leader of the AUC's Sinú and San Jorge blocs, is another case in point. After demobilising in January 2005, he announced his intention to stand for congress in 2006 on the list of Congresswoman Zulema Jattin of Córdoba department, a paramilitary stronghold.<sup>43</sup> In November, he grudgingly withdrew after a presidential communiqué was issued that stated members of paramilitary groups could not participate in politics until they were fully demobilised and the JPL was applied,<sup>44</sup> and President Uribe ordered the arrest of any demobilised paramilitary attempting to interfere with the electoral process. Only weeks later, however, as he and some 2,000 fighters of the Central Bolívar bloc (BCB) were being demobilised, paramilitary commander Iván Duque defied the president's order by calling for two congressional seats to be reserved for demobilised members of his

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<sup>30</sup> See Crisis Group Latin America Report N°14, *Colombia: Presidential Politics and Peace Prospects*, 16 June 2005; Crisis Group Latin America Report N°8, *Demobilising the Paramilitaries in Colombia: An Achievable Goal?*, 5 August 2004.

<sup>31</sup> See section IV below.

<sup>32</sup> Fundación Ideaz Para la Paz has warned about the upsurge of “third generation” paramilitary groups with self-aggrandising interests and highly volatile command structures. See Fundación Ideaz para la Paz, *Siguiendo el conflicto*, no. 25, Bogotá, 12 August 2005.

<sup>33</sup> An increasing number of independent observers in and outside Colombia believe the JPL is the result not only of the legislative process in Congress but also of AUC negotiations in Santa Fe de Ralito, Crisis Group interview, Bogotá, 17 January 2006.

<sup>34</sup> “Report of the High Commissioner”, op. cit., p. 32.

<sup>35</sup> The government was forced to postpone the original deadline for full paramilitary demobilisation, 31 December 2005, to 28 February 2006 owing to the temporary suspension of demobilisations by the AUC in late 2005. Some 4,000 paramilitaries of the Elmer Cardenas bloc and the Casanare Peasant Self-Defence Forces were still active and no timetable for their demobilisation existed. See annex.

<sup>36</sup> See *Revista Semana*, 6-12 June 2005 and Rodrigo Tovar (Jorge 40), “Desmovilización responsable y reinsertión productiva”, 2 March 2005, available at [www.consejerosdepaz.org](http://www.consejerosdepaz.org).

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<sup>37</sup> See below.

<sup>38</sup> Arcanos, “Colombia: el país después de la negociación”, December 2005, pp. 39-47.

<sup>39</sup> *El Tiempo*, 18 January 2006.

<sup>40</sup> *Semana*, 23-30 January 2006, p. 34.

<sup>41</sup> *El Tiempo*, 16 January 2006, p. 1/2.

<sup>42</sup> *Semana*, 23-30 January, p. 38.

<sup>43</sup> Angarita was Salvatore Mancuso's deputy. In September 2005 he declared he was “proud” to work for “the reelection of the best president that the country has ever had”, *El Tiempo*, 7 September 2005.

<sup>44</sup> Presidencia de la República, *Comunicado*, 31 October 2005.

group and reiterating that he wanted the demobilised AUC to participate in elections soon as a legal organisation.<sup>45</sup> Duque, who was a member of the AUC's negotiation committee, has not been arrested.

On 16 December 2005, U.S. Ambassador William Wood publicly stated that paramilitaries attempting to participate in, or interfere with the elections should be denied any judicial benefits under the JPL.<sup>46</sup> Uribe responded harshly, rejecting any U.S. attempt to use Plan Colombia<sup>47</sup> to justify interference in internal affairs.<sup>48</sup> The U.S. embassy quickly denied such an intention and reaffirmed its confidence in the government's intention to implement the JPL effectively.<sup>49</sup> A few days later, however, former Ambassador Miles Frechette reiterated Wood's point in a radio interview, saying that the political influence of illegal armed groups (including guerrillas and organised criminals) was on the rise since the 2002 elections, and this was not well received in the U.S.<sup>50</sup> The constitutional court ruled on 11 November 2005, with respect to the law on electoral guarantees (*Ley de garantías electorales*), that any electoral activity by demobilised members of illegal armed groups who had not completed the full reinsertion process was prohibited.<sup>51</sup>

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<sup>45</sup> These seats would be decided by the government, not elections. *El Tiempo*, 12 December 2005. For more, see Fundación Ideas para la Paz, *Siguiendo el conflicto*, no. 37, Bogotá, 4 November 2005.

<sup>46</sup> Ambassador Wood's words were: "Last summer in the debate on the Justice and Peace Law, the embassy asked if an attempt to pervert the democratic process through corruption or intimidation by the paramilitaries would be deemed a fundamental violation and would remove all benefits. The negotiators on the law assured us that it would. We take them at their word. But we also want to make clear that we will urge the elimination of all benefits to any beneficiary under the Justice and Peace law who is involved directly or indirectly in corruption or intimidation in the elections". Excerpt from remarks before the attorney general's course on human rights and international humanitarian law, Bogotá, 16 December 2005.

<sup>47</sup> Plan Colombia is a multi-billion dollar U.S. aid package for Colombia launched in 2000. Its primary aim is to fight drug trafficking and terrorism. See Crisis Group Latin America Report N°1, *Colombia's Elusive Quest for Peace*, 26 March 2002.

<sup>48</sup> "Comunicado de la Presidencia de la Republica sobre declaraciones del Embajador de los Estados Unidos", *SNE*, 16 December 2005, available at [www.presidencia.gov.co](http://www.presidencia.gov.co).

<sup>49</sup> "Aclaración", U.S. Embassy, 16 December 2005, at <http://Bogotá.usembassy.gov>; Revista *Cambio*, 23-30 January 2006, pp. 24-25.

<sup>50</sup> *El Tiempo*, 19 December 2005.

<sup>51</sup> "Sentencia C-1153/05", Corte Constitucional, Bogotá, 11 November 2005; "Ley 996 de 2005 por medio de la cual se reglamenta la elección de Presidente de la República, de conformidad con el artículo 152 literal f) de la Constitución Política de Colombia, y de acuerdo con lo establecido en el

Under mounting domestic and international pressure, the heads of the pro-Uribe U and Cambio Radical parties – Juan Santos and Germán Vargas Lleras, respectively – dropped five candidates from their lists on 18 January 2006, who were accused of direct links with the paramilitaries.<sup>52</sup> Gina Parody, a pro-Uribe congresswoman, agreed to run for the senate on the U party list only after these actions.<sup>53</sup> The president of the Liberal party (and former president of Colombia), Cesar Gaviria, who several times had warned about paramilitary infiltration of the campaign and accused the government of insufficient response,<sup>54</sup> dropped a senate candidate, Vicente Blel, from his party's list.<sup>55</sup>

The Conservative party has not penalised Congressman Alfonso Campo, who attended the meeting with Tovar. Instead it had to accept the Uribe decision not to inaugurate his campaign on 28 January in an event in which the severely weakened Conservatives were to participate. Uribe's decision was probably a reaction to the crisis created by the government's apparently unfounded accusation that Senator (and Liberal party candidate) Rafael Pardo had conspired with the FARC against his re-election.<sup>56</sup> However, many expelled candidates rapidly reappeared on the lists of minor pro-Uribe parties, such as Habib Merheg and Dieb Maloof with Colombia Viva, Rocio Arias with Dejen Jugar al Moreno and Elenora Pineda with Convergencia Ciudadana.<sup>57</sup> First unofficial results of the 12 March polls suggest mixed results for these "recycled" candidates. While Merheg and Maloof obtained seats in Congress, Arias and Pineda did not.<sup>58</sup>

The political scene is further complicated by Uribe's recent efforts – fruitless thus far – to engage the FARC in negotiations on a hostages/prisoner swap and to move forward the exploratory talks with the ELN in Cuba. Observers express a little optimism about the rapprochement with the ELN, which has included the temporary release of the movement's spokesman, Francisco Galán, from Itaguí prison and the establishment of a "group of guarantors"<sup>59</sup> and a "peace house" (*casa de*

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Acto Legislativo 02 de 2004, y se dictan otras disposiciones", Bogotá, 24 November 2005.

<sup>52</sup> Habib Merheg, Dieb Maloof and Luis Vives were expelled from the U party and Jorge Caballero and Jorge Castro from the Cambio Radical party. *El Tiempo*, 17 January 2006.

<sup>53</sup> *El Tiempo*, 27 January 2006.

<sup>54</sup> *El Espectador*, 11 December 2005.

<sup>55</sup> *El Tiempo*, 18 January 2006.

<sup>56</sup> *El Tiempo*, 26 January 2006, p. 1/6.

<sup>57</sup> Daniel Coronell, "Los traslados", *Semana*, 6-13 February 2006, p. 11.

<sup>58</sup> *El Tiempo*, 13 March 2006.

<sup>59</sup> The guarantors include prominent civil society representatives and academics: Morits Akerman, Daniel García-Penna, Álvaro Jiménez, Gustavo Ruiz and Alejo Vargas.

paz),<sup>60</sup> as well as two direct encounters between the Uribe administration and members of the ELN central command (COCE) in Havana, in December 2005 and February 2006.<sup>61</sup> While the meetings have built some trust between the two parties, and the government has officially acknowledged Galán and Antonio García as ELN representatives, agreement on a negotiation agenda is still pending. In early March the ELN asked citizens to vote in the year's elections and said it would not attempt to sabotage them as in the past, but its condemnation of the JPL<sup>62</sup> makes it questionable whether the Uribe administration will be able to persuade the movement to cooperate with that law and thus demonstrate that it is applicable to all armed groups, rather than, in effect, special legislation for the paramilitaries.

If chances of demobilising the ELN on the basis of the JPL in the medium term are slim, they are next to nil for the FARC, whose continued diatribes against the negotiations with the paramilitaries and rejection of the JPL leave little room for their demobilisation under that law.<sup>63</sup> Lack of progress on a hostages/prisoner swap, despite recent international efforts at facilitation, points to continuation of the armed confrontation. On 16 December 2005, only four weeks after Uribe authorised it to act, an

international commission composed of French, Spanish and Swiss representatives, delivered a proposal outlining a 180-square kilometre demilitarised area in Pradera municipality (Valle del Cauca), where international observers and members of the International Committee of the Red Cross (ICRC) would ensure safe passage for negotiators and give special attention to the hostages.<sup>64</sup> Uribe's public and almost immediate support for the initiative caused surprise, not least because of his previous opposition to demilitarised areas.<sup>65</sup> However, on 29 December FARC ruled out any exchange with the Uribe administration, which it accused of playing electoral politics.<sup>66</sup> Subsequent heavy fighting in the south seems to have polarised the issue further, and diplomatic efforts to promote the proposal, including a visit of French Foreign Minister Philippe Douste-Blazy, have been unsuccessful.

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<sup>60</sup> Established in Quirama (Antioquia) on 12 October 2005, the "peace house" is a site where ELN spokesman Francisco Galán can meet, under the auspices of the group of guarantors, with civil society representatives to discuss negotiations between the government and the ELN. In its first three months, representatives of international organisations and governments as well as the private sector and the Church, and academics visited the peace house, which still exists. Galán was originally granted a three-month safe-conduct to leave prison for the meetings. On 12 December, this was extended for an additional three months.

<sup>61</sup> The meeting in Cuba was attended by the ELN commanders, Antonio García and Ramiro Vargas, as well as Galán. See Jaime Zuluaga, "El ELN y el gobierno nacional: por el camino de las negociaciones", *UN Periódico*, 15 January 2006, pp. 2-3.

<sup>62</sup> In August 2005, the ELN said that the "badly called justice and peace law is the most inadequate instrument to overcome the obstacles in the quest for peace we have outlined". According to the ELN the obstacles are: 1) "denial of the social, economic and political causes that gave rise to the conflict," 2) pretending that peace is only a government-insurgent issue, 3) denying the deep humanitarian crisis affecting the underprivileged sectors of society, for which urgent measures need to be taken while continuing to work for a political solution to the conflict, 4) the government's unwillingness to recognize the existence of an internal armed conflict, 5) the façade that are the negotiations between the government and the paramilitaries. There never was a war between them, they have always cooperated and coordinated their actions (...)" Jaime Zuluaga, *UN Periodico*, 15 January 2006, p. 3.

<sup>63</sup> See Crisis Group Latin America Report N°14, *Colombia: Presidential Politics and Peace Prospects*, 16 June 2005.

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<sup>64</sup> *El Tiempo*, 13 December 2005.

<sup>65</sup> Crisis Group Report, *Presidential Politics and Peace Prospects*, op. cit.

<sup>66</sup> FARC-EP communiqué, 29 December 2005.

### III. JUSTICE AND REPARATION PROBLEMS

Implementation of the JPL, when it eventually begins, will put considerable pressure on state institutions. The government's strategy to dismantle military structures before applying the JPL faces serious challenges related to the administration of justice, victim reparations and participation of civil society, in particular victims, in the process. Serious doubts remain also about whether the JPL can be part of a broader pacification strategy that includes the FARC and ELN.

#### A. ADMINISTRATION OF JUSTICE

The JPL presents the authorities with multiple difficulties. The new judicial infrastructure the law created lacks the capacity to fulfil its tasks and will be highly dependent on what is at present insufficient cooperation between state agencies with roles to play in implementation and on the suspect good will and cooperation of demobilised individuals. There is also too little clarity regarding determination of eligibility for JPL-benefits, difficulty in effectively monitoring the demobilisation and subsequent reinsertion of members of armed groups, and lack of certainty about the place and conditions of imprisonment for sentenced individuals.

The Justice and Peace Unit (JPU) in the attorney general's office, the core of the new judicial infrastructure, is charged with investigating all individuals whose names are submitted by the executive as potential beneficiaries of reduced sentences. Following this investigation, which may last a maximum of six months, JPU attorneys take the demobilised individual's voluntary confession and, depending on the case, may proceed with a criminal prosecution that must not take longer than 60 days. The JPU is further in charge of determining the reparations sentenced individuals must make to victims through the National Fund for Reparations.<sup>67</sup>

On 7 February 2006, Attorney General Mario Iguarán announced that the new unit was ready to start work but serious questions remain as to how it will operate and whether it will contribute to establishing the truth about serious crimes. A first concern relates to the list of names of the potential beneficiaries. Neither the JPL nor its regulations make clear how this list will be drawn up, which government agency is responsible for which part of the process, and how an individual's satisfaction of the

list's requirements will be verified.<sup>68</sup> Even otherwise optimistic members of the attorney general's office worry about being overburdened with verifying extensive lists before the judicial process even begins.<sup>69</sup> According to the JPL, those on the list must meet six conditions, including demobilisation and dismantling of the armed group of which they were members and the handing over of illegally obtained assets to the authorities.<sup>70</sup> But it is unclear how the executive plans to verify these conditions and filter out those who do not meet the requirements.<sup>71</sup> In practice, it will be next to impossible for it to know whether weapons have been hidden or at the end of a trial whether all illegal assets have been turned over.

Another significant problem is the absence of a sufficiently comprehensive database for serious crimes and human rights violations and the difficulties the JPU will have to access and share information on demobilised individuals with other state agencies as well as the Church and civil society organisations. The judicial authorities are confident their efforts to consolidate a database, which reportedly includes more than 15,000 cases of human rights violations documented by both the human rights offices of the vice president and the attorney general, will produce enough information for indictments.<sup>72</sup> Nevertheless, questions remain about how other information sources, including the thousands of cases local courts are processing, are incorporated into the database, and how information collection is coordinated with other agencies.<sup>73</sup> Both the state prosecutor's judicial justice and peace unit and the ombudsman's justice and peace unit, newly established

<sup>68</sup> According to the JPL regulations, the presidency submits the list of names to the ministries of interior and justice and of defence, which then send it to the attorney general's office.

<sup>69</sup> Crisis Group interview, Bogotá, 5 December 2005.

<sup>70</sup> To be eligible for benefits under the JPL, ex-combatants must have fully demobilised and contributed to the dismantlement of the illegal armed group they belonged to, returned all ill-gotten assets, handed all underage fighters over to the Colombian Family Welfare Institute (ICBF), ceased all actions aimed at interfering with the free exercise of political and public rights, have returned all hostages and not have been organised for illegal drug trafficking.

<sup>71</sup> Its lack of clarity increases the chance most demobilised paramilitaries will not apply for consideration under the JPL but will be satisfied they were able to demobilise on the basis of Law 782. They have no incentive to apply for a place on the list as long as it is not certain whether the government will accept their request since an application would presumably mean scrutiny by the JPU. According to the law's logic, only those who have committed grave crimes and believe they will not get away after demobilising on the basis of Law 782 will have an interest in being covered by the JPL. Thus, lack of clarity as to how the executive will put together the list enhances the prospect of greater impunity.

<sup>72</sup> Crisis Group interview, Bogotá, 5 December 2005.

<sup>73</sup> Crisis Group interview, Bogotá, 7 December 2005.

<sup>67</sup> See section III.B. below.

by the JPL, will be important for ensuring that victims' testimony and evidence of human rights violations collected by civil society are brought forward.<sup>74</sup> However, unless government agencies efficiently share resources, there is a risk information will be insufficient and even contradictory.<sup>75</sup> Crisis Group sources indicate the Church has decided not to share the confidential database on human rights violations which its Pastoral Social has built.

The success of the plea-bargaining process rests largely upon the ability of the judicial system to verify confessions and check them against other sources. But neither the JPL nor its regulations offer enough assurance in this respect. According to Article 5 of the regulatory degree, demobilised individuals must freely confess their crimes to become eligible for reduced sentences. If it later appears they "forgot" a particular crime, their JPL-sentence would be increased only by 20 per cent. This is high on the list of provisions the state prosecutor has said he believes are unconstitutional. The relatively small cost of being caught out in a lie will make it more difficult for authorities to obtain the information they need for indictments and criminal prosecutions.<sup>76</sup> Much will depend on the ability and dedication of the individual JPU attorney and the good will and cooperation of the JPL-prosecuted ex-combatant.

Officials say that omissions will be minimal, because ex-combatants will expect to be implicated when other former fighters confess<sup>77</sup> but this is a gamble. It is to be expected that relatively few will be prosecuted under the JPL since by the time it begins to be implemented almost everyone will have already demobilised under Law 782. Likely only the relative few will have opted to await the new law, and prosecution under it, who fear they could not get away without at least some punishment for the serious crimes they committed and possibly face the prospect of ICC prosecution. However, the lack of a sufficiently comprehensive database on human rights violations and effective information sharing between state agencies will make it almost impossible for the JPU to break the "rule of silence" among JPL-prosecuted suspects. In addition, in spite of the officials' confidence in their ability to recognise falsehoods,<sup>78</sup> prosecuted ex-

combatants know they risk loss of benefits or a regular criminal prosecution only if it is proven they have intentionally omitted information.<sup>79</sup>

Another difficulty is that imprisoned paramilitaries can apply through former commanders for inclusion on the beneficiaries' list.<sup>80</sup> This means that the majority of paramilitaries already serving long sentences as well as common criminals and drug traffickers who can make the case they were part of a paramilitary group could become eligible for sentence reductions.<sup>81</sup> High Commissioner for Peace Luis Restrepo, who is charged with evaluating all requests for JPL benefits, has announced that he will address this.<sup>82</sup> However, it is unclear what filtering standards will be used to protect the process.

The need for an effective filtering mechanism has become all the more urgent as a result of attempts by drug traffickers to purchase paramilitary "franchises" in order to infiltrate the demobilisation process.<sup>83</sup> In October 2004,

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<sup>79</sup> Benefits will only be completely revoked, however, if it is proved that the sentenced ex-combatant "intentionally" omitted information on crimes when confessing. It will be very difficult to establish whether the omission was intentional or unintentional. In the latter case, the JPL-sentenced individual will only face a 20 per cent increase of his/her reduced sentence.

<sup>80</sup> It has been reported that since the JPL was passed and the decree issued, the government and the attorney general have received an avalanche of written requests. Up to early January 2006, some 1,200 requests had been received, approximately half pertaining to paramilitaries but with a significant percentage to the insurgents and common delinquents who claim to have participated in paramilitary structures as logistical supporters or informants. See *El Tiempo*, 8 January 2006, 1-3. In a February press conference, the attorney general spoke of 1,400 requests, of which approximately 800 pertained to members of paramilitary groups. See Fiscalía General de la Nación, op. cit.

<sup>81</sup> Two cases exemplify this. A group of 70 paramilitaries who belonged to the Calima Bloc are serving a 40-year sentence for killing at least 30 people in the Naya region (Cauca) in 2001. Their chiefs (Don Berna, Hernando Hernandez and Gordolindo) have already demobilised. The second case is that of Mario Jaimes (alias El Panadero), who was captured in 1999 and charged with killing eight people. After serving only seven years of a much longer sentence, he would be just one year from freedom, according to the maximum sentence contemplated by the JPL. *El Tiempo*, 8 January 2006, 1-3. The exact number of imprisoned paramilitaries is not known. In early January 2006, it was reported that there are approximately 3,200 paramilitary prisoners, *El Tiempo*, 8 January 2006. Press reports of February talk of 4,331. See *El Colombiano*, 11 February 2006.

<sup>82</sup> On 8 September 2005, the government presented a list of 35 presumed-to-be FARC guerrillas as the first potential candidates to benefit from the JPL. After media pressure, six were shown to have committed ordinary crimes and were removed from the list. See *El Tiempo*, 29 October 2005, 1/6.

<sup>83</sup> Ex-President and former OAS General Secretary Cesar Gaviria denounced this trend at a Liberal party event in

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<sup>74</sup> Civil Society organisations have widely documented human rights violations. However, the lack of uniform methodology makes consolidation of their data difficult. Fundación País Libre, for instance, relies mostly on press reports; CINEP's database is a mix of documented cases and submitted complaints, while the Church relies on confidential testimony collected in parishes.

<sup>75</sup> Crisis Group interview, Bogotá, 6 December 2005.

<sup>76</sup> The 60-day timeframe for verifying the confessions is itself a serious obstacle to establishment of "judicial truth". Crisis Group interview, Bogotá, 5 December 2005.

<sup>77</sup> Crisis Group interview, Bogotá, 20 December 2005.

<sup>78</sup> Crisis Group interview, 5 December 2005.

“Los machos” and “Los Rastrojos,” two gangs of assassins at the service of Diego Montoya (alias Don Diego) and Wilber Varela (alias Jabón), notorious heads of the “Norte del Valle” drug trafficking cartel, changed their names to Rural Self-Defence Forces of Norte del Valle (*Autodefensas Campesinas del Norte del Valle*)<sup>84</sup> and the Valle Peasant Units (*Rondas Campesinas del Valle*), respectively, in an effort to pose as genuine paramilitaries. According to reports, both Montoya and Varela showed interest in demobilising their armed structures if given the same treatment as AUC leaders, including legal benefits under the JPL and the suspension of extradition orders against them.<sup>85</sup> Congresswoman Rocío Arías – recently expelled from the Colombia Democrática party due to links to paramilitary groups in Antioquia department – is sympathetic. She says the JPL is flawed in not providing plausible alternatives for drug traffickers who want to reintegrate into society.<sup>86</sup>

Perhaps even more troubling are the possible implications the JPL and its regulatory decree will have in relation to ordinary criminals. Under Article 70, prisoners whose crimes are not related to sexual offences, drug-trafficking or human rights violations are entitled to a 10 per cent sentence reduction if they have shown good conduct and have undertaken to compensate their victims.<sup>87</sup> Article 71 modifies the penal code to place sedition on an equal footing with rebellion. The considerable release of prisoners which may occur as a result of these two articles could further complicate the implementation process and further strain the overburdened attorney general’s office. Doubts remain in particular, about the logic underlying the 10 per cent reduction clause. While the law’s defenders argue that sentence reductions promote faster reintegration into civilian life for demobilised ex-combatants,<sup>88</sup> it appears that they will benefit perpetrators of heinous crimes.

Operational issues could also prove obstacles to JPL implementation. Pending application of the new law, paramilitaries are being demobilised on the basis of Law 782, which effectively sets ex-combatants free and,

according to human rights organisations, in practice precludes any judicial follow-up because there are few outstanding charges against most paramilitary combatants other than those for rebellion and sedition, which Law 782 will free them of.<sup>89</sup> The government will also need to ensure security in areas where large numbers of ex-combatants are concentrated. The assassination of flower grower Hernando Cadavid<sup>90</sup> by five ex-members of the Héroes de Granada bloc (commanded by Diego Murillo alias Don Berna) and the recent killing of six civilians by suspected demobilised fighters near Medellín<sup>91</sup> suggest that some former fighters maintain links to their old criminal structures or are developing new ones.

The question of where JPL-sentenced ex-combatants will serve their sentences also needs to be resolved. Although Article 30 gives the government this responsibility, options are still being discussed. The favourite of former paramilitary leaders such as Ernesto Baez and Hernán Giraldo<sup>92</sup> would allow those covered by the JPL to serve their sentences in specially established agricultural colonies, presumably in areas where paramilitary groups used to operate. The lack of specific guidelines in both the law and its regulations make a government decision all the more necessary. If indeed agricultural colonies are to be used, the government must give assurances that they will meet tight security standards and ex-combatants will not be able to conduct illicit activities from confinement.<sup>93</sup>

The extradition issue is also related to the sentencing of ex-combatants. According to Article 30, sentences do not have to be served in Colombia.<sup>94</sup> This worried paramilitary leaders, who broke off demobilisation in November 2005 and demanded a government clarification.<sup>95</sup> However, this ambiguity has given the government some leverage. During the visit of John Walters, director of the White House Office of National Drug Control Policy, in November 2005, Vice President Francisco Santos asserted that the government would not negotiate extradition with illegal armed groups and would consider temporarily suspending extradition orders for demobilised paramilitary leaders only if assured of full cooperation in the dismantling of military and drug-trafficking structures, victim restitution and fulfilment of all other JPL

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Barranquilla and referred to the current process as “paramilitary legitimisation”, not reconciliation. See *El Tiempo*, 25 October 2005, 1-4.

<sup>84</sup> *El Tiempo*, 29 October 2005, 1-6.

<sup>85</sup> See below in this section.

<sup>86</sup> See, *El Tiempo*, 9 November 2005, 1-4.

<sup>87</sup> In October 2005, the Supreme Court ruled in favour of a civil servant charged with misuse of public funds who wanted his sentence reduced under the terms of Article 70 of the JPL. This is an important precedent suggesting the court interprets the law as applicable to all persons serving sentences, with the exceptions already mentioned. See *El Colombiano*, 3 November 2005.

<sup>88</sup> Such arguments were made during the congressional debate on the JPL. See *Gaceta del Congreso* 289, Bogotá, 25 May 2005.

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<sup>89</sup> Crisis Group interview, Bogotá, 7 December 2005.

<sup>90</sup> On that occasion, Murillo called for public oversight of demobilisations. See *El Tiempo*, 25 October 2005, 1-4.

<sup>91</sup> *El Tiempo*, 13 February 2006.

<sup>92</sup> *El Tiempo*, 16 September 2005 and *Semana*, 29 January 2006, respectively.

<sup>93</sup> The concern is to avoid a repetition of the prison conditions that the late drug lord Pablo Escobar once enjoyed.

<sup>94</sup> See *Ley 975*, 25 July 2005, 10.

<sup>95</sup> See section II above.

requirements.<sup>96</sup> Walters, who welcomed Santos's assurance on the negotiation point, indicated that the U.S. would maintain its extradition demands.<sup>97</sup> Although paramilitary leaders such as the recently demobilised Hernán Giraldo claim that the "the peace process stands above extradition",<sup>98</sup> the lack of guarantees continues to generate uneasiness among ex-combatants, and it is unclear how Uribe will handle this sensitive topic during the implementation process.

## B. REPARATIONS FOR VICTIMS

Although large parts of the JPL and the regulatory decree are dedicated to the subject, the legal framework for demobilisation and reinsertion of armed groups is inadequate with respect to reparations for victims and limits the state's responsibility. The primary focus is on how, and under what conditions, alternative sentences will be applied and the incentives for demobilised and prosecuted members of armed groups to cooperate with the authorities. The reparations issue, therefore, is likely to be the hardest for the government to handle while implementing the JPL because – to be blunt – the law puts perpetrators first and victims second – despite the provision that "the process of national reconciliation that will flow from the present law must in all cases promote the right of victims to truth, justice and reparation".<sup>99</sup>

The JPL provides for creation of the National Reparation and Reconciliation Commission (NCR) and the National Reparation Fund (NRF). The former is chaired by the vice president and includes the public prosecutor, the ministers of interior and justice and of finance, the ombudsman,

two victims' representatives, five distinguished private persons and the director of Acción Social, the presidency's humanitarian and international cooperation agency.<sup>100</sup> The NCR will operate five regional commissions charged with overseeing restitution of assets (*Comisiones regionales de restitución de bienes*).<sup>101</sup> Representatives of indigenous and Afro-Colombian citizens, two groups disproportionately affected as victims of the conflict, both as displaced persons and among the missing and killed, have made strong pleas to participate at all levels in the reparation process.<sup>102</sup> The NRF is managed by the director of Acción Social.

Reparation is defined as the restitution of assets and payment of compensation to victims, as well as their rehabilitation and guarantees that the crimes will not be repeated. Only demobilised members of the armed groups who are prosecuted and sentenced under the JPL – in all probability a small minority of the total of ex-combatants<sup>103</sup> – will be obliged to hand over to the NRF the illegally-obtained assets they have in their possession. Following criteria developed by the NCR, the judicial authorities will then determine what kind of reparations are to be made (collective or individual and material or symbolic) and to whom. Except for collective government reparation programs, which are to be designed on the basis of NCR recommendations to rebuild state institutions in areas particularly affected by violence and general humanitarian measures (such as IDP assistance), which are a government responsibility distinct from the issue of reparations, the authorities' role is restricted to the establishment of the NCR and the NRF.<sup>104</sup> However, the Colombian state is also partly responsible for the suffering of the victims because it tolerated the paramilitary violence

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<sup>96</sup> *El Tiempo*, 10 November 2005, 1-6. Nine paramilitary chiefs are sought for extradition: Ramiro "Cuco" Vanoy Murillo (demobilised on 20 January 2006 with the "Mineros" Bloc, he is sought for drug-trafficking by a South Florida district court since 1999; at various times he worked for Pablo Escobar and was part of the Pepes, a criminal gang that fought against Escobar, *El Tiempo*, 11 January 2006, 1-12 and *El Tiempo*, 20 January 2006, 1-16); Carlos Jimenez "Macaco" (allegedly controls drug trafficking in lower Cauca in Antioquia, south of Bolívar, Putumayo and Catatumbo; has been involved in arms for drugs swaps and worked in the 1980s for the Valle Cartel, *El Tiempo*, 6 November 2005, 1-4); Rodrigo Tovar Pupo "Jorge 40" (extradition requested by the U.S. for drug-trafficking, aggravated murder and membership in a terrorist organisation; *El Tiempo*, 29 January 2006, 1-6); Diego Murillo "Don Berna"; Francisco Zuluaga "Gordolindo"; Victor Mejía "El mellizo"; Vicente Castaño; Hernán Giraldo (*El Espectador*, 5 – 11 February 2006, 2A and *El Tiempo*, 4 February 2006, 1-4); and Salvatore Mancuso. See *El Tiempo*, 9 November 2005, 1-4.

<sup>97</sup> Crisis Group interview, Bogotá, 17 January 2006.

<sup>98</sup> See *El Espectador*, 5 – 11 February 2006, 2A.

<sup>99</sup> Justice and Peace Law, Article 4.

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<sup>100</sup> The vice president, the ministers, the ombudsman and the director of Acción Social (charged with the technical secretariat) may delegate their responsibilities.

<sup>101</sup> Each regional commission is composed of one member of the NCR (who presides over it), a representative of the public prosecutor's justice and peace unit, a delegate of the municipal or district ombudsman, a delegate of the national ombudsman and a delegate of the ministry of the interior and justice.

<sup>102</sup> Crisis Group interview, Washington, February 2006. They have also urged the U.S. to support their requests with the Colombian government.

<sup>103</sup> See section III A above.

<sup>104</sup> On 9 February 2006, the director of Acción Social, Luis Hoyos, met with the president of the NCR, Eduardo Pizarro, to inform him of the successes of the government's humanitarian assistance and social programs. Pizarro acknowledged the importance of Acción Social's work but made it clear that such programs could only be considered complementary to the NCR's victim reparation work. "Apoyo a víctimas de Acción Social, un complemento a política de reparación", Agencia Presidencial para la Acción Social y la Cooperación Social, Bogotá, 9 February 2006; Crisis Group interviews, Bogotá, 7 December 2005 and 20 January 2006.

for years. It would be appropriate for it to acknowledge this partial responsibility and find ways of contributing more assertively to victim reparations rather than leaving the matter to the NRF.

In principle, all reparations have to be “integral” in the language of the JPL, that is to involve a series of interlocking steps,<sup>105</sup> and will be paid for by the NRF, including in those cases in which only the responsibility of the armed group as a whole, not of an individual perpetrator of a crime or abuse could be established. The victims, individually or in groups, are entitled to government protection and may submit evidence and request a hearing during a trial. They have the further right to obtain information from the authorities regarding cases, and they can go before the ordinary courts and demand the return of assets taken from them which convicted ex-combatants have not turned over to the NRF.

The NCCR's role in making reparations happen and promoting reconciliation is vital but the body faces great difficulties. It is charged with guaranteeing that victims can participate in the trials, obtain reparations and learn the truth about crimes committed against them and their families. However, it lacks the necessary powers<sup>106</sup> and, in addition, will be overburdened with tasks as varied as producing a study on the origins and evolution of the armed conflict and reviewing the reparation measures and reinsertion programs every two years.<sup>107</sup> Its members are said to have little administrative experience.<sup>108</sup>

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<sup>105</sup> These steps are: 1) handing over to the authorities the illegally-obtained assets for victim reparation (not specified that all assets must be handed over); 2) public declaration by the prosecuted individual of the crime committed in order to contribute to re-establishing the dignity of the victim; 3) public acknowledgment of having caused harm to the victims and plea to be pardoned by the victims as well as promise that the offences will not be repeated; 4) effective collaboration with the authorities in finding abducted and missing persons and the identification of burial sites. JPL, Articles 45.1-45.4.

<sup>106</sup> Crisis Group interview, Bogotá, 7 December 2005.

<sup>107</sup> According to the terms of the Justice and Peace Law, the NCCR is in charge of: 1) guaranteeing victim participation in judicial truth-finding (*esclarecimiento judicial*) operations; 2) issuing a public report explaining the upsurge and evolution of illegal armed groups; 3) following and verifying the reinsertion process and efforts by local authorities to demobilise illegal armed groups fully (to this end, the NCCR can request cooperation from international organisations and specialists); 4) following and evaluating the evolution of victim reparation as outlined by the JPL and making recommendations to ensure adequate execution; 5) two years after promulgation of the law, reporting on the victim reparation process to the Peace Commissions of the Senate and the lower house and the national government; 6) recommending the criteria for victim reparation and management of the NRF; 7) coordinating the operation of

Perhaps most troubling, however, is that the burden of proof is on the victims, who must defend their interests and rights against perpetrators who in effect are not compelled to reveal the full truth and give up all their illegal assets.<sup>109</sup> In practice, reparation will depend on a combination of a victim's perseverance, the degree of support the NCCR offers, the effectiveness of the judicial authorities, including in making information on the rights of victims readily available, and the cooperation and good will of the perpetrators.<sup>110</sup> It will be even more difficult to satisfy the need of families of disappeared or missing persons to learn what happened to their relatives. Even the information from perpetrators will need to be investigated, and help should be sought from organisations such as the International Commission on Missing Persons, which has an impressive record in the Balkans, and the Argentine Forensic Anthropology Team, whose work in identifying the bodies of missing persons has now been supported by the Buenos Aires government.<sup>111</sup>

The diverse nature of the large universe of victims poses additional problems. In many cases it will be difficult, if not impossible, to establish who is a victim.<sup>112</sup> Some representatives of victim associations, such as the Movement of Victims of Crimes of the State and the Paramilitaries (*Movimiento de Víctimas de Crímenes del Estado y de los Paramilitares*), question the NCCR's independence, because it is nominally chaired by the vice president, and say they will not work with it in order not to give it undeserved legitimacy.<sup>113</sup> The two commissioners – out of thirteen – charged with representing the victims are perceived as unable to do their job properly since they will be in a minority position and not independent from the government.<sup>114</sup> Also, the JPL does not foresee any victim participation in the work

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the regional restitution commissions; 8) proposing national policies and programs that promote reconciliation and prevent the resurgence of violence; and 9) determining its own operational criteria and regulations.

<sup>108</sup> Crisis Group interview, Bogotá, 7 December 2005.

<sup>109</sup> Crisis Group interview, Bogotá, 6 December 2005.

<sup>110</sup> Crisis Group interview, Bogotá, 7 December 2005.

<sup>111</sup> <http://www.unhcr.ch/tbs/doc.nsf/0/d9bde57fbd4969f3c126f62003ec02d?>; also see, <http://www.ic-mp.org/home.php?act=icmp> on the International Commission on Missing Persons.

<sup>112</sup> Crisis Group interview, Bogotá, 19 January 2006.

<sup>113</sup> Vice President Francisco Santos therefore wisely put Eduardo Pizarro in charge of running the NCCR.

<sup>114</sup> On 20 January 2006, the government advertised for candidates for the two seats allocated to victim representatives on the NCCR. Applicants need to submit not only a CV but also proof that their candidacies resulted from structured selection processes within officially recognised victim organisations. However, neither the selection criteria nor how the final choice will be made has been made public. Crisis Group interview, Bogotá, 7 December 2005.

of the regional restitution commissions, a serious deficiency given the scale of illegal land appropriation by the paramilitaries and the widespread absence of land titles.

As discussed above, establishing the truth about crimes and abuses committed by members of armed groups will depend to a large degree on cooperation from the perpetrators during JPL-prosecutions. What emerges from the trials will likely be a limited “judicial truth” based on voluntary confessions, not aggressive interrogations or parallel investigations carried out by an independent truth commission.<sup>115</sup> The JPL’s weakness at establishing with high certainty who was responsible for which crimes and the difficulties the government will face in dismantling the entrenched paramilitary structures will complicate the NCCR’s work considerably.<sup>116</sup> The commission will have to elaborate the criteria for making reparations through the NRF only to the victims of convicted perpetrators or to those who have otherwise proven their cases.

Moreover, everything indicates the NRF will not have sufficient funds, mainly because few members of armed groups will be sentenced under the JPL, and straw men hold many of their illegal assets.<sup>117</sup> The judicial authorities, who are moving slowly in pursuing asset forfeiture,<sup>118</sup> will have a hard time establishing which assets should be seized and handed over to the NRF. When only collective responsibility for a crime can be established, it is not clear what mechanisms the judicial authorities intend to use to have the demobilised individual and armed group pay into the NRF.

These serious flaws regarding reparations were implicitly acknowledged by both President Uribe and the president of the NCCR, Eduardo Pizarro, during the commission’s inauguration ceremony on 4 October 2005. Uribe said:

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<sup>115</sup> Crisis Group interview, Bogotá, 6 December 2005.

<sup>116</sup> The 2006 UNHCHR report on Colombia highlights this problem: “Without clarifying the truth, justice cannot be obtained, reparations cannot be adequately made and the dismantling of paramilitarism cannot be effectively carried out”. UNHCHR, “Report on human rights in Colombia”, op. cit., p. 31.

<sup>117</sup> Crisis Group interview, Bogotá, 7 December 2005. The regulatory decree contains an “incentive” for prosecuted members of armed groups to reveal illegal assets in the hands of straw men. Article 13 states that prosecution of straw men who were not members of the armed group and cooperate can be waived. This was criticised by UNHCHR for violating “the Colombian state’s international obligations with regard to the administration of justice and the fight against impunity”. “The regulations regarding the ‘Justice and Peace Law’ do not adequately ensure due respect for the rights of victims”, UNHCHR, Bogotá, 4 January 2006; Crisis Group interview, Bogotá, 18 January 2006.

<sup>118</sup> See Crisis Group Latin America Report N°11, *War and Drugs in Colombia*, 27 January 2005.

The level of suffering caused by the ongoing violence is immeasurable...and so it is impossible to aspire to achieve total reparation...I dare interpret [the views of] millions of Colombians when I say...the best type of reparation will be to see those responsible effectively change their behaviour. The best type of reparation will be to see those responsible repent, as it is the only way to guarantee that the pain and suffering will not perpetuate itself through future generations.<sup>119</sup>

Pizarro, in turn, stressed the need to “design appropriate policies to guarantee symbolic, material and judicial reparation for victims of both paramilitary and guerrilla groups”.<sup>120</sup>

Drawing on similar exercises in other countries, experts in transitional justice have highlighted the risk of creating excessive expectations.<sup>121</sup> Nevertheless, Colombia’s economy, unlike those of most countries emerging from civil war, has maintained its strength, and the country remains in the middle income range, ranking just below Bosnia and above Venezuela in the UN human development report. While there are competing demands and the government complains of lack of funds,<sup>122</sup> its one-time 1 per cent war tax on the wealthiest citizens yielded some \$800 million<sup>123</sup> and it would probably produce even more today, far beyond the estimated cost for reinserting the paramilitaries. Reparations to the victims, though, if done properly would require much greater financial outlays, and Colombia legitimately looks to the international community for technical assistance in this.

The major constraint on the entire demobilisation process, however, affecting both its available resources and its capacity, is the ongoing armed conflict. Although the bulk of the paramilitaries have been demobilised, no similar process is in sight with the insurgents, in particular the FARC, whose military activities threaten security in the areas where paramilitary disarm, potentially place disarmed paramilitaries at risk and complicate enormously the reinsertion process. At the same time, the continuing conflict ensures that the number of victims will continue to increase, straining public finances further.

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<sup>119</sup> Palabras del Presidente Uribe al instalar la Comisión Nacional de Reparación y Reconciliación, Bogotá, 4 October 2005.

<sup>120</sup> Palabras de Eduardo Pizarro, presidente de la Comisión Nacional de Reparación y Reconciliación, Bogotá, 4 October 2005.

<sup>121</sup> See Pablo de Greiff, “Elementos de un programa de reparaciones”, in Fundación Ideas para la Paz, *Justicia, verdad y reparación en medio del conflicto* (Bogotá, 2005), pp. 10-14.

<sup>122</sup> Crisis Group interview, Bogotá, 20 January 2006.

<sup>123</sup> Figures denoted in dollars (\$) in this report refer to U.S. dollars.

The same experts also warn against trade-offs between justice and reparation since both are considered fundamental for resolving internal armed conflict and reconciliation. Good results in demobilising and reinserting armed groups will not be sufficient if there are not also acceptable degrees of justice and reparation.<sup>124</sup> Government and society need to give victims recognition and involve them actively in designing reparation and reconciliation policies but as shown above, the legal framework that has been developed does not encourage such recognition and participation. By linking reparation to the return or seizure of illegal assets, putting perpetrators first and victims second, and seeking only “judicial truth”, the state is not fully meeting its responsibilities.<sup>125</sup>

#### IV. REINSERTING THE PARAMILITARIES

Although JPL passage gave paramilitary commanders incentive to demobilise their troops, officials say they believe that law has little connection to the reinsertion programs.<sup>126</sup> Demobilisation has been conducted under Law 782,<sup>127</sup> which allows the government to give pardons and reinsertion assistance to members of irregular armed groups who have committed political crimes and have no pending charges for human rights violations.<sup>128</sup> While it is still uncertain how many demobilised fighters will apply for JPL benefits, as discussed above, it seems clear the bulk of the ex-combatants will not face serious criminal charges and will continue to be absorbed by the reinsertion programs.<sup>129</sup>

The successful reintegration into society of a large number of ex-combatants is a crucial institutional challenge. The distinction the Uribe administration introduced between collective and individual demobilisation and reinsertion programs was intended to be the basis for a more efficient division of tasks among government agencies.<sup>130</sup> The reform not only consolidated the Program for the Reincorporation into Civilian Life (PRVC)<sup>131</sup> as the coordinating body for both collective and individual reinsertion programs, but also reinforced the peace commissioner’s role in negotiating collective demobilisations and assigned more responsibility to the defence ministry in assisting and promoting individual

<sup>126</sup> Crisis Group interview, Bogotá, 7 December 2005.

<sup>127</sup> Regulated by Decree 128 of 2003, which extended reinsertion assistance to individual deserters.

<sup>128</sup> These include atrocious acts and barbarism, terrorism, kidnapping, genocide, homicide outside combat and civilian victimisation. See, “Ley 782 de 2002 por medio de la cual se prorroga la vigencia de la ley 418 de 1997, prorrogada y modificada por la ley 548 de 1999 y se modifican algunas de sus disposiciones”, *Diario Oficial*, N° 45.043, Bogotá, 23 December 2002.

<sup>129</sup> Crisis Group interviews, Bogotá, 4 November and 6-7 December 2005.

<sup>130</sup> Within the current framework, the office of the high commissioner for peace organises collective demobilisations, the ministry of defence receives and provides humanitarian assistance to individual deserters, the ministry of the interior executes two parallel reinsertion programs, one for collective and one for individually demobilised soldiers, and the Colombian Family Welfare Institute (ICBF) is in charge of reinserting underage fighters.

<sup>131</sup> The PRVC is run by the ministry of the interior and justice. Its role as coordinator of both the collective and individual reinsertion processes comes from Law 782 of 2002, which outlines benefits granted to members of armed groups who demobilise and want to be reintegrated into society.

<sup>124</sup> See section IV below.

<sup>125</sup> Crisis Group interview, Bogotá, 20 January 2006.

demobilisations. However, coordination between the PRVC and the national and regional bodies involved in the reinsertion process has been fragmentary, slow and sometime non-existent.<sup>132</sup> Institutional specialisation has, paradoxically, led to confusion as to who is in charge of reinsertion and has prevented the government from tending to the more serious institutional deficits at the regional and local levels.

Efforts to address these institutional shortfalls reflect a more proactive government stance but have not yet brought solutions. The establishment in September 2004 of Reference and Opportunity Centres (CROs) in areas with many ex-combatants aimed to decentralise delivery of legal, psychological and social aid.<sup>133</sup> Yet, the CROs are mostly understaffed and lack the capacity to coordinate actions with uninformed local authorities and agencies.<sup>134</sup> PRVC officials say the establishment of an Accompaniment, Monitoring and Evaluation System (SAME),<sup>135</sup> designed to monitor each ex-combatant's progress within the program, gives them an effective tool for preventing relapses and devising specialised assistance for high risk cases.<sup>136</sup> But it is uncertain how the new evaluation system will help consolidate existing information databases into an index which measures the real impact of all reinsertion efforts and allows the government to address some of its intrinsic shortcomings.<sup>137</sup>

Adjusting reinsertion programs to the complex characteristics and needs of ex-combatants has also proven problematic. According to government estimates, around 70 per cent are functionally illiterate,<sup>138</sup> and most have no formal education other than military training. Despite government efforts to offer basic social behaviour modules<sup>139</sup> and counselling, only 10 per cent have entered

the workforce.<sup>140</sup> The private sector has been largely put off by the inability of ex-combatants to adapt to competitive working conditions and the absence of government assurances that their behaviour will be monitored once they have left the program.<sup>141</sup> The recent creation of an ex-combatant work division, in association with the National Learning Service (SENA), aims to address these worries by modifying educational programs to fit both the rural and urban labour markets.<sup>142</sup> Nevertheless, it is still uncertain how much private sector support this initiative will receive and how the new division will fit into the institutional framework. There are fears that, without further reforms, ex-combatants in certain regions will be forced back into the entrenched paramilitary economic structures.

The urgent need for reforms recently became all the more apparent when, during a congressional hearing, Peace Commissioner Restrepo acknowledged there was no clear government directive to resolve the institutional crisis.<sup>143</sup> The government's hesitancy comes as Sergio Caramagna, head of the OAS Mission for the Support of the Peace Process in Colombia (MAPP/OEA), is calling attention to disturbing developments, such as the appearance of new paramilitary groups and their recruitment of demobilised fighters, that need to be offset before they jeopardise the reinsertion process.<sup>144</sup>

Ex-combatant security, for instance, has been an important area of criticism. The use of ex-combatants as informants has, official sources say, helped prevent terrorist attacks.<sup>145</sup> Yet, ex-combatant deaths in Bogotá, Cúcuta and the Montes de María, the result of personal vendettas and retaliation,<sup>146</sup> raise serious questions about their use in war-related tasks. Ex-combatant "shelters" were closed in Bogotá, says Dario Villamizar, district director for the reincorporated population assistance programs (PAPR),

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<sup>132</sup> Crisis Group interviews, Bogotá, 7 December 2005 and 10 January 2006.

<sup>133</sup> Five Reference and Opportunity Centers (CRO) have been opened for collectively demobilised soldiers, located in Medellín, Turbo (Antioquia), Montería (Córdoba), Sincelejo (Sucre), Cali (Valle del Cauca) and Cúcuta (Norte de Santander). For the individual reinsertion program there are two CROs, in Bogotá and one in Medellín.

<sup>134</sup> Crisis Group interview, Bogotá, 7 December 2005; *Revista Semana*, 3-9 December 2005; *El Tiempo*, 19 September 2005.

<sup>135</sup> SAME generates statistical databases on the progress of ex-combatants within the reinsertion programs, based on performance indexes such as participation in educational modules and the involvement of families in the reinsertion process.

<sup>136</sup> Crisis Group interview, Bogotá, 7 December 2005

<sup>137</sup> Crisis Group interview, Bogotá, 7 December 2005

<sup>138</sup> "Los 10 temores sobre la desmovilización", *Hechos del Callejón*, no. 8, October 2005, p. 2.

<sup>139</sup> Module 0, provides basic education about the rights and obligations of ex-combatants as new members of society and informs them about the education programs available to them.

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See, Juan David Angel, "Political de reincorporación nacional, avances y desafíos 2002-2006", in Dario Villamizar (ed.), *Desmovilización un Camino Hacia la Paz* (Bogotá, 2005), p. 205.

<sup>140</sup> "Fracasó el empleo para los reinsertados", *El Colombiano*, 9 January 2006.

<sup>141</sup> Crisis Group interviews, Bogotá, 7 December 2005 and 17 January 2006. *El Tiempo*, 31 October 2004; *Revista Cambio*, 6-12 January 2006.

<sup>142</sup> *El Tiempo*, 18 January 2006.

<sup>143</sup> *El Tiempo*, 7 December 2005.

<sup>144</sup> Crisis Group interview, Bogotá, 17 January 2006.

<sup>145</sup> *El Tiempo*, 4 January 2006, p. 3.

<sup>146</sup> Crisis Group interview, Bogotá, 4 December 2005; Wilfredo Cañizares, "Catatumbo: La tragedia continua", *Arcanos*, no. 11, December 2005, p. 38; "Desmovilizados de Montes de María se quejan de falta de trabajo", *El Tiempo*, 19 September 2005.

mainly because they were insecure.<sup>147</sup> Without better security, he says, chances are slim for removing ex-combatants from the cycle of violence.<sup>148</sup>

Dismantling the disunited AUC structure also involves risks.<sup>149</sup> The transformation of the remnants of paramilitary structures into local self-defence groups is an immediate threat to the reinsertion process. Their local nature, advanced military training and ambitions make these next-generation groups highly unpredictable and dangerous. The case of the “Aguilas Negras”, involved in both the murder and recruitment of members of the demobilised Catatumbo bloc in Norte de Santander province, is illustrative.<sup>150</sup> The government must address the prospect of similar cases in the Antioquia, Tolima, Meta, Nariño and Sucre departments to prevent the phenomenon from spreading.<sup>151</sup>

Furthermore, questions remain about the effect of partial demobilisation of certain paramilitary structures. According to Caramagna, larger groups, such as the Central Bolivar Bloc, may be planning to retain contingency forces to safeguard their economic and political interests against FARC or ELN forces seeking to regain lost territories in the Catatumbo (Norte de Santander), Uraba (Antioquia) and Magdalena Medio regions.<sup>152</sup> The substantial coercive power of these remnant structures in certain regions could have unexpected repercussions for the reinsertion process. In Medellín, where members of the Cacique Nutibara Bloc (BCN) continued to exercise social control through violent means long after their demobilisation,<sup>153</sup> the involvement of the mayor’s office has been instrumental in sustaining the program. By strengthening official institutions,

assuring income-generating schemes and involving ex-combatant leaders in promoting the program, the local administration has been able to draw upon paramilitary structures to maintain program cohesion while restraining their coercive effects.<sup>154</sup> However, in more remote areas, where local authorities lack the resources and have historically served paramilitary interests, reinsertion programs will face more difficulties.

Local authorities will also be severely challenged to contain the influence drug trafficking mafias, with their virtually unlimited financial resources, could exercise on reinsertion programs. The void left by the demobilisation of paramilitary groups which protected drug operations has created a demand for new illegal armed structures. In the Northern Valle region, collective demobilisation has given way to the rise of the Valle Self-Defence Groups (ACV) and the Popular Peasant Groups (RCP).<sup>155</sup> Under the auspices of drug barons Diego Montoya (alias Don Diego) and Wilber Varela (alias Jabón), these groups have consolidated their military power by recruiting former members of the demobilised Calima bloc of the AUC.<sup>156</sup>

The highly sensitive political nature of the reinsertion process and its reform risks a delay until after the 2006 elections. However, putting off urgent reforms could be dangerous at a time when the number of ex-combatants is increasing exponentially. As an international official told Crisis Group, the risk of relapse becomes ever greater every day ex-combatants are not tended to following their demobilisation.<sup>157</sup>

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<sup>147</sup> Ex-combatant shelters had been created to provide housing for large numbers of individually demobilised soldiers in Bogotá. The scheme was terminated in December 2005, Crisis Group interview, 4 November 2005.

<sup>148</sup> Crisis Group interview, 4 November 2005.

<sup>149</sup> Internal quarrels and leadership changes have been common within the AUC and its blocs. For example, Miguel Arroyave, the former leader of the Centauros bloc that operated in several southern provinces, was assassinated in September 2004 by a.k.a. Didier, one of his lieutenants involved in drug trafficking. *El Tiempo*, 22 September 2004.

<sup>150</sup> *Revista Semana*, 3-9 December 2005.

<sup>151</sup> *El Tiempo*, 6 December 2005.

<sup>152</sup> Crisis Group interview, Bogotá, 17 January 2006. In January 2005, President Uribe gave the order to dissolve more than 78 shelters, some 80 per cent of which were in Bogotá, following the assassination of a former fighter and a series of violent protests by ex-combatants. The process was accelerated when, in June 2005, a bomb was set off in one of the remaining shelters. In December government sources told Crisis Group that the shelter scheme had been successfully terminated.

<sup>153</sup> See Crisis Group Report, *Demobilising the Paramilitaries*, op. cit.

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<sup>154</sup> *El Tiempo*, 19 September 2005; Gustavo Villegas, in “Proceedings of the Foro Reconstrucción, Reinserción y Región”, Medellín, 16 November 2005

<sup>155</sup> *El Tiempo*, 7 August 2005.

<sup>156</sup> 200 members of the Calima Bloc, which disarmed on 18 December 2004, did not show up at the demobilisation ceremony and have been reported missing.

<sup>157</sup> Crisis Group interview, Bogotá, 7 December 2005.

## V. INTERNATIONAL SUPPORT AND PROSPECTS FOR INSURGENT DEMOBILISATION

The massive demobilisation of paramilitaries and preparations for implementation of the JPL have encountered a mixture of international controversy and support. Although many inside and outside Colombia wanted a stronger law, the international community in late 2005 began shifting its focus to ways of supporting transparent and rigorous implementation and a sustainable reinsertion process.<sup>158</sup> Nonetheless, serious doubts remain about whether and how the JPL can be used in a broader pacification strategy, which must include the FARC and ELN.

Though the Uribe administration does not like to acknowledge it and tends to react harshly to international criticism, Colombia does not have adequate resources to implement the JPL and successful reinsertion unless it is unexpectedly successful in capturing the bulk of the illegal assets acquired by the paramilitaries and the FARC or it earmarks new taxes for the purpose. Donors – particularly the EU, the OAS and the U.S. – will have to play crucial roles. They have concentrated on technical support and strengthening key institutions, such as the JPU and the CNRR. Owing in part to the legitimacy deficits of the JPL and the demobilisations, more direct support, including payments to the reparation fund, are not being considered.

Senior EU Commission officials consider the JPL has a number of flaws,<sup>159</sup> and they do not expect it to be implemented rigorously. However, the law presents an opportunity that could be used to reduce levels of violence and the military power of drug traffickers and, perhaps, to negotiate with dissident FARC elements.<sup>160</sup> EU foreign ministers have acknowledged that “if the law was effectively and transparently implemented, it would make a positive contribution to the search for peace in Colombia”,<sup>161</sup> and on 22 December 2005, the Commissioner for External Relations, Benita Ferrero-Waldner, announced a €1.5 million aid package. The money – to be channelled through as yet unspecified local and international organisations – is mainly intended to be used for legal assistance and reconciliation-related

activities to strengthen victim participation in JPL implementation.<sup>162</sup>

EU member states have also been active in supporting demobilisation and preparations for JPL implementation. Swedish and Dutch aid has been instrumental in strengthening the OAS verification mission, which since it began working in 2004 has been criticised for prioritising its facilitation of the government’s negotiations with the paramilitaries rather than its ceasefire and demobilisation verification role.<sup>163</sup> The mission has been able to raise only about one third of the estimated \$10,350,000 necessary to fulfil its mandate.<sup>164</sup> Notwithstanding the criticisms, however, mission head Sergio Caramagna told Crisis Group, donors such as Canada (\$1 million in June 2005) and the U.S. (some \$1 million since 2004) are considering increasing contributions, while others, including Chile, Mexico and Brazil are also thinking about helping.<sup>165</sup> Foreign Minister Bernard Bot reaffirmed the Netherlands’ commitment to support the mission and said it would also help the JPU by training its attorneys and strengthening the CNRR.<sup>166</sup>

Washington’s aid has been slower in coming, not least due to internal political considerations. Concerns expressed by U.S. legislators about the new law contributed to delaying approval of a \$20 million aid package, including for reinsertion of demobilised paramilitaries, until November 2005. The portion of funding specifically for reinsertion has not yet been released pending executive and Congressional committee informal approval. Formal conditions, including certification by the Secretary of State that the demobilisation program is seriously aimed at “dismantlement”, extradition will continue and paramilitary assets are being seized, apply to the use of fiscal year 2006 funds but those conditions do not legally

<sup>158</sup> See Section II above.

<sup>159</sup> See fn. 9 above.

<sup>160</sup> Crisis Group interviews, Brussels and Bogotá, 11 and 19 January 2006.

<sup>161</sup> Council of the European Union, General Affairs Council, op. cit.

<sup>162</sup> See “Colombia: European Commission releases €1.5 million to support peace and reconciliation in Colombia”, press release, Brussels 22 December 2005. At the end of this communiqué, it is stated that “EU cooperation towards Colombia between 2001 and 2006 amounts to €270 millions of non-reimbursable aid. EU aid is fostering peace and development as a way to pursue [the] EU’s engagement to contribute to the search for a peaceful solution to the Colombian conflict”.

<sup>163</sup> “Quinto Informe Trimestral de la MAPP/OEA”, Bogotá, 5 October 2005.

<sup>164</sup> Crisis Group interview, Bogotá, 17 January 2005; Kees Koonongs and Kjell-Ake Norquist, “Proceso de paz, CDDR paramilitar y (apoyo internacional a la) misión de verificación MAPP/OEA en Colombia”, Uppsala/Utrecht, 3 October 2005.

<sup>165</sup> Crisis Group interview, Bogotá, 17 January 2006; *El Tiempo*, 23 December 2005, 1-4. Ireland, South Korea and the Bahamas have also made small contributions.

<sup>166</sup> See *El Tiempo*, 20 October 2005, 1-14

inhibit use of prior year funding. Nevertheless, the administration still requires Congressional concurrence.<sup>167</sup>

Some aid is being channelled, however, to technical aspects of the reinsertion process, such as the design and implementation of the Accompaniment, Monitoring and Evaluation System (SAME) and for strengthening the Reference and Opportunity Centres (CROs),<sup>168</sup> reinforcing judicial procedures, elaborating educational and technical training programs for ex-combatants, and promoting community participation.<sup>169</sup> Nearly 3000 ex-combatant children are also directly supported.<sup>170</sup> Even though the U.S. generally supports Uribe's security policy, it has conditioned financial aid on satisfaction of its extradition requests, respect for human rights and an end to the military's links with paramilitaries.<sup>171</sup> U.S. diplomats told Crisis Group that another refusal to extradite a paramilitary leader, such as Diego Murillo (alias Don Berna), would be a "serious strain" for otherwise good relations.<sup>172</sup>

Until late 2005, reaching a hostages/prisoners swap with the FARC had not been a Uribe administration priority.<sup>173</sup> To the contrary, earlier in his term Uribe favoured military rescue of hostages and was adamantly opposed to granting the FARC belligerent status by talking with it about a swap. The JPL departs from this by including a legal framework for "humanitarian agreements" with illegal armed groups. Under its terms, the president can request alternative sentences for members of illegal armed groups with which humanitarian agreements have been reached and can also unilaterally determine their conditions. However, the unwillingness of the FARC to accept the JPL framework<sup>174</sup> raises serious questions about whether the law can serve as the basis for a hostages/prisoners exchange.

The FARC's outright rejection of Uribe's demobilisation and security policies makes a humanitarian exchange appear unreachable. As discussed above, in November 2005 the president authorised Peace Commissioner

Restrepo to work with an international commission on developing a proposal for a humanitarian agreement<sup>175</sup> but the FARC quickly rejected Uribe's support of its product as an election ploy.<sup>176</sup> In a recent interview, FARC spokesman Raul Reyes called the peace process with the paramilitaries a farce and a means of legalising impunity.<sup>177</sup> On 14 February 2006, the FARC secretariat reiterated its two-year-old rejection of any contact with the Uribe administration until it demilitarises the southern departments of Caquetá and Putumayo and stops referring to the insurgents as "narco-terrorists".<sup>178</sup>

More promisingly, two rounds of exploratory conversations, December 2005 and February 2006 in Havana between Peace Commissioner Restrepo and Antonio García and Francisco Galán, member of the ELN's Central Command (COCE) and the movement's spokesperson respectively, have produced some mutual trust and a general exchange of views on how peace might be achieved. The Uribe administration, which in late February granted Galán and Garcia official representative status, appears to be prepared to approach the group in a different manner than the paramilitaries. Reportedly, Restrepo agreed with the ELN representatives on the importance of building a stronger democracy, and the government has refrained from expressing opposition to the rebel request for a National Convention, in which a supposedly wide spectrum of civil society groups, as well as the ELN and the government, would discuss socio-economic and political reforms. The ELN commanders, in turn, appear to want to find a way to participate in politics, as indicated by their call for citizens to vote in the 2006 elections, and so to be prepared to negotiate demobilisation and reinsertion. A Colombian expert on the ELN told Crisis Group that the insurgents are interested in taking part in the municipal and departmental elections in 2007.<sup>179</sup>

Despite these hopeful signs, however, many obstacles remain. The ELN's Central Command does not have full control over its "war fronts", and it is likely that future negotiations with the government will come under pressure because of insurgent violations of the ceasefire. On 10 February, an ELN unit abducted two members of Medecins Sans Frontières, for example, following the

<sup>167</sup> Crisis Group interview, February 2006. Also see P.L. 109-102, Section 559, "Assistance for Demobilisation and Disarmament of Former Irregular Combatants in Colombia".

<sup>168</sup> US Agency for International Development (USAID) funds for these programs have been managed by the International Organisation for Migration (IOM).

<sup>169</sup> Crisis Group interview, Bogotá, 6 February 2006.

<sup>170</sup> See "USAID, Colombia, Progress Report for 1<sup>st</sup> Quarter, FY2006".

<sup>171</sup> *El Tiempo*, 23 December 2005, 1-4.

<sup>172</sup> Crisis Group interview, Bogotá, 17 January 2006.

<sup>173</sup> See Crisis Group, Latin America Briefing N°6, *Hostages for Prisoners: A Way to Peace in Colombia?*, 8 March 2004.

<sup>174</sup> Crisis Group Report, *Presidential Politics and Peace Prospects*, op. cit.

<sup>175</sup> *El Tiempo*, 21 November 2005, 1-6.

<sup>176</sup> See Section II above and "Con Uribe no habrá Intercambio humanitario", Secretariado del Estado Mayor Central de las FARC-EP, mountains of Colombia, 29 December 2005.

<sup>177</sup> "Entrevista con el Comandante Raúl Reyes", mountains of Colombia, 21 December 2005, at: [www.farcep.org](http://www.farcep.org).

<sup>178</sup> "Comunicado público de las FARC-EP", Secretariado del Estado Mayor Central de las FARC-EP, mountains of Colombia, 14 February 2006.

<sup>179</sup> Crisis Group interview, Bogotá, 1 March 2006.

killing of ELN commander Wildemar Castro by government forces. Had the hostages not been quickly set free, the second round of exploratory conversations in Cuba could have been affected. Another troublesome issue is the ELN's condemnation of the JPL. At present, nothing indicates that the insurgents will ever consider the law applicable to them since they see it as tailor-made for the paramilitary.<sup>180</sup> The recent request by four imprisoned ELN members to be considered under the terms of the law does not indicate a change of position but rather highlights the movement's fissures.

## VI. CONCLUSION

The demobilisation of more than 20,000 paramilitaries is coming to a close but at a potentially high price that might distance Colombia from peace. There is strong evidence that the demobilised and "legalised" paramilitaries, who have not lost much of their illegal economic muscle, have attempted to expand their political power by interfering with the Congressional elections and most likely will continue to do so in the presidential race. Congressional candidates of parties that oppose Uribe, such as the Liberals, or who are not on the paramilitaries' payroll suffered intimidation and threats. At the same time, implementation of the legal framework for demobilisation and reinsertion of ex-combatants – the new JPL law – will in all probability not start in earnest before the next presidential administration takes office in August 2006.

While the JPL has serious shortcomings that make it difficult to end impunity and establish the truth for grave crimes committed by demobilised individuals and to achieve fully satisfactory reparations for victims, it can be an important vehicle for protecting Colombia's democracy against dangerous paramilitary and criminal interference. It needs, however, to be revised and implemented effectively at the same time as the existing programs for reinserting ex-combatants into society are reorganised. It is likely that the constitutional court, which is soon to rule on the JPL, will change a number of provisions, in particular regarding victim reparation and the turn-over of illegal assets by individuals prosecuted under the law.

It is in the interests of President Uribe and the parties supporting him not to be tainted in any way by electoral support from demobilised paramilitaries and their sponsors, and it is the government's responsibility to carry out the JPL. The Uribe administration should not wait, therefore, for the constitutional court to act. It should increase law enforcement measures at once against demobilised paramilitaries and their supporters who interfere with the democratic process and execute a coherent strategy for repairing and implementing the JPL.

This strategy should include consolidating a comprehensive human rights violations database in the attorney general's office, linked with other sources of information in state agencies, such as the offices of the ombudsman and state prosecutor, and civil society. Another requirement is to establish mechanisms that permit effective supervision of all JPL requirements. The government should reorganise institutional responsibility for its reinsertion programs and create a vice-ministry for reinsertion in the ministry of interior and justice and a high commissioner for reinsertion in the presidency. The NCCR should prioritise victim and civil society

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<sup>180</sup> Crisis Group interview, Bogotá, 1 March 2006.

participation in JPL implementation, in particular for truth and reparation issues, and emphasise its independence of the executive.

There are no signs as yet that the JPL can eventually serve as a framework also for demobilisation and reintegration of the insurgent FARC and ELN. Both groups adamantly oppose the law and Uribe's security policies. Nevertheless, any chance for this at some point in the future requires the government to apply it rigorously and transparently to the paramilitaries and the constitutional court to improve key elements.

**Bogotá/Brussels, 14 March 2006**



## APPENDIX B

### CHRONOLOGY OF PARAMILITARY DEMOBILISATIONS AND LIST OF REMNANT GROUPS

#### CHRONOLOGY OF PARAMILITARY DEMOBILISATIONS

Demobilisation Date	Group	Number of Demobilised Fighters	Zone of Influence	Alleged Attacks by Demobilised Soldiers
25 November 2003	Bloque Cacique Nutibara	874	Antioquia	Continue to enforce social control in Medellín slums.
7 December 2003	Autodefensas de Ortega	168	Antioquia	
25 November 2004	Bloque Bananero	447	Antioquia / Choco	Ombudsman reported upsurge of small gangs of ex-combatants.
4 December 2004	Autodefensas del Sur del Magdalena e Isla de San Fernando	47	Magdalena / Antioquia	
9 December 2004	Autodefensas de Cundinamarca	148	Cundinamarca	
10 December 2004	Bloque Catatumbo	1,425	Norte de Santander	An ex-combatant forced 25 people to leave a slum in Medellín. Following the bloc's demobilisation, a dozen of its former fighters have been detained.
18 December 2004	Bloque Calima	557	Valle del Cauca	Ex-combatants of this bloc have rearmed and continue to patrol their former area of influence.
18 January 2005	Bloque Córdoba	925	Córdoba	On 2 March 2006, three ex-combatants of the San Jorge Bloc were killed in a clash with government forces in Montelibano (Córdoba).
30 January 2005	Bloque Sur oeste Antioqueño	125	Antioquia	Mid-ranking officer alias La Iguana died in a clash with government troops on 10 November 2005. He led a group of six ex-combatants.
2 February 2005	Frente La Mojana	110	Sucre / Bolívar	According to the OAS, seven ex-combatants might be blackmailing store owners in small towns in Sucre.
16 June 2005	Héroes de Tolová	465	Córdoba	According to the OAS, 60 to 80 ex-combatants might still be operating in this province, protecting drug trafficking routes.
14 July 2005	Bloque Montes de María	594	Bolívar	Ex-members of this bloc, led by alias Lider, continue to threaten and pressure political leaders. The OAS has reported the existence of a small group of eight ex-combatants operating in the Palmito municipality.
30 July 2005	Bloque Libertadores del Sur	677	Nariño	One ton of cocaine, belonging to this demobilised group, was seized on 7 October 2005 by government troops.
1 August 2005	Bloque Héroes de Granada	2,033	Antioquia	On 13 October 2005, 3 ex-combatants murdered flower grower Hernando Cadavid. Members of the bloc continue to control slums in Medellín. According to press sources, mid-ranking commander alias Juaco might be commanding small extortion gangs.
6 August 2005	Autodefensas del Meta y Vichada	209	Meta	OAS reports, five ex-combatants might be blackmailing transporters.

Demobilisation Date	Group	Number of Demobilised Fighters	Zone of Influence	Alleged Attacks by Demobilised Soldiers
23 August 2005	Frente Hérores del Chocó	150	Chocó	
27 August 2005	Anillos de Seguridad	300	Córdoba	
3 September 2005	Bloque Centauros (Los leales)	1,135	Casanare	Allegedly, ex-members of this bloc participated in the murder of 2 community leaders in the Tolima province on 22 October 2005. Led by alias Jorge Pirata, Didier and Chatarro, this bloc has reorganised into three fronts which make up the new Meta Bloc.
11 September 2005	Bloque Noroccidente Antioqueño	222	Antioquia	Ex-members of this bloc killed six civilians on 13 February 2006 in Sabanalarga (Antioquia).
24 September 2005	Frente Vichada del BCB	325	Vichada	Armed forces continue to fight ex-combatants in the towns of San Teodoro (Vichada) and Puerto Lopez and Puerto Gaitan (Meta).
22 October 2005	Bloque Tolima de las AUC	207	Tolima	
12 December 2005	Frentes del Bloque Central Bolívar	1,924	Antioquia	
15 December 2005	Frente Hérores y Mártires de Guática	552	Risaralda / Quindío	
23 December 2005	Bloque Vencedores de Arauca	548	Arauca	
20 January 2006	Bloque Mineros	2,790	Antioquia	
28 January 2006	Autodefensas Campesinas de Puerto Boyacá	742	Boyacá	
31 January 2006	Frentes del Bloque Central Bolívar (SUR BOLÍVAR)	2,523	Bolívar	
3 February 2006	Bloque Resistencia Tayrona	1,166	Magdalena	
7 February 2006	Autodefensas Campesinas del Magdalena Medio	990	Antioquia - Bolívar	
15 February 2006	BCB (Zona Sur Caquetá)	552	Caquetá	
1 March 2006	(BCB) Frente Sur Putumayo	504	Putumayo	
4 March 2006	Frente Julio Peinado Becerra (Bloque Norte)	251	Cesar	
	<b>Total</b>	<b>23,685</b>		<b>According to the PRVC, 141 ex-combatants have been killed and 282 have been detained for committing crimes following their demobilisation</b>

Sources: OAS, "Sixth Quarterly Report of the Secretary General to the Permanent Council of the Mission to Support the Peace Process in Colombia", Washington, 1 March 2006; *El Tiempo*, *El Espectador*, *El Colombiano* (Bogotá / Medellín, 2005)

## LIST OF REMNANT GROUPS

Status	Group	Number of Demobilised Fighters	Zone of Influence
Currently demobilising	Remaining fronts of Bloque Norte Bloc (led by alias Jorge 40)	Approximately 4,000	Northern Colombia (Magdalena, Cesar, Bolivar, Atlantico and Guajira)
Yet to demobilise	Bloque Elmer Cardenas (led by alias El Aleman)	Approximately 2,500	North-western Colombia (Antioquia and Chocó)
Unknown status	Autodefensas Campesinas del Casanare (led by alias Martín Llanos)	Approximately 1,500	Southern and central Colombia (Casanare, Meta, Boyacá, Cundinamarca)
According to press reports, these groups might have established contact with Peace Commissioner Luis Restrepo	Bloque Meta (Remnant faction of Bloque Centauros, led by alias Didier, Jorge Pirata and Chatarro)	Unknown	Central Colombia (Meta and Casanare)

Sources: Juan Carlos Garzón, “La Complejidad Paramilitar: Una Aproximación Estrategica”, in Alfredo Rangel (ed.), *El Poder Paramilitar* (Bogotá, 2005); Revista Semana, 2 November 2005.

## APPENDIX C

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**March 2006**

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**John Ehara**

**Equinox Partners**

**Konrad Fischer**

**Iara Lee & George Gund III  
Foundation**

**Jewish World Watch**

**JP Morgan Global Foreign  
Exchange and Commodities**

**George Kellner**

**George Loening**

**Douglas Makepeace**

**Anna Luisa Ponti**

**Michael L. Riordan**

**Sarlo Foundation of the Jewish  
Community Endowment Fund**

**Tilleke & Gibbins**

**Baron Guy Ullens de Schooten**

**Stanley Weiss**

**Westfield Group**

**Woodside Energy, Ltd.**

**Don Xia**

**Yasuyo Yamazaki**

**Sunny Yoon**

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**SENIOR ADVISERS**

*Crisis Group's Senior Advisers are former Board Members (not presently holding executive office) who maintain an association with Crisis Group, and whose advice and support are called on from time to time.*

Oscar Arias

Zainab Bangura

Christoph Bertram

Jorge Castañeda

Eugene Chien

Gianfranco Dell'Alba

Alain Destexhe

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Stanley Fischer

Malcolm Fraser

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Ed van Thijn

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**As at March 2006**