

CUADERNOS DEL CONFLICTO
PEACE INITIATIVES AND
COLOMBIA'S ARMED CONFLICT



Latin American Program

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Fundación
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Woodrow Wilson
International Center for
Scholars

Edited by,
Cynthia J. Arnson
María Victoria Llorente

María Teresa Ronderos

Director of *Semana.com*

PARAMILITARY TIES TO REGIONAL AND NATIONAL POLITICS

This paper seeks to explain how the paramilitaries infiltrated politics between approximately 1997 and 2004; how this phenomenon was discovered; how, and with what level of success, the state is fighting such infiltration; and what difficulties have been encountered in the process.

The phenomenon of parapolitics, according to the most important research on the subject carried out by the Nuevo Arco Iris Corporation,¹ involves the transformation of local politics following the violent expansion of paramilitarism between 1997 and 2003. The research carried out by the Corporación Nuevo Arco Iris finds that this transformation in local politics took place in 12 departments. Essentially, the traditional parties that had been operating in these departments disappeared and new political actors and parties arose.

The Origin of Parapolitics

In late 1997 the paramilitaries were relatively autonomous local bosses who had come into being for different reasons: some arose as anti-guerrilla forces while others arose simply to handle aspects of the drug trafficking business. The paramilitaries spread during the 1990s at the initiative of the Castaño brothers and under the umbrella name of the United Self-Defense Groups of Colombia. The AUC always consisted of a brotherhood of enemies; they were never really allies, neither did they really ever have a leader. Many people compare the structure of the FARC to that of the AUC, but the two are not really similar. The FARC is a hierarchical, armed organization, with a chain of command, discipline, etc. The AUC is a circumstantial alliance of warlords.

The AUC launched a bloody campaign to conquer land throughout Colombia, carrying out massacres, intimidation, selective killings, and forced disappearances. Many of the paramilitaries were able to build up a certain degree of grassroots support because, in effect, they displaced the guerrillas who in some regions had driven people to a state of desperation as a result of their abuse, violence, and extortion. The paramilitaries' reason for

being, however, was not exclusively to fight the guerrillas; it now quite clear that many of them were out to control the coca trade as well as other lucrative sources of income, including the theft and illegal sale of gasoline, land theft, and the illegal siphoning of state funds.

To achieve these objectives, the AUC obviously needed political control. Research by the Nuevo Arco Iris Corporation has found that the paramilitaries have established a presence in 223 of the country's 1,030 municipalities.

Year	No. of massacres	Victims
1997	116	571
1998	113	677
1999	168	929
2000	236	1403
2001	186	1044
2002	115	680
2003	94	504
Total	1028	5237

Source: Presidency of the Republic, Human Rights Office. Not all but most of the massacres were perpetrated by the paramilitaries.

The above table demonstrates the extent of the paramilitary apparatus' cruelty, focusing on a single variable: massacres between 1997 and 2003. Although not all of these massacres have been attributed to the paramilitaries, much of the expansion of the paramilitary movement corresponds to this pattern of massacres. The more than 1,000 massacres in just six years represent a veritable slaughter. What is most inconceivable is that Colombian society permitted this to happen.

How did the paramilitaries achieve this expansion? How did they forge parapolitical ties? They did so in three ways. First, they broke those already in politics through the use of intimidation. Second, they formed alliances with politicians and in some cases they brought in their own slates of local political leaders. And three, they made general pacts, including the well known Ralito, Chivolo, and Casanare pacts, as well as others like that of El Pescado in Caquetá.² These tendencies were very clear in the 2002 elections, whereas in 2006-07, the paramilitaries' ability to exert influence was diminished. What was the result? They

put in place dozens of candidates. They divided the country into non-existent electoral districts according to their own map, assigning candidates to each district.

The paramilitary's success gave them away. Indeed, when political analysts examined the figures, they noted how senators like Dieb Maloof, Mauricio Pimiento, Álvaro Araujo, and congressional representative Muriel Benito Rebollo won by overwhelmingly margins that had never before been seen in Colombian politics, capturing 70, 80, and even 90 percent of the vote. The paramilitaries overdid it in terms of perfection.

In the end, they wound up controlling local and municipal governments and siphoning public funds as well as those dedicated to healthcare. This occurred in La Guajira and in Soledad, Atlántico, and there are people in prison for setting up a healthcare service and siphoning money from the state to pay for their war machine. In another case, the Corporación Autónoma del Canal del Dique (Cardique)—the agency created to protect the environment in the region of the Dique Canal on the Caribbean coast—had paramilitaries on its payroll. There are also many indications that paramilitaries won state contracts for private companies or helped companies win the contracts by force. Little is known, however, and unfortunately not much is being investigated.

In Barranquilla, for example, municipal tax collection was turned over to a private concession. This concession was perhaps unlike anything in the world. A list of all the taxpayers in Barranquilla was given to a company about which little was known. A short while later, one of the partners in that company was murdered in circumstances related to feuds among drug traffickers. Journalists now suspect that a paramilitary leader was or is a shadow partner in the company, something which has been denounced by several former paramilitaries. But it is not known for sure because the parent company is registered in Panama and the only partners that are named are Panamanian lawyers. If this is true, it is chilling to think that the paramilitaries have the names and addresses of everyone in the city who paid taxes. In mid-2008, the new mayor of Barranquilla, Alex Char, unilaterally suspended the concession on the grounds that it was detrimental to the city's interests.

During President Álvaro Uribe's first term in office, the paramilitaries infiltrated several high level and strategic public agencies in the areas of land management and security. They infiltrated the Administrative Department of Security (DAS), the equivalent of the U.S. FBI; In-coder, which is the agency that distributes land; Findeter, the agency that provides farming credit. They even had a presence in the National Counternarcotics Directorate, which administers the assets seized from drug traffickers that are supposed to be put to work to the public's benefit. We know that these agencies were infiltrated because some of their officials, and in some cases their directors, are currently under investigation. These individuals knew precisely where to position themselves. Some people who were involved with the paramilitaries have been appointed as ambassadors. For example, Salvador Arana Sus, former governor of Sucre, today accused of being complicit in paramilitary, was ambassador to Chile.

How the Scandal was Uncovered

Curiously, the country, the public, and to a certain extent the media did not see the process of paramilitary infiltration of the state occurring. Obviously, the regions affected knew about it. People talked about it in hushed tones, but little was clarified by the justice system and as such, the allegations remained little more than hearsay. The investigative team of *Semana*, for example, wrote reports that touched on some of the businesses in which the paramilitaries had appeared. But we were not aware of the scope of what lay underneath or the extent of the illegal offensive to infiltrate the state.

In 2005, academic research directed by journalist Claudia López came to question the unusual voting results behind the election of several members of Congress from the Caribbean. She and others, particularly in the print media, carried out further investigations that began to reveal the extent of parapolitics. This would have been perhaps just a passing scandal but for the fact that the Supreme Court of Justice decided to carry out in-depth investigations of the members of Congress implicated in the reports.

While the court and the Prosecutor General's Office investigated the allegations, the press was leaked infor-

mation that the police had gleaned from a computer, referred to by Semana as “the computer of Jorge 40.” The computer actually did not belong to “Jorge 40” but rather, to “Don Antonio,” the second-in-command to “Jorge 40” in the Atlantic region. The documents found on the computer showed detailed accounts of orders for murders, where the murders were carried out, who perpetrated them, how the payrolls were distributed, how the payrolls in Barranquilla were set up, etc. These documents were a significant boost for the court cases and led to further allegations, such as those of the DAS director’s complicity with the paramilitaries, a case which is still being investigated.

The justice and peace process has served as an additional source of information on the paramilitaries. As the Justice and Peace Law provides reduced sentences to former paramilitary leaders who cooperate with the justice system and provide comprehensive and truthful information about their accomplices at state agencies, many of them, such as an individual with the Ever Veloza, alias ‘HH’ have revealed the names of the politicians who were their allies. According to sources at the Justice and Peace Unit in the Prosecutor General’s Office, the unit provides copies of the proceedings to the Supreme Court or to other departments at the Prosecutor General’s Office on a near daily basis to investigate ties between national or local politicians and paramilitaries.

Judicial Independence

As of April 2008, 43 members of Congress were under investigation by the Supreme Court and most of them were in custody. One had been sentenced to six years in prison and two senators had gone to trial. The Prosecutor General’s Office was investigating 28 members of Congress, seven governors, six departmental assembly deputies, several mayors, members of city councils, other public officials, and 20 contractors, most of them from the healthcare sector. Many of these individuals were in custody. Three governors and four members of Congress have been convicted, with their sentences to be determined. By August 2008, over 60 members of Congress were under investigation and more than half of them were in prison.

The following examples illustrate the independence of the justice system in these cases. Trino Luna, formerly the governor of Magdalena who was elected in an uncontested race, has been sentenced to nearly four years in prison. The sentence was not very stiff: Luna, like others, collaborated with the justice system, pleading guilty to the charges of conspiracy to commit crime with the paramilitaries. Luna’s brother was an active paramilitary. Governor Hernando Araujo, the stepson of the attorney general of the nation, faces charges from the Prosecutor General’s office, despite the family’s prominence in César Department. His mother, an important figure in promoting Colombian culture, was murdered by the FARC. Notwithstanding the symbolic nature of the case, Araujo has been charged. Álvaro Araujo, the brother of the then-foreign minister, has been accused along with his fugitive father of possible complicity with the paramilitaries as well as conspiracy to commit kidnapping.

Mario Uribe, a senator and second cousin and lifelong political ally of President Uribe, was investigated by the Supreme Court for involvement in parapolitics. He resigned from his seat and his case was transferred to the Prosecutor General’s office. Mario Uribe was put in prison and is charged with aggravated conspiracy to commit a crime. Senator Uribe was one of the sponsors and coordinators of the Justice and Peace Law in the Congress, which is the law that has shaped the AUC demobilization and disarmament. The court is also investigating other cases of parapolitics in Antioquia.

There are other examples that demonstrate the independence of the justice system from the executive and legislative branches. One such case involves Rubén Darío Quintero, who served as private secretary when Álvaro Uribe was governor and who has been imprisoned. Members of Congress Rocío Arias and Eleonora Pineda, who defended the justice and peace process and who brought paramilitaries before Congress to defend it, admitted to charges and have been convicted. Senator Muriel Benito Rebollo also admitted to charges, and her three siblings are being investigated for establishing a drug cartel.

In further good news for Colombian democracy, both the Uribe government and the international community

have backed these investigations with considerable resources. The Supreme Court of Justice Penal Chamber and the Prosecutor General's office have been able to reinforce their investigative teams and hire more staff in order to improve their work.

Colombian citizens have also strongly supported the parapolitical trials. According to reporters' estimates, in March 2008 at least 1 million Colombians throughout the country mobilized to protest paramilitarism. This was notable because most of the victims of paramilitarism are poor *campesinos*, without access to the media or much opportunity to generate support for their cause. These *campesinos* are largely invisible to the urban middle class, except for displaced persons forced, by the conditions of the conflict, to flee to the city.

Problems and Challenges

Concerns were raised that the parapolitics investigations would simply identify a few scapegoats and go no further. Indeed, some prosecutors have been very slow and their cases are not progressing; still others have made mistakes. The Noguera case, for example has been weak. In fact, the Prosecutor General's office initially had to release Noguera due to procedural mistakes, only later to put him back in prison. In 2008 the Noguera case fell apart because of the same mistakes that the Prosecutor General's office had promised to fix.

Credible sources suggest that the government pressured the prosecutor in the Noguera case to terminate the case or throw out the accusations that he allegedly committed electoral fraud in 2002 when he was headed candidate Álvaro Uribe's campaign in Magdalena Department. According to several observers, including reporters who traveled to the zone, there was sufficient doubt to merit an investigation.

In the case of another member of Congress, the court had to reprimand the Prosecutor General's office for proceeding too slowly, given that case files had been languishing on desks for over a year.

Many critics also feel that the Supreme Court was weak when it allowed members of Congress to resign from their seats in order to have ordinary prosecutors investigate them and go to trial before ordinary judges.

This gave the members of Congress a greater chance of winning their cases than if they had been investigated by the Supreme Court. Legally, members of Congress may step down from their seats when they are accused of a crime that is not related to their political performance. But it is strange that the court would consider that winning elections was not related to their performance as a member of Congress.

The president himself and some members of the government also pressured the justice system over cases that affected them directly. The president brought charges of calumny and slander against Magistrate Valencia, then head of the Supreme Court. The president also asked the Prosecutor General's office to investigate the assistant magistrate, who was coordinator of the parapolitics investigations and was one of the most principled and upright magistrates in the parapolitics cases. This pressure came about because a former paramilitary known as "Tasmania" accused the magistrate of having offered him a deal in exchange for making accusations against the president. Later in 2008, "Tasmania" retracted his testimony and confessed that he was following his lawyer's instructions to bear false witness against the magistrate. This was the same lawyer used by a drug trafficker politically linked to Senator Mario Uribe. Other pressures followed, such as leaking to the press information against the magistrates, including reports of alleged attempts by the magistrates to bribe members of Congress, etc.

Beyond the individual risk to those members of Congress who have been implicated or to the government as a whole, it is the larger picture that is most disturbing. Overall the picture is one of failure to deal decisively with an armed, illegal organization involved in drug trafficking which attempted to co-opt the state.

Scholar Luis Jorge Garay wrote a report on parapolitics for Transparency International. He contends that several illegal groups and gangs of drug traffickers have attempted to infiltrate the Colombian state. First was the Medellín cartel and then the Cali cartel with Case 8,000 [involving the illegal funding of the presidential campaign of Ernesto Samper]. Garay indicates that the case of the Cali cartel was more serious than that of the Medellín cartel. But, he concludes, the current risk is more

serious still because the intention is not only to infiltrate the state but rather to transform it into a vehicle for furthering illicit interests.

Many of the parapolitics dealings have not been investigated; it may well be that they have already been completely legalized. There are many public figures from the world of private business, the armed forces, and politics who have not yet come under scrutiny. There are many practices that have become normalized in local politics, and there are many parties that were created in order to provide backing for paramilitarism. These parties remain intact.

Also needed is political reform to protect institutions from possible new infiltration by armed groups or drug trafficking organizations. A reform that proposed punishing the political parties that endorsed congressional candidates who had ties to paramilitaries was defeated, and now the government is working on a new bill on the subject.

Obviously, there is need for a reform that would punish the accomplices of this violent conspiracy that has caused so much death and pain.

Although the majority of Colombians believe that the Uribe government has been very good for the country, this

Party	Senators	Investigated	In custody	% in parapolitics	Mayors elected 2003	Mayors elected 2007	% variation
Colombia Democrática	3	1	2	100	35	34	-1
Colombia Viva	3	2	1	100	27	13	14
Convergencia Ciudadana	7	5	1	86	21	72	51
Apertura Liberal*	5	3	1	80	24	37	13
Alas Equipo Colombia	5	2	1	60	68	83	15

The above table shows how in the 2007 elections the voters did not punish the parties with the greatest number of members of Congress investigated for parapolitics. Convergencia Ciudadana, with 86 percent of its senators under investigation, did much better in the 2007 local elections than in 2003.

Challenges

The Supreme Court and the Prosecutor General's office need sustained national and international support to continue investigations into parapolitics and to determine the degree to which political leaders and parties are responsible for the paramilitary phenomenon. Civic movements, the work of NGOs, and press reports must continue to keep these issues alive so as to arrive at the truth about the infiltration—or even co-opting—of the state by paramilitaries.

Semana magazine, in alliance with Fundación Ideas para la Paz, is working on a project to organize and systematically follow-up on the process of paramilitarism in Colombia, so that the media can provide better reporting and communities can have access to the record of what has taken place.

author feels that reelecting Uribe to a third term would be fatal in terms of making the parties that supported paramilitarism answerable for their crimes. President Uribe is indebted to some of the parties that are most seriously implicated in parapolitics, the majority of which are government supporters. Certainly with a third term in office he would owe them even more. Furthermore, there is the risk that the courts and the Prosecutor General's office could lose their independence; the executive and legislative branches—already under a cloud of doubt—would have greater influence in making appointments. Because of the way that the Constitution is organized, some of the checks and balances enshrined therein would be lost, in that they were intended for a period of government that would last for only four years. By remaining in power longer, more influence is exerted over practically the entire system of political controls.

Much has been done to uncover and bring to light the risks that loom over Colombian democracy. But we are at a dangerous crossroads at which the process could either be consolidated or terminated. The outcome will depend on the actions of the different national and international agents committed to the truth. •

¹ Corporación Nuevo Arco Iris, *Parapolítica. La ruta de la expansión paramilitar y los acuerdos políticos* (Parapolitics. The Path of Paramilitary Expansion and Political Deals), Bogotá: Intermedio, 2007.

² *Ralito Pact* was the first known documentary evidence about the alliances between Colombian politicians with the paramilitarismo. This agreement was the result of a meeting realized on July 23, 2001, summoned by the paramilitary leaders Salvatore Mancuso, Diego Fernando Murillo, alias “Don Berna”; Rodrigo Tovar Pupo, alias “Jorge 40” and Edward Cobo Téllez, alias “Diego Vecino” in which 29 politicians of the Atlantic Coast were affirming their intention to ‘re-found the nation’ and make ‘a new social contract’.

Chivolo Pact was signed on September 28, 2000 between alias “Jorge 40” and near 410 politicians from the Magdalena Department. In that document, the signatories agreed to support Jose Domingo Dávila Armenta as candidate for governor of Magdalena, for the period 2001-2003.

Casanare Pact took place days before the election for the Governor of Casanare Department in 2003. John Alexander Vargas, alias “Junior”, political leader of Casanare’s Rural Self-defenses arranged a meeting with six major mayoral candidates in that department. In the text, the mayors agreed to give to the AUC the 50% of the municipal budget and the 10% of the value of any contract signed by the municipalities. However, in the document that has the Prosecutor Office only appears the signature of one of the five mayors.

Río Pescado Pact. Until today, there is not much information known about it.