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Colombia: Paramilitary infiltration of state institutions undermines rule of law

In the last month, at least nine congressmen belonging to pro-government parties have been linked by the judicial authorities to army-backed paramilitary groups. Over the last few decades, paramilitary groups have been held responsible for some of the worst human rights atrocities committed in Colombia, including the killing of tens of thousands of civilians. This political scandal threatens to further undermine the rule of law in Colombia.

On 28 November, the Supreme Court of Justice ordered that six congressmen answer charges over their alleged links to paramilitaries. On 9 November, the same court ordered the arrest of three more legislators, Álvaro García Romero, Jairo Merlano y Erik Morris Taboada, for their alleged links to paramilitaries and, in the case of Álvaro García, for allegedly ordering the massacre by paramilitaries of 15 people in Macayepo, Bolivar Department, in 2000.

This scandal is the latest of many similar revelations in recent months which confirm long-standing assertions by Amnesty International (AI), the UN, and Colombian human rights groups, and systematically denied by successive Colombian governments, over the links that have long-existed between paramilitaries and officials in the security forces, the intelligence services, the legislature, local government, and the public and judicial administrations.

Colombia's judicial authorities, including the Office of the Attorney General, Fiscalía General de la Nación, and the Office of the Procurator General, Procuraduría General de la Nación, have long been aware of the close links between public officials – including national and regional politicians – and paramilitaries, but took little concrete action to vigorously and effectively investigate these claims. Their hand appears to have been forced by the discovery of a computer reportedly belonging to Rodrigo Tovar, alias “Jorge 40”, leader of the paramilitary Bloque Norte, which allegedly included the names of public officials with links to paramilitary groups, including politicians, judges and security force personnel.

A thorough and impartial investigation is all the more important given that paramilitary groups have since 2003 been involved in a government-sponsored process to demobilize their combatants. The government has reported that more than 30,000 paramilitaries have now demobilized. But AI has repeatedly expressed concerns over the fact that many of these groups continue to operate and continue to kill and threaten civilians, while the legal framework introduced to facilitate the “demobilization” process falls far short of international standards on the right of victims to truth, justice and reparation and includes no provisions to identify and bring to justice third parties, including members of the security forces and politicians, who have supported paramilitarism over the years, both logistically and financially.

The extent of paramilitary infiltration in Colombia's state apparatus

Recent press reports suggest that the Office of the Attorney General is reviewing more than 100 cases of alleged collusion between paramilitaries and political figures, members of the public and judicial administrations and the security forces. The Office of the Procurator General has reportedly announced the creation of a special unit to investigate alleged links between public employees and paramilitary groups. Several paramilitary leaders have claimed that they control around one-third of the national Congress.

National and regional politicians

Press reports published on 27 November, and confirmed by some of the legislators alleged to have been involved, asserted that at least nine congresspeople attended a meeting in 2001 with high-ranking paramilitaries to discuss the creation of a paramilitary-backed political movement. The politicians present at the meeting reportedly signed a document backing the creation of the movement, which was to be known as the Movimiento Nacional Comunitario, National Communitarian Movement.

The intelligence services

In November, the Office of the Procurator General accused the former director of the Departamento de Administración de Seguridad (DAS), Civilian Intelligence Department, Jorge Noguera, of links to paramilitaries. The allegations stemmed from claims by another DAS official, Rafael García, made public in the media earlier this year, that the DAS

had provided a list of 24 trade union leaders to the Bloque Norte. Several individuals named on the list were killed, threatened, or were reportedly the subject of arbitrary judicial proceedings.

The security forces

On 22 May, army soldiers killed 10 officers from the judicial police (DIJIN), together with a police informer and a civilian, in Jamundí, Valle del Cauca Department. The Office of the Attorney General has charged 15 members of the army for their alleged role in the killings, which were reported to have been carried out at the behest of drug-traffickers with links to paramilitaries. Judicial investigators involved in the case have reportedly been threatened.

AI welcomes current and long-overdue efforts by the judicial authorities to investigate these serious allegations. The organization expects that such investigations will prove exhaustive and impartial, and that those responsible will be brought to justice. The results of such investigations should be made public. Any public official, whether civilian or military, under formal investigation for links with paramilitaries, or with any other illegal armed group, should be immediately suspended from their public position until investigations have concluded.