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Colombia: Medellín exposes fatal flaws in government's paramilitary demobilization strategy

A new report from Amnesty international shows how Colombia's demobilization strategy threatens to consolidate paramilitarism and ensure that those responsible for some of the worst human rights atrocities continue to kill, "disappear", and torture with almost complete impunity.

The report documents how the "demobilization" of Medellín's feared *Bloque Cacique Nutibara* (BCN) in November 2003 has exposed the government's paramilitary demobilization strategy as a dangerous sham.

Rather than representing a showcase for the government's national demobilization strategy, the demobilization of the BCN has proved to be a deadly illusion according to the report: *Colombia: the Paramilitaries in Medellín: Demobilization or Legalization?*

In Medellín, paramilitaries continue to operate as a military force, to kill and threaten human rights defenders and local community activists, to recruit and to act jointly with the security forces. However, rather than operating in large, heavily-armed and uniformed groups as they did in the past, they are now increasingly cloaking their activities by posing as members of private security firms or by acting as informants for the security forces.

While killings in Medellín have fallen over the last few years, with the paramilitaries still in control in many parts of the city, especially in the poor neighbourhoods, the security of civilians still often depends on the whims of local paramilitary commanders.

"The rule of law cannot be guaranteed in a city in which any attempt to question or challenge the control of paramilitary forces can and is being met with political violence," said Marcelo Pollack, Amnesty International's researcher on Colombia.

According to Amnesty International's report, the principal weak link in the paramilitary demobilization process lies with the recently approved Justice and Peace Law and Decree 128, which provide the legal framework for the process.

The law aims to regulate the demobilization by granting "demobilized" members of illegal armed groups significantly reduced prison sentences. But the law asks the paramilitaries for nothing in return –

those who refuse to tell the whole truth about human rights violations they have committed are still likely to enjoy all the benefits under the law.

“The Justice and Peace law will open the way to recycle paramilitary members, even those responsible for killings, kidnappings, 'disappearances' and torture, into security guards, civilian police and informants. Furthermore, in the future, the law could also apply to members of guerrilla groups who have also been responsible for serious and repeated abuses of human rights and international humanitarian law,” said Marcelo Pollack.

Thousands of possible human rights abusers have already benefited from de facto amnesties under the law, while those responsible for backing and funding paramilitarism, including members of the security forces, are unlikely ever to be exposed and brought to justice.

“By ensuring that those responsible for war crimes and crimes against humanity are not held properly to account, and by encouraging human rights abusers to be 'recycled', the government is not removing combatants from the conflict, but appears to be negotiating contracts of impunity,” said Marcelo Pollack.

Amnesty International is calling on the Colombian government to overhaul the current legal framework for the demobilization of members of illegal armed groups in order to ensure that the law:

Guarantees the right of victims and their relatives to truth, justice and reparations by ensuring that all those who have committed such offences, and those who have supported them militarily and economically, are held accountable.

Applies concrete and effective measures to ensure that victims and their relatives, including women and girls who suffered sexual and other abuse in the context of the armed conflict, receive full reparation as prescribed in international standards.

Conditions any procedural benefits, such as reduced prison sentences, on the demobilized combatant's full collaboration with the judicial authorities and excludes all human rights violators from enjoying any of the benefits under the law.

Includes measures to ensure that demobilized combatants are not “recycled” into the conflict, including banning their use of weapons and employment in the security forces and private security companies and excluding them from intelligence-gathering activities until such time that guarantees can ensure that those who might be responsible for serious human rights violations are not being “recycled” in this way.

Amnesty International also calls on the international community not to provide political and economic support to the demobilization process until the Colombian government implements a legal framework for the demobilization of illegal armed groups that fully conforms to international standards of truth, justice and reparation.

Background

In the last 20 years, Colombia's armed conflict has cost the lives of at least 70,000 people, the vast majority of them civilians killed out of combat, while more than 3 million people have been internally-displaced since 1985. Tens of thousands of other civilians have been tortured, “disappeared” and kidnapped. The vast majority of non-combat politically-motivated killings, “disappearances”, and cases of torture have been carried out by army-backed paramilitaries.

The government began demobilization talks with the paramilitary umbrella organization, the Self-Defence Forces of Colombia (*Autodefensas Unidas de Colombia*, AUC), soon after the AUC announced a ceasefire in December 2002. Under the Santa Fe de Ralito agreement, signed in July 2003, the AUC agreed to demobilize all its combatants by the end of 2005. More than 8,000 paramilitaries have so far reportedly demobilized.

However, the latest figures suggest that the paramilitaries have been responsible for at least 2,300 killings and “disappearances” since they declared their unilateral ceasefire.

For a copy of the report, *Colombia: the Paramilitaries in Medellín: Demobilization or Legalization?* please see:

<http://web.amnesty.org/library/index/engamr230192005>

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