



The Law of Impunity May Be Approved Today in Colombia (Bulletin number 4)

A METAPHOR FOR JUSTICE AND PEACE

The process with the paramilitary is headed towards a non-credible peace at an impossible price

“The cease of hostilities is a metaphor that must be handled with great flexibility”, affirmed the Colombian Government in a declaration made by the High Commissioner for Peace, during a follow-up session to the negotiation process with the paramilitary (in Bogota, on February 24, 2005, in Residencias Tequendama). That statement proves the disrespect to which the victims of war crimes and crimes against humanity have been submitted, which is an unacceptable violation of their right to life and their right to justice. It further acknowledges the Government’s lack of seriousness regarding this process, which leads us to seriously doubt the credibility of the negotiations and the peace that they will allegedly produce.

The Government’s flexibility regarding the “cease of hostilities” has signified a tolerant attitude towards the murder or forced disappearance of at least 2,339 persons out of combat; that is to say, these events attributed to paramilitary groups occurred while the victims were at home, on the street or at work, from the time when these negotiations formally commenced on December 1, 2002 to December 31, 2004. The Colombian Commission of Jurists has done judicial follow-up on 1,899 of the cases mentioned. To do so, it sent communications exercising its right to petition to the National Prosecutor General’s offices throughout the country requesting information on the existence or non-existence of judicial investigations of said events and their status.

As a result of this verification that is still underway, the Colombian Commission of Jurists has been able to systemize information regarding 777 victims of cases confirmed by the Prosecutor’s offices. Only 19 of these cases (2.44%) are in the trial stage and only two of them involve paramilitary fighters. The immense majority has not been assigned an alleged perpetrator; that is to say, they are in the preliminary investigation stage (542, that is 69.75%). Out of the 777 confirmed cases, in 94 cases the Prosecutor’s Office suspects that the alleged perpetrators are the paramilitary, although it has not been able to concretely identify the persons involved. Only in 16 cases has it identified the individual paramilitary who executed the murder. In total, that would represent 110 cases in which the Prosecutor’s Office considers that the perpetrators were paramilitary groups.

The above confirms what we already know: the tremendous inefficacy of the Colombian judicial system, especially in relation to human rights violations. Of course, inefficacy has been even greater in the case of the paramilitary with the present negotiations, thanks to the above-mentioned flexibility that the Government itself confessed to having regarding this process. This flexibility is going to be further validated by the law called “Justice and Peace” that the Congress is preparing to approve today in extraordinary sessions, after June 20, 2005, the day on which the Congress ended its ordinary sessions.

To the 2,339 victims of crimes committed during the negotiations, whose murders or forced disappearances will go unpunished, we must add at least 10,660 victims who lost their lives at the hands of the paramilitary from 1996 to 2002 (based on data that the Colombian Commission of Jurists has systemized since 1996). In total, more than 12,999 persons' lives were taken by the paramilitary who granted themselves the right to murder these people out of combat (as did during this period the Public Forces directly -1,068 persons killed- and guerrilla fighters - near 3,730 persons killed-. If we take into account the number of victims since the time when the socio-political violence intensified in Colombia during the 80s, we would have to double our figures: many more than 35,000 lives were abusively snuffed out, out of combat.

In addition, the deaths and forced disappearances which the paramilitary have continued to cause in the year 2005 would also go unpunished. Last Thursday, June 16, a paramilitary group threatened 12 persons with death by sending them "death certificates". Among the victims were Central Unitaria de Trabajadores trade unionists, leaders of displaced person groups, Universidad Industrial de Santander students, and members of the non-governmental organization Comité de Solidaridad con los Presos Políticos (Newspaper *El Tiempo*, June 17, 2005, page 1-4). The threat was made by the paramilitary group Autodefensas Unidas de Colombia (AUC) Bloque Central Bolívar. The Commander of this block goes by the alias of "Ernesto Báez"; he is a member of the "Negotiating General Staff" and the main spokesman for the AUC.

The Government will also handle this threat with great flexibility. It effectively proves that the "cease of hostilities" is a metaphor. Unfortunately, it means too that the peace resulting from this process will also be a metaphor. In other words, the bill of law for impunity only offers "Justice and Peace" metaphorically speaking.

The Ambassador of the United States in Colombia William Wood stated one year ago during a conference held at the Wilson Center in Washington on June 28, 2004, "*[Should] the government of Colombia accept, and the United States support, peace at any price? Obviously not. In the case of Colombia, we should not consider support for any peace process unless it offers a good chance of ending conflict with the faction in question; reinforcing democracy, justice, and the rule of law; reducing narcotics trafficking; and providing the foundation for long-term peace, social equity, and development. I am convinced that those are the goals of the government of Colombia.*" (Cynthia J. Arnson, ed., *The Peace Process in Colombia with the Autodefensas Unidas de Colombia-AUC*, Washington, D.C., Woodrow Wilson International Center for Scholars, 2005, page 46).

At that time, no one knew for sure that the Government's objectives regarding this matter are metaphoric.

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