

Human Rights Watch

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COLOMBIA'S CHECKBOOK IMPUNITY- a briefing paper

Colombian President Álvaro Uribe has presented a bill to his congress that would allow paramilitaries who have committed atrocities to skip prison for a fee. Among them are men that have ordered and carried out the killings of thousands of Colombian civilians.

Unlike other amnesty laws, the Uribe proposal presumes that accused paramilitaries would stand trial; however, it would be clear from the outset that the accused would face no punishment.

The response of the world should be unequivocal. If Colombia is serious about human rights, it cannot allow known criminals to escape justice by, in effect, writing a check. Currently, Colombia receives the third largest amount of U.S. military aid, after Israel and Egypt, and is slated to receive over \$700 million in FY 2004. Colombia also receives significant support for humanitarian programs from the European Union and individual donor nations.

Atrocities should mean prison. If paramilitaries fail to agree to terms that incorporate Colombia's obligations to prosecute and punish serious human rights violations, the Colombian armed forces should track them down and the government should bring them to justice.

Allowing known criminals to evade any real punishment for their crimes does not promote peace, but erodes the rule of law and encourages further violence. In Colombia, the history on this issue is stark. Past deals with criminals have yielded a worsening of the conflict, a growing death toll made up primarily of civilians, and increasingly barbarous tactics used by the armed groups active throughout the country. Ensuring that any negotiations include punishment for human rights crimes is critical, particularly given the precedent it sets.

Background

On July 15, Colombia's largest paramilitary group, the United Self-Defense Forces of Colombia (Autodefensas Unidas de Colombia, AUC), agreed to demobilize a reported 13,000 paramilitary fighters and their leaders by December 31, 2005. Known by the location where talks were held, the Santa Fe de Ralito agreement was signed by nine paramilitary leaders, six government representatives, and three representatives of the Colombian Catholic church.¹

To an international audience, the Colombian government has repeatedly promised that these talks will not end with impunity for individuals who have committed serious human rights and international humanitarian law violations. However, after the Santa Fe de Ralito agreement was announced, High Commissioner for Peace Luis Carlos Restrepo revealed that the government had agreed to introduce legislation that would allow paramilitaries convicted of serious human

¹ The ten-point agreement does not go beyond a promise to demobilize and maintain a ceasefire so long as paramilitary forces are not attacked by guerrillas. It is available on the web site maintained by the office of the Colombian president at <http://www.presidencia.gov.co/cne/2003/julio/15/09152003.htm> (retrieved on August 19, 2003).

rights crimes to make cash payments in lieu of serving prison sentences. On August 21, 2003, President Álvaro Uribe submitted to congress a bill formalizing this offer.²

“Rather than serving time in a prison, there are alternative sentences and the individuals will be allowed to pay reparations,” Restrepo said in an interview with *El Tiempo*, Colombia’s largest daily newspaper.³

The bill would empower the president to designate who among the paramilitaries who have committed atrocities qualifies for a suspended sentence. In return, the convict would agree to some restrictions on personal liberty, including remaining in Colombia and not holding or running for public office. Most importantly, however, individuals convicted of serious human rights crimes would be allowed to pay an amount of money or transfer other assets to victims of atrocities or into a government fund for victims in return for spending no time in jail.

There are no provisions in the bill to ensure impartial investigations or serious prosecutions. There are no incentives that would compel the accused to tell the truth about crimes, particularly if government officials or military officers still on active duty are implicated. There are also no mechanisms proposed that would allow victims of atrocities to appeal the president’s decision to designate who would qualify for release from any sentence.

Instead, known and convicted criminals would be assured that, with a single presidential order, they would not spend a day behind bars. This amounts to allowing human rights abusers to evade real justice by, in effect, writing a check.

States have a duty to prosecute serious violations of international human rights and humanitarian law. The Human Rights Committee, the international body that monitors compliance with the International Covenant on Civil and Political Rights, in its draft General Comment on the legal obligations of states parties (article 2), states:

[T]he purposes of the Covenant would be defeated without an obligation ... to take measures to prevent a recurrence of a violation of the Covenant ... States Parties must ensure that those responsible are brought to justice. As with failure to investigate, failure to bring to justice perpetrators of such violations could in and of itself give rise to a separate breach of the Covenant. These obligations arise notably in respect of those violations recognized as criminal under international law.

Human Rights Watch believes that for a state to fulfill its obligation to prosecute serious rights offenders, penalties imposed must ensure that those responsible are genuinely “brought to justice.”

² The text of the bill is available at <http://www.presidencia.gov.co/documentos/framdoc.htm> (retrieved on August 21, 2003).

³ “El Gobierno asegura que no habrá impunidad con los paramilitares,” *El Tiempo*, July 17, 2003.

Paramilitary leaders have themselves underscored the government offer in interviews. “We are not negotiating with the idea that we are going to prison,” Salvatore Mancuso told *El Espectador*.⁴ Among other things, Mancuso has been convicted to forty years in prison for his role in the 1997 El Aro massacre, described later in this briefing.

Paramilitary leaders subsequently courted the media in an attempt to recast themselves as pro-government fighters whose main targets have been guerrillas, not civilians. However, as Human Rights Watch has consistently documented, paramilitaries have a horrific record of civilian massacres, selective killings, the execution of captured combatants, torture and mutilation, looting, forced displacement, and death threats.

Paramilitary forces continue to operate with the tolerance and often support of units within Colombia’s military.⁵ In 2001, the U.S. State Department put Colombia’s paramilitaries on its official list of Foreign Terrorist Organizations, where they remain as of this writing.⁶

Links to drug trafficking

Colombian government authorities believe that paramilitary chieftain Carlos Castaño, Mancuso, and the AUC have established “an extremely close alliance” with drug traffickers, including in areas once controlled by guerrillas. Traffickers have financed the AUC and provide them with safe haven on their ranches, a fact leaders do not deny.⁷ Colombian intelligence sources estimate that 40 percent of the country’s total cocaine exports are controlled by paramilitaries and their allies in the narcotics underworld and that it is “impossible to distinguish between paramilitaries and drug traffickers.”⁸

Paramilitaries have also attacked and killed Colombian government officials engaged in anti-narcotics operations, including members of the Colombian National Police. In 1997, for instance, paramilitaries acting as guards for a truck carrying cocaine were involved in a shootout with police near San Carlos de Guaroa, Meta, that resulted in the deaths of eleven law enforcement officers.⁹

⁴ “Nosotros no estamos negociando pensando que vamos a ir a la cárcel.” “‘Paras’ desmovilizados no irían a prisión,” *El Espectador*, July 19, 2003.

⁵ See generally Human Rights Watch, *World Report 2003* (New York: Human Rights Watch, 2003) [online] <http://www.hrw.org/wr2k3/americas4.html> (retrieved July 24, 2003).

⁶ “Fact Sheet: Secretary of State designates Foreign Terrorist Organizations (FTO’s),” U.S. Department of State, October 5, 2001 [online] <http://www.state.gov/r/pa/prs/ps/2001/5265.htm> (retrieved July 24, 2003).

⁷ Scott Wilson, “Cocaine Trade Causes Rifts in Colombian War,” *Washington Post*, September 17, 2002 [online] <http://www.washingtonpost.com/wp-dyn/articles/A22043-2002Sep15.html> (retrieved on September 17, 2002).

⁸ “Informe Confidencial Fase Exploratoria Proceso de Paz Autodefensas,” no date; and Scott Wilson, “Colombian Fighters’ Drug Trade Is Detailed,” *Washington Post*, June 25, 2003.

⁹ Human Rights Watch, *The “Sixth Division”: Military-Paramilitary Ties and U.S. Policy in Colombia* (New York: Human Rights Watch, 2001) [online] <http://www.hrw.org/reports/2001/colombia/2.1.htm> (retrieved on July 24, 2003).

In September 2002, the U.S. filed extradition papers against Castaño and fellow AUC leader Salvatore Mancuso related to five indictments that they had conspired to import cocaine into the United States.¹⁰

A history of impunity

The AUC is a descendant of Death to Kidnappers (Muerte a Secuestradores, MAS), formed by Pablo Escobar, Fidel Castaño, Gonzalo Rodríguez Gacha, and others to free the family members of traffickers who had been kidnapped by guerrillas. By 1982, however, the model had been adopted by traffickers and other businesspeople as a way to ally with the Colombian military against guerrillas, in particular the Revolutionary Armed Forces of Colombia-People's Army (Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo, FARC-EP). By 1983, the Colombian government's Internal Affairs office (Procuraduría) had registered over 240 political killings by MAS, whose victims included elected officials, farmers, and community leaders.¹¹

In Colombia, proposals of cash-for-immunity date from the early eighties. In 1984, Colombia's most brutal drug traffickers, led by Pablo Escobar, offered to turn over their billion-dollar assets to Colombia in exchange for immunity from prosecution and extradition to the United States, an offer that was rejected.¹²

In an interview with Human Rights Watch, Carlos Castaño, the political leader of the AUC, traced his first involvement in paramilitary activity to the training he received in the early 1980s at the Bomboná Battalion. Castaño began as a guide, fought with troops, and identified suspected subversives. Meanwhile, his elder brother, Fidel, was amassing a fortune from drug trafficking. Fidel invested his earnings in land, and became one of northern Colombia's most powerful ranchers. With Fidel's profits as well as contributions from landowners and businessmen, the Castaños decided to form their own army in the mid-1980s, known as "Los Tangüeros," after the Castaño ranch called Las Tangas.

¹⁰ According to the indictment, Carlos Castaño directed cocaine production and distribution activities in AUC-controlled regions of Colombia, including protecting coca processing laboratories, setting quality and price controls for cocaine, and arranging for and protecting cocaine shipments both within and outside of Colombia. Castaño and his co-defendants used violence, force and intimidation to maintain this authority over cocaine trafficking activities. For example, the indictment alleges that Castaño resorted to kidnaping and threats, and that Salvatore Mancuso caused the brutal murder of another Colombian drug trafficker as retribution for failing to pay a drug debt. If convicted, Castaño and Mancuso would face sentences of up to life in prison. "ATTORNEY GENERAL REMARKS ON INDICTMENT IN AUC DRUG TRAFFICKING CASE," U.S. Department of Justice, September 24, 2002.

¹¹ A longer version of this summary is available in *War Without Quarter* [online] http://www.hrw.org/reports98/colombia/Colom989-04.htm#P1078_248784.

¹² In 1984, Escobar, Gonzalo Rodríguez Gacha ("El Mejicano"), and the Ochoa brothers met with Colombian former president Attorney General Alfonso López Michelsen in the Hotel Marriott in Panama City, where they had gone after arranging the assassination that year of Justice Minister Rodrigo Lara. The negotiation faltered after news of it leaked to the press, provoking the open opposition of the United States to an impunity deal. See Alonso Salazar J, *La Parábola de Pablo: Auge y caída de un gran capo del narcotráfico* (Santafé de Bogotá: Editorial Planeta, 2001), pp. 129-31.

It was on Las Tangas that, in the mid-1980s, foreign mercenaries and active-duty army officers taught paramilitaries and professional hit men who worked for drug kingpins how to shoot, make bombs, and ambush people.

The Castaño strategy resulted in unprecedented violence, described by one government commission as “one of the most tragic chapters in this country’s recent history of violence.” On January 14, 1990, for example, the Tangüeros kidnapped and killed forty-two people from the Urabá town of Pueblo Bello, apparently in revenge for the earlier killing by guerrillas of several Castaño gunmen. Months later, the bodies of six of those taken were found in unmarked graves holding a total of twenty-four bodies at Las Tangas and Jaraguay, another Castaño ranch.

Fidel Castaño was convicted in absentia for his role in that massacre, but was never punished. Massacres by the Tangüeros caused massive forced displacement throughout the late 1980s, as the inhabitants of entire villages left in fear. In the village of El Tomate, for example, considered by paramilitaries to be sympathetic to guerrillas, armed men commandeered a public bus and killed five passengers on August 30, 1988. Gunmen executed ten more El Tomate residents after dragging them from their homes. They burned twenty-two houses and the public bus, with the driver shackled to the steering wheel.

People who were perceived to be sympathetic to guerrillas or their ideology—including teachers, community leaders, trade unionists, human rights defenders, and religious worker—were also considered legitimate targets even though they took no active part in conflict. Often, it was the work itself that put them at risk. Among the victims of the Castaños was Sergio Restrepo, a Jesuit priest who worked at the Tierralta parish in Córdoba. Apparently, Restrepo became a target because of his work with the poor, identified as being pro-guerrilla and communist. A Castaño gunman shot and killed him in 1988 outside the Jesuit parish house.

After other massacres carried out by Middle Magdalena paramilitaries and their army patrons in 1989, including the killing of two judges and ten government investigators at La Rochela, Santander, the government of Virgilio Barco issued Decree 1194, which established criminal penalties for civilians and members of the armed forces who recruit, train, promote, finance, organize, lead, or belong to “the armed groups, misnamed paramilitary groups, that have been formed into death squads, bands of hired assassins, self-defense groups, or groups that carry out their own justice.”

Despite this decree, neither Fidel nor Carlos Castaño were ever arrested for their roles in directing a private army or ordering massacres. (Fidel Castaño is now believed to be dead.)

By 1990, guerrillas belonging to the Army of Popular Liberation (Ejército Popular de Liberación, EPL) were decimated by the combined action of the army and the Tangüeros. As a result, the EPL agreed to talks aimed at demobilization. As part of the negotiation, Fidel Castaño offered to hand over some of his weapons and disband the Tangüeros once the EPL had dissolved, an agreement that culminated on March 1, 1992.

Through the Foundation for the Peace of Córdoba (Fundación por la Paz de Córdoba, FUNPAZCOR), a Castaño family-run entity, the Castaños funneled the government millions of dollars worth of land and cash payments that were used to set up hundreds of former guerrillas with small businesses, farms, market networks, schools, and training programs.¹³

FUNPAZCOR is a model “social reparation” program that closely resembles the system that would be created by the bill backed by the Uribe administration. Yet FUNPAZCOR has also been a target of government investigation as a mechanism used by illegal paramilitaries to collect money and pay for their activities, salaries, supplies, and weapons. In 2001, a FUNPAZCOR board member and employee were charged by the attorney general’s office for financing paramilitary groups that committed human rights violations.¹⁴

It is important to emphasize, moreover, that this program not only failed to bring the perpetrators of crimes against humanity to justice; it was a dramatic failure in assuring peace and the demobilization of paramilitaries. Carlos Castaño reorganized the Tangüeros in 1993, this time renaming them the ACCU. Many of his fighters were former EPL guerrillas. “By 1993, we had 600 guns. We began to establish ‘fronts’ in other regions to fight the guerrillas. A front would be established at the request of people living in the region who were willing to pay for it,” Castaño later said.

Who benefits?

AUC commander Carlos Castaño is among the signatories to the Santafé de Ralito agreement and a likely beneficiary of this proposal. A survey of the crimes that he has either been convicted of or admitted to makes horrifying reading.

- 1) In 2001, a Colombian judge sentenced Castaño to twenty-two years in prison for his role in the murder of Patriotic Union presidential candidate Bernardo Jaramillo Ossa, shot in 1990 in Bogotá’s El Dorado airport.¹⁵ Since its founding in 1984, the Patriotic Union has been virtually exterminated by attacks on its members by paramilitaries under Castaño’s command, often working in coordination with Colombia’s military.¹⁶
- 2) In his authorized biography, *Mi Confesión*, Castaño gave a detailed account of how he selected and trained the juvenile assassin who murdered a second presidential candidate,

¹³ In June 2001, government authorities raided the offices of FUNPAZCOR in Montería, Córdoba, as part of an effort to dismantle the financial networks that supported the AUC. Government of Colombia, “BRIEFING PAPER: RESULTS OF FIGHT AGAINST PARAMILITARY GROUPS,” July 9, 2001 [online] http://216.239.51.104/search?q=cache:8WhI0czbhsJ:www.colombiaemb.org/Doc_Col_Mil/Fightparamilitary.pdf+funpazcor&hl=en&ie=UTF-8 (retrieved on July 24, 2003).

¹⁴ “CUATRO ASEGURADOS POR OPERACIÓN MONSERRATE,” Boletín 163, Fiscalía General de la Nación, June 5, 2001 [online] <http://www.fiscalia.gov.co/pag/divulga/Bol2001/junio/bol163.htm> (retrieved on July 24, 2003).

¹⁵ “Condenados hermanos Castaño Gil,” *Vanguardia Liberal*, November 29, 2001.

¹⁶ The case was accepted by the Inter-American Commission on Human Rights for review and is available online at <http://www.oas.org/cidh/annualrep/96eng/Colombia11227.htm>.

M-19 leader Carlos Pizarro in 1990—the same boy who authorities say he used to killed Jaramillo.¹⁷ As a result, the Attorney General's office recommended in June 2002 that Castaño be convicted of the murder and sentenced to sixty years in prison.¹⁸

- 3) Castaño has acknowledged planning the 1994 assassination of Colombian Senator Manuel Cepeda, carried out in coordination with Colombian army officers.¹⁹
- 4) Castaño has acknowledged that the AUC kidnaped and killed Aury Sara Marrugo, president of the Cartagena chapter of the Oil Workers' Union and his bodyguard. Marrugo was brutally tortured before being executed.²⁰
- 5) In November 2002, a specialized criminal court in Bogotá continued to investigate Castaño as the presumed mastermind of the murder of journalist, comedian, and human rights activist Jaime Garzón in 1999.²¹
- 6) In April 2003, a judge in Antioquia sentenced Castaño to forty years in prison for arranging the 1997 El Aro massacre of at least fifteen people.²² At the time, he headed a smaller paramilitary group called the Peasant Self-Defense Force of Córdoba and Urabá (Autodefensas Unidas de Córdoba y Urabá, ACCU). In *The Ties That Bind*, Human Rights Watch recounted how eyewitnesses described the massacre scene:

Survivors told Human Rights Watch that while soldiers maintained a perimeter around El Aro, an estimated twenty-five ACCU members entered the village, rounded up residents, and executed four people in the plaza. One witness told Human Rights Watch that the ACCU leaders were men who called themselves "Cobra" and "Junior." Witnesses said that paramilitaries told store owner Aurelio Areiza and his family to slaughter a steer and prepare food from their shelves to feed the ACCU fighters on October 25 and 26, while the rest of Colombia voted in municipal elections.

¹⁷ The April 19 Movement, or M-19, was a guerrilla group that negotiated a peace deal with the government in 1989. Mauricio Aranguren Molina, *Mi Confesión: Carlos Castaño revela sus secretos* (Santafé de Bogotá: Editorial Oveja Negra, 2001), pp. 39-51; and "FISCALÍA PIDE SENTENCIA CONDENATORIA POR HOMICIDIO DE BERNARDO JARAMILLO OSSA," Fiscalía General de la Nación, Boletín de Prensa 252, October 17, 2001 [online] <http://www.fiscalia.gov.co/pag/divulga/Bol2001/octubre/bol252.htm> (retrieved on July 23, 2003).

¹⁸ U.S. State Department, Country Reports on Human Rights Practices for 2002, Colombia chapter, March 31, 2003 [online], <http://www.state.gov/g/drl/rls/hrrpt/18325.htm> (retrieved on May 20, 2003).

¹⁹ On August 13, 2003, Castaño wrote to Attorney General Luis Camilo Osorio disputing investigators' claims that he had a role in the high-profile killing of humorist Jaime Garzón, but admitting his role in the Cepeda killing, for which a judge had already exonerated him. Email communication with Ivan Cepeda, August 15, 2003, including a copy of Castaño's letter.

²⁰ U.S. State Department, Country Reports on Human Rights Practices for 2002, Colombia chapter, March 31, 2003.

²¹ *Ibid.*

²² "CASTAÑO GIL Y MANCUSO CONDENADOS A 40 AÑOS DE PRISIÓN," Boletín 160, Fiscalía General de la Nación, April 25, 2003 [online] <http://www.fiscalia.gov.co/pag/divulga/Bol2003/abril/bol160.htm> (retrieved on July 24, 2003).

The next day, witnesses told Human Rights Watch, paramilitaries took Areiza to a nearby house, tied him to a tree, then tortured and killed him. They added that the ACCU gouged out Arieza's eyes and cut off his tongue and testicles. One witness told journalists who visited El Aro soon afterwards that families who attempted to flee were turned back by soldiers camped on the outskirts of town. Over the five days they remained in El Aro, ACCU members were believed to have executed at least eleven people, including three children, burned forty-seven of the sixty-eight houses, including a pharmacy, a church, and the telephone exchange, looted stores, destroyed the pipes that fed the homes potable water, and forced most of the residents to flee. When they left on October 30, the ACCU took with them over 1,000 head of cattle along with goods looted from homes and stores. Afterwards, thirty people were reported to be forcibly disappeared.²³

- 7) In June 2003, a Bogotá court sentenced Castaño to forty years in prison for his role in organizing the 1997 Mapiripán massacre.²⁴ As Human Rights Watch reported in *War Without Quarter: Colombia and International Humanitarian Law*:

At dawn on July 15, an estimated 200 heavily-armed ACCU members arrived (in Mapiripán) and began rounding up local authorities and forcing them to accompany them. Among those they searched for were peasants who had taken part in a 1996 department-wide protest against coca eradication and the government's failure to provide viable economic alternatives for the region. ACCU men detained residents and people arriving by boat, took them to the local slaughterhouse, then bound, tortured, and executed them by slitting their throats. The first person killed, Antonio María Herrera, known as "Catumare," was hung from a hook, and ACCU members quartered his body, throwing the pieces into the Guaviare River. At least two bodies—those of Sinaí Blanco, a boatman, and Ronald Valencia, the airstrip manager—were decapitated. Judge Leonardo Iván Cortés reported hearing the screams of the people they brought to the slaughterhouse to interrogate, torture, and kill throughout the five days the ACCU remained in the area. In one of the missives he sent to various regional authorities during the massacre, he wrote: "Each night they kill groups of five to six defenseless people, who are cruelly and monstrously massacred after being tortured. The screams of humble people are audible, begging for mercy and asking for help." ACCU leader Carlos Castaño took responsibility for the massacre, and told reporters that an ACCU "shock

²³ Human Rights Watch, *The Ties That Bind: Colombia and Military-Paramilitary Links* (New York: Human Rights Watch, 2000) [online] <http://www.hrw.org/reports/2000/colombia/#FOURTH%20BRIGADE> (retrieved on July 24, 2003).

²⁴ "Condenan a coronel del Ejército y jefe paramilitar Carlos Castaño a 40 años de prisión por masacre de Mapiripán (Meta)," *El Tiempo*, June 20, 2003.

front” of seventy men executed thirteen people, and threw some bodies in the Guaviare River. Arriving only days after the ACCU left, authorities located five bodies, though the ICRC estimated to reporters that as many as twenty more may have been killed and thrown into the Guaviare River. Castaño denied reports of torture, yet promised “many more Mapiripans” for Colombia in subsequent press interviews.²⁵

But these cases are only the beginning of the list of horrors perpetrated by Castaño and his paramilitary fighters. As of January 2003, Colombia’s attorney general had opened at least thirty-five criminal cases against Castaño. In twenty-seven of them, formal arrest warrants had been issued against him.²⁶ The investigations include some of the most heinous crimes ever committed in Colombia, including:

1. **Chengue, 2001:** On September 26, 2002, Castaño was named by government prosecutors as a suspect in the massacre of twenty-seven people.²⁷ As Human Rights Watch reported in *The Sixth Division: Military-Paramilitary Ties and U.S. Policy in Colombia*, on January 17, 2001, an estimated fifty paramilitaries pulled dozens of residents from their homes in the village of Chengue, Sucre.²⁸ “They assembled them into two groups above the main square and across from the rudimentary health center,” the Washington Post later reported. “Then, one by one, they killed the men by crushing their heads with heavy stones and a sledgehammer. When it was over, twenty-four men lay dead in pools of blood. Two more were found later in shallow graves. As the troops left, they set fire to the village.”²⁹ Among the reported dead was a sixteen-year-old boy, whose head was severed from his body.³⁰
2. **El Salado, 2000:** On February 18, 2000, some 300 armed men belonging to the ACCU set up a kangaroo court in the village of El Salado, Bolívar. For the next two days, they tortured, garroted, stabbed, decapitated, and shot residents. Witnesses told investigators that they tied one six-year-old girl to a pole and suffocated her with a plastic bag. One

²⁵ Human Rights Watch, *War Without Quarter: Colombia and International Humanitarian Law* (New York: Human Rights Watch, 1998) [online] http://www.hrw.org/reports98/colombia/Colom989-04.htm#P1221_286371 (retrieved July 24, 2003).

²⁶ “ASEGURADO CARLOS CASTAÑO POR HOMICIDIO DEL EXDEFENSOR IVÁN VILLAMIZAR,” Boletín 20, Fiscalía General de la Nación, January 17, 2003 [online] <http://www.fiscalia.gov.co/pag/divulga/Bol2003/enero/bol20.htm> (retrieved on July 24, 2003); and “FISCALÍA ADELANTA MÁS DE 30 PROCESOS CONTRA CASTAÑO GIL,” Boletín 313, Fiscalía General de la Nación, September 26, 2002 [online] <http://www.fiscalia.gov.co/pag/divulga/Bol2002/septiem/bol313.htm> (retrieved on July 24, 2003).

²⁷ “VINCULADO CASTAÑO GIL CON MASACRE DEL CHENGUE,” Boletín 318, Fiscalía General de la Nación, September 26, 2002 [online] <http://www.fiscalia.gov.co/pag/divulga/Bol2002/septiem/bol318.htm> (retrieved on July 24, 2003).

²⁸ Human Rights Watch, *The “Sixth Division”: Military-Paramilitary Ties and U.S. Policy in Colombia* (New York: Human Rights Watch, 2001) [online] <http://www.hrw.org/reports/2001/colombia/2.1.htm> (retrieved on July 24, 2003).

²⁹ Scott Wilson, “Chronicle of a Massacre Foretold,” *Washington Post*, January 28, 2001

³⁰ “Masacradas 25 personas,” *El Tiempo*, January 18, 2001.

woman was reportedly gang-raped. Authorities later confirmed thirty-six dead. Thirty other villagers were missing.³¹ “To them, it was like a big party,” a survivor told the New York Times. “They drank and danced and cheered as they butchered us like hogs.”³²

3. **La Gabarra, 1999**: According to Colombia’s Public Advocate, on May 29, 1999, paramilitaries killed at least twenty people and abducted up to fifteen more in La Gabarra, Norte de Santander. This was but one of a series of massacres committed by paramilitaries with the collusion of the Colombian army, according to government investigators.³³
4. **Puerto Alvira, 1998**: According to a government investigation, Castaño ordered 200 of his fighters to enter this village and begin separating out people suspected of supporting guerrillas. Over twenty people were reported killed.³⁴
5. **CINEP Killings, 1997**: On May 19, Mario Calderón, an employee of the Center for Research and Popular Education (Centro de Investigación y Educación Popular, CINEP), Elsa Alvarado, his wife and a former CINEP employee, and Carlos Alvarado, Elsa's father, were killed by masked gunmen in their Bogotá apartment, apparently in retaliation for their human rights work. Although Alvarado's mother was seriously wounded, the couple's eighteen-month-old son was unharmed.³⁵

Partners in Crime

Besides Castaño, other AUC members who may benefit from this proposal include:

1. **DIEGO MURILLO BEJARANO, “DON BERNA” OR “ADOLFO PAZ”**: the “Inspector General” of the AUC, Murillo is a former security chief for the Galeano family, associates of Escobar and members of the Medellín Cartel.³⁶ Murillo has also been linked by the authorities to Medellín gangs used to carry out high profile assassinations, among them “La Terraza.”³⁷ Advisers to President Uribe in 2003

³¹ Human Rights Watch, *World Report 2001* (New York: Human Rights Watch 2001) [online], <http://www.hrw.org/wr2k1/americas/colombia.html> (retrieved on May 21, 2003)

³² Larry Rohter, “Colombians Tell of Massacre, as Army Stood By,” *New York Times*, July 14, 2000 [online] <http://www.commondreams.org/headlines/071400-02.htm> (retrieved on July 23, 2003).

³³ U.S. State Department, Country Reports on Human Rights Practices for 2002, Colombia chapter, March 31, 2003 [online], <http://www.state.gov/drl/rls/hrrpt/18325.htm> (retrieved on May 20, 2003).

³⁴ “LLAMADOS A JUICIO HERMANOS CASTAÑO POR MASACRE MAPIRIPÁN,” Boletín 42, February 26, 2001 [online] <http://www.fiscalia.gov.co/pag/divulga/Bol2001/febrero/bol42.htm> (retrieved on July 24, 2003).

³⁵ Human Rights Watch, *World Report 1998* (New York: Human Rights Watch 2001) [online], <http://www.hrw.org/worldreport/Americas-02.htm> (retrieved on May 21, 2003)

³⁶ Murillo eventually betrayed Escobar and joined with Carlos Castaño in the group known as “People Persecuted by Pablo Escobar,” or PEPES, former traffickers and paramilitaries who provided Colombian and American authorities with some of the information they needed to hunt the fugitive drug lord down after he fled his place of confinement. Mark Bowden, *Killing Pablo: the Hunt for the World’s Greatest Outlaw* (New York: Atlantic Monthly Press, 2001).

³⁷ Fabio Castillo, “La otra confesión,” *El Espectador*. September 29, 2002.

identified Murillo as a major trafficker.³⁸ As “Adolfo Paz,” Murillo is a signatory to the Santafé de Ralito agreement.

2. **HERNÁN GIRALDO SERNA, “TALADRO,” “EL MONO,” “EL DOCTOR,” “EL VIEJO”**: an AUC commander, Giraldo occupies the northern coast around Santa Marta. A judge convicted Giraldo, who runs a group known as “Los Chamizos,” to twenty years of imprisonment for his role in a string of 1988 massacres in the Honduras, La Negra, and San Jorge banana plantations, in which over fifty people were killed. Also convicted was Fidel Castaño, Carlos’ elder brother. Giraldo has over ten pending arrest warrants for terrorism, murder, the formation of paramilitary groups, and drug trafficking, and has been linked by Colombian police to the 1996 kidnapping of businessman Ambrosio Plata, who was killed and dismembered after his family paid a ransom.³⁹ Giraldo has also been linked to the murder in November 2001 of three Colombian police officers working with the DEA.⁴⁰ Newsweek magazine has described him as one of the top five traffickers in Colombia and reported that Colombian police estimate that he headed a burgeoning drug syndicate that accounts for \$1.2 billion in annual shipments to the United States and Europe, putting him among the country’s top five cocaine traffickers.⁴¹ Giraldo is listed as a member of the AUC, and would benefit from a demobilization agreement that would permit a cash payment in lieu of justice.⁴²

3. **JOSÉ VICENTE CASTAÑO, “EL PROFE”**: an elder brother of Carlos, José Vicente has been identified as a murderer and major trafficker by government investigators. Castaño has been linked to the October 2001 murders of Congressmen Octavio Sarmiento and Alfredo Colmenares Chía, both representing the department of Arauca. At the time, the AUC took public responsibility for the shootings.⁴³ Castaño has also been linked by government investigators to the attempt on the life of union leader Wilson Borja and the murders of three members of the Delgado family, prominent ranchers in the department of Casanare.⁴⁴ In an interview with Human Rights Watch, Eduardo Delgado, who himself was later murdered by unknown gunmen, said that Castaño was selling traffickers rights to operate in paramilitary-controlled land and was himself engaged in trafficking.⁴⁵ Repeatedly, government investigators have linked him to Víctor Manuel and Miguel Ángel Mejía, fraternal twins known as “Los Mellizos” and believed to belong to the

³⁸ “Informe Confidencial Fase Exploratoria Proceso de Paz Autodefensas,” no date; and

³⁹ “Giraldo Serna, en la mira de EU,” *El Espectador*, June 29, 2002.

⁴⁰ The officers were Heriberto Cordero Guerra, Fabián Torralba Vásquez, and José Gregorio García Sanguino. “No le tengo miedo a Castaño,” *Semana*, July 22, 2002.

⁴¹ Joseph Contreras, “The Next Escobar?” *Newsweek*, May 21, 2001 [online], <http://www.mapinc.org/drugnews/v01/n884/a01.html> (retrieved on July 23, 2003).

⁴² For his place in the AUC hierarchy, see “Organigrama de las AUC,” available online at <http://www.colombialibre.net/organigrama.php>

⁴³ Jason Webb, “Colombian paramilitary says killed two Congressmen,” *Reuters*, October 15, 2001 [online] <http://colhrnet.igc.org/newitems/oct01/auckillings.o15.htm> (retrieved on July 24, 2003).

⁴⁴ “El nuevo hombre fuerte de las Auc,” *El Espectador*, June 27, 2002.

⁴⁵ Human Rights Watch interview with Eduardo Delgado, Bogotá, June 3, 2002.

northern Valle cartel.⁴⁶ In 2001 and again in 2003, government officials seized assets belonging to “Los Mellizos” because of their links to trafficking.⁴⁷ Castaño is a signatory to the Santafé de Ralito agreement.

4. **LUIS EDUARDO CIFUENTES, “EL AGUILA”**: a former associate of Gonzalo Rodríguez Gacha, is facing charges related to trafficking, the formation of paramilitary groups, and the torture and murder of police Officers Capt. William Javier Montilla and Ancízar Sánchez, whose bodies were found on Oct. 25, 1998, near Puerto Salgar, Cundinamarca.⁴⁸ In 1999, Cifuentes was linked to a failed plot to assassinate President Andrés Pastrana according to the newsweekly *Cambio*.⁴⁹ Cifuentes has also been linked to threats against human rights defenders, among them the “José Alvear Restrepo” Lawyers’ collective.⁵⁰ Cifuentes is a signatory to the Santafé de Ralito agreement.

5. **SALVATORE MANCUSO**: In April 2003, a judge in Antioquia sentenced Mancuso to forty years in prison for arranging the 1997 El Aro (Antioquia) massacre of at least fifteen people.⁵¹ That same year, the Attorney General’s office issued an arrest warrant for Mancuso in relation to his involvement in the 1996 murders of two brothers and another man near San Antonio El Palmito, Sucre. According to the investigation, ten paramilitaries under his command selected the three men using a list of names, then executed them on the spot.⁵² In a similar case, government prosecutors also issued an arrest warrant for Mancuso in relation to the massacre of twelve people in villages near Morroa, Sucre, in December of 1996.⁵³ In total, the Attorney General’s office has issued eight arrest warrants for Mancuso related to massacres and selective killings.⁵⁴ In December 2001 press interview, Mancuso implied that paramilitaries had abducted and

⁴⁶ “El ambiguo pasado y presente de los Castaño Gil,” *El Espectador*, September 29, 2002 [online], <http://www.elespectador.com/2002/20020929/judicial/nota2.htm> (retrieved on July 22, 2003).

⁴⁷ “El ambiguo pasado y presente de los Castaño Gil,” *El Espectador*, September 29, 2002; and “Ocupan 60 bienes de ‘Los Mellizos’,” *El Tiempo*, July 16, 2003 [online],

http://eltiempo.terra.com.co/hist_imp/HISTORICO_IMPRESO/judi_hist/2003-07-17/ARTICULO-WEB-NOTA_INTERIOR_HIST-1181220.html (retrieved on July 17, 2003).

⁴⁸ “Policía los acusa del asesinato de dos efectivos de inteligencia,” *El Tiempo*, February 10, 1999; and “El vuelo de ‘El Águila’,” *Cambio*, July 26, 1999.

⁴⁹ “El vuelo de ‘El Águila’,” *Cambio*, July 26, 1999.

⁵⁰ “CONTINÚAN AMENAZAS CONTRA MIEMBROS DEL COLECTIVO DE ABOGADOS ‘JOSÉ ALVEAR RESTREPO,’” Colectivo de Abogados “Jose Alvear Restrepo,” January 4, 2001.

⁵¹ “CASTAÑO GIL Y MANCUSO CONDENADOS A 40 AÑOS DE PRISIÓN,” Boletín 160, Fiscalía General de la Nación, April 25, 2003 [online] <http://www.fiscalia.gov.co/pag/divulga/Bol2003/abril/bol160.htm> (retrieved on July 24, 2003).

⁵² “ASEGURADO SALVATORE MANCUSO,” Boletín 57, Fiscalía General de la Nación, February 13, 2003 [online] <http://www.fiscalia.gov.co/pag/divulga/Bol2003/febrero/bol57.htm> (retrieved on July 24, 2003).

⁵³ “ACUSACIÓN CONTRA SALVATORE MANCUSO POR MASACRE DE DOCE PERSONAS,” Boletín 314, December 28, 2001 [online] <http://www.fiscalia.gov.co/pag/divulga/Bol2001/diciemb/bol314.htm> (retrieved on July 24, 2001).

⁵⁴ “Habla Mancuso,” *Semana*, August 18, 2003 (online), retrieved on August 18, 2003.

killed Embera-Katio indigenous leader Kimi Domicó in Tierralta, Córdoba.⁵⁵ Mancuso is a signatory to the Santafé de Ralito agreement.

6. **IVÁN ROBERTO DUQUE, “ERNESTO BÁEZ”**: In 2003, a government prosecutor issued an arrest warrant for Duque, accused of masterminding the murders in 2001 of Francisco de Paula López Delgado and Fabiola Ospina Arias, city council members in Aguadas, Caldas. Paramilitaries under Duque’s command are also linked to at least two other murders that year, of Aguadas Gabriel Ospina, and a local government prosecutor, Augusto Soto Restrepo.⁵⁶ Duque may benefit from the Santafé de Ralito agreement.

⁵⁵ U.S. State Department, Country Reports on Human Rights Practices for 2002, Colombia chapter, March 31, 2003 [online], <http://www.state.gov/g/drl/rls/hrrpt/18325.htm> (retrieved on May 20, 2003).

⁵⁶ “ASEGURADO IVÁN DUQUE GAVIRIA ,” Boletín 22, Fiscalía General de la Nación, January 17, 2003 [online] <http://www.fiscalia.gov.co/pag/divulga/Bol2003/enero/bol22.htm> (retrieved on July 24, 2003).