



COLOMBIA

# Paramilitaries' Heirs

The New Face of Violence in Colombia

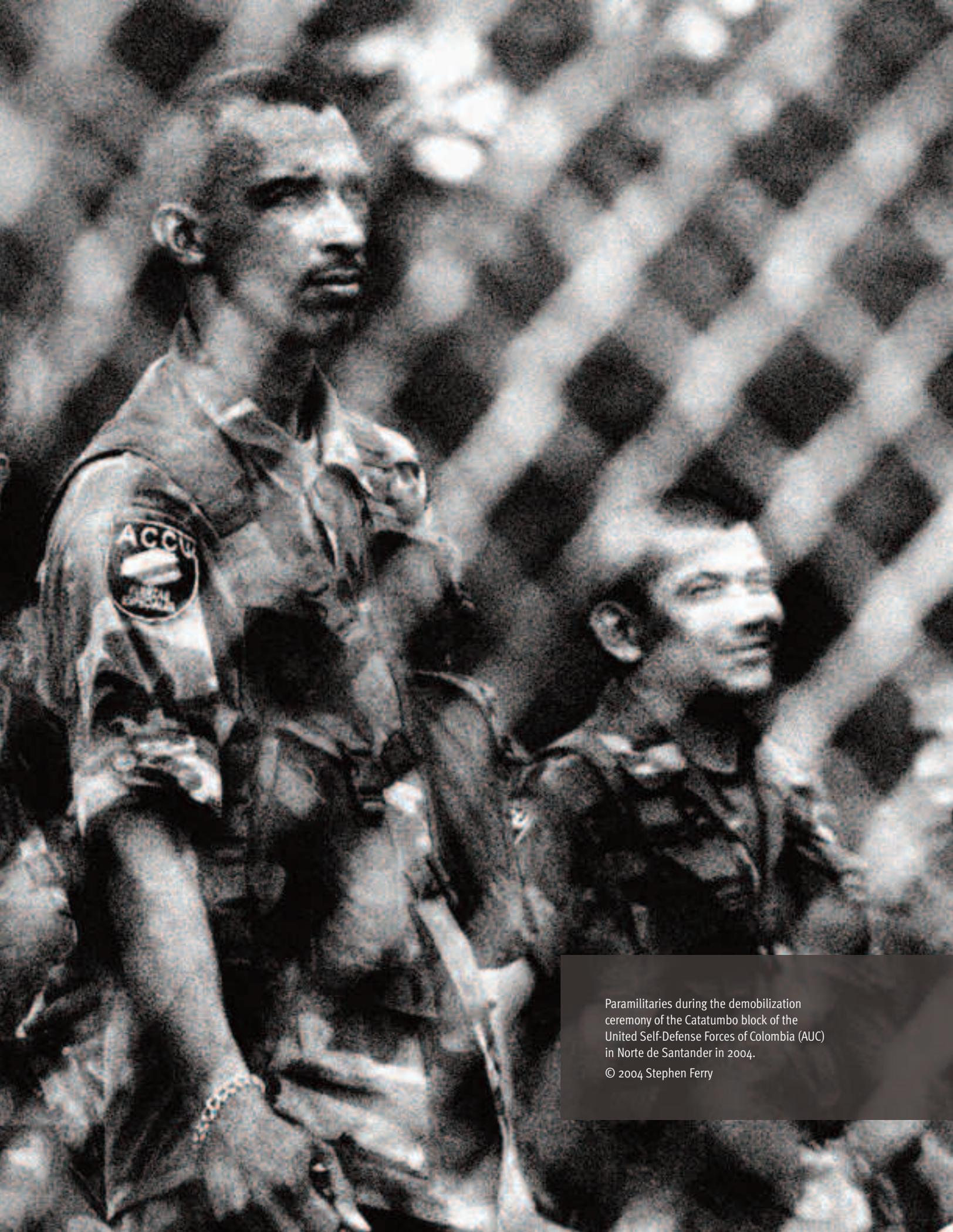
HUMAN  
RIGHTS  
WATCH

# **I. Summary and Recommendations**



# PARAMILITARIES' HEIRS

Photographs by Stephen Ferry



Paramilitaries during the demobilization ceremony of the Catatumbo block of the United Self-Defense Forces of Colombia (AUC) in Norte de Santander in 2004.

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(right) Graffiti in Pasto, Nariño, reads “Black Eagles, Death to Rastrojos.” Successor groups to the paramilitaries in Nariño, going by names such as Black Eagles, Rastrojos, or New Generation, have been vying for control of the region.

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**Between 2003 and 2006 the Colombian government implemented a demobilization process for 37 armed groups that made up the brutal, mafia-like, paramilitary coalition known as the AUC (the *Autodefensas Unidas de Colombia*, or United Self-Defense Forces of Colombia). The government claimed success, as more than 30,000 persons went through demobilization ceremonies, pledged to cease criminal activity, and entered reintegration programs offering them training, work, and stipends. Since then, the government has repeatedly said that the paramilitaries no longer exist.**



But almost immediately after the demobilization process had ended, new groups cropped up all over the country, taking the reins of the criminal operations that the AUC leadership previously ran.

Today, these successor groups are quietly having a dramatic effect on the human rights and humanitarian situation in Colombia. Of particular concern, as documented extensively in this report, the successor groups are engaging in widespread and serious abuses against civilians, including massacres, killings, rapes, threats, and extortion. They have repeatedly targeted human rights defenders, trade unionists, displaced persons including Afro-Colombians who seek to recover their land, victims of the AUC who are seeking justice,

and community members who do not follow their orders. The rise of the groups has coincided with a significant increase in the rates of internal displacement around the country from 2004 through at least 2007. And in some regions, like the city of Medellín, where the homicide rate has nearly doubled in the past year, the groups' operations have resulted in a large increase in violence. To many civilians, the AUC's demobilization has done little to change the conditions of fear and violence in which they live.

The threat posed by the successor groups is both serious and steadily growing. Colombia's National Police estimates that they have more than 4,000 members. Non-governmental estimates run as high as 10,200. According to conservative



police figures, the groups are quickly increasing their areas of operation and as of July 2009 had a presence in at least 173 municipalities in 24 of Colombia's 32 departments. They are actively recruiting new members from among teenagers, demobilized individuals, and young men and women. In several cases, they have been known to recruit members from distant regions of the country, displaying a high level of organization at a national level. Increasingly, the successor groups have merged or have absorbed one another, so that fewer groups are operating in a more coordinated manner, covering a larger territory.

The police speak of eight major groups: the Urabeños, the Rastrojos, ERPAC, the Paisas, the Machos, New Generation,

the group from the Magdalena Medio, and Renacer. Human Rights Watch also received credible reports of the existence of other groups, such as the Black Eagles in Nariño, which the police did not include in their list at the time.

A serious cause for concern is the fact that many eyewitnesses with whom we spoke reported that members of the security forces were tolerating successor groups' activities in various regions.

The Colombian government and some analysts label the successor groups as "emerging criminal gangs at the service of drug trafficking" (*bandas criminales emergentes* or BACRIM), insisting that the successor groups are something



Carmen Lucia Rodriguez lives in a Medellín shelter after death threats from a successor group to the paramilitaries forced her family to move from the Pablo Escobar neighborhood in Medellín. Initially, Rodriguez and her children moved to another neighborhood, but the successor group tracked them down and assassinated her son Reinsson, whose portrait can be seen in the background.

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Internally displaced families live in a shelter after death threats from a successor group to the paramilitaries forced them to flee their homes in the Pablo Escobar neighborhood in Medellín.

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new and very different from the paramilitaries. Other experts and many residents view them as a continuation of the AUC, or a new generation of paramilitaries.

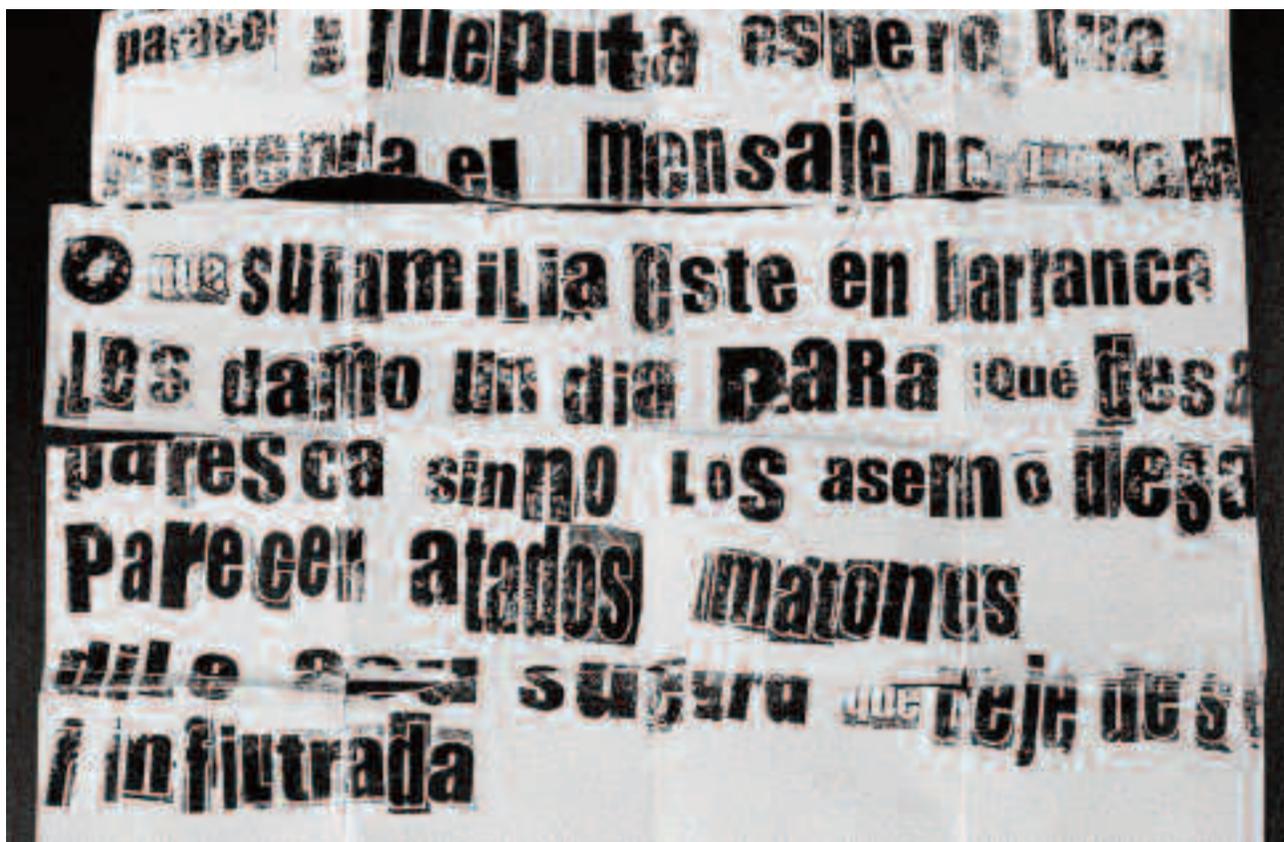
Regardless of how the successor groups are categorized, the fact is that today they are frequently targeting civilians, committing horrific crimes including massacres, killings, rapes, and forced displacement. And the state has an obligation to protect the civilian population, to prevent abuses, and to hold perpetrators accountable.

Unfortunately, the government has yet to take strong and effective measures to fulfill these obligations. It has failed to invest adequate resources in the police units charged with combating the groups, or in the group of prosecutors charged with investigating them. It has done far too little to investigate regular reports of toleration of the successor groups by state agents or public security forces. And it has yet to take adequate measures to protect civilians from this new threat. Instead, the government has dragged its feet on funding for the Early Warning System of the Ombudsman's Office, which

plays a key role in protecting the civilian population, and state agencies have at times denied assistance to civilians who reported being displaced by successor groups.

This report addresses three main issues. First, it documents the extent to which the emergence of the successor groups is related to the government's failure to effectively demobilize many AUC leaders and fighters. Second, it describes the groups' frequent and brutal abuses against civilians, highlighting common patterns of behavior with particular attention to four regions where the groups have a substantial presence: the city of Medellín, the Urabá region of Chocó state, and the states of Meta and Nariño. Third, the report points out continuing shortcomings in the government's response to the groups' operations and abuses.

The report is based on nearly two years of field research in Colombia. Human Rights Watch conducted dozens of interviews with victims, demobilized paramilitaries, local and national law enforcement authorities and state agencies, members of the public security forces, and non-governmental organizations in the following regions: Sincelejo (Sucre); Barranquilla (Atlántico); Pasto and Tumaco (Nariño); Cúcuta (Norte de Santander); Barrancabermeja and Bucaramanga (Santander); Medellín (Antioquia); Villavicencio, Granada, Vistahermosa, and Puerto Rico (Meta); the humanitarian zones of Curvaradó and Andalucía (Chocó); and the capital, Bogotá.



## THE SUCCESSOR GROUPS: A PREDICTABLE OUTCOME OF A FLAWED DEMOBILIZATION

While there are differences between the AUC and its successors, the successor groups are in several respects a continuation of some of the AUC's paramilitary "blocks" or groups. As reported by the police, a majority of the leaders of the successor groups are mid-level AUC commanders who never demobilized or continued engaging in criminal activity despite ostensibly having demobilized. The groups are active in many of the same regions where the AUC had a presence, and operate in similar ways to the AUC: controlling territory through threats and extortion, engaging in drug trafficking and other criminal activity, and committing widespread abuses against civilians.

The emergence of the successor groups was predictable, in large part due to the Colombian government's failure to dismantle the AUC's criminal networks and financial and political support structures during the demobilizations.

The demobilization process suffered from serious flaws, which Human Rights Watch documented extensively and reported on at the time. One problem is that the government failed to verify whether those who demobilized were really

A death threat against the family of a demobilized man living in the city of Barrancabermeja, Santander, reads:

"... Son of a bitch I hope you get the message... that your family is in Barranca [Barrancabermeja]. We give all of you a day to disappear or we will make them disappear tied up .... Tell your mother-in-law to stop being an infiltrated [guerrilla, presumably]."

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paramilitaries, and whether all paramilitaries in fact demobilized. As a result, in some cases paramilitary groups were able to engage in fraud, recruiting civilians to pose as paramilitaries to demobilize, while keeping a core segment of their groups active. This is particularly clear in the case of the Northern Block demobilization, in which there is substantial evidence of outright fraud. There are also signs of fraud in the demobilizations of groups in Medellín and Nariño.

But perhaps a more serious problem was the fact that the government failed to take advantage of the process to thoroughly question demobilizing paramilitaries about their knowledge of the groups' assets, contacts, and criminal operations, to investigate the groups' criminal networks and sources of support, and to take them apart. Thus, for example, even though Freddy Rendón, the commander of the Elmer



A woman cries as she speaks of her fear that her ex-boyfriend will kill their children. A member of one of the successor groups, he wounded her in a knife attack after she left him. She is afraid of walking outside because members of his group control many neighborhoods, and if they see her they may report back to him. She is in hiding in a safe house in Barrancabermeja, Santander.

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Cárdenas block of the AUC, demobilized, his brother Daniel quickly filled Freddy's shoes, continuing the block's drug trafficking, extortion, protection of illegally taken lands held by people associated with the paramilitaries, and its harassment of civilians in the Urabá region.

With some exceptions, prosecutors have failed to thoroughly investigate the AUC's complex criminal operations, financing

## THE HUMAN RIGHTS AND HUMANITARIAN IMPACT OF THE SUCCESSOR GROUPS

The successor groups are engaged in widespread and serious abuses against civilians in much of the country. They massacre, kill, rape, torture, and forcibly “disappear” persons who do not follow their orders. They regularly use threats and extortion against members of the communities where they operate, as a way to exert control over local populations. They frequently threaten, and sometimes attack, human rights defenders, trade unionists, journalists, and victims of the AUC who press claims for justice or restitution of land.

For example, one human rights defender described how, while she was providing assistance to a victim of the AUC at the victim’s home, members of a successor group calling themselves the Black Eagles broke into the house, raped both women, and warned her to stop doing human rights work. “They told me it was forbidden for me to do that in the municipality. They didn’t want victims to know their rights or report abuses,” she told us.<sup>1</sup> When she continued her work, they kidnapped her and said that if she did not leave town, they would go after her family. She sought help from local authorities, who dismissed her saying she should have known better than to do human rights work, and so she eventually fled and went into hiding.

Similarly, Juan David Díaz, a doctor who leads the local Sincelejo chapter of the Movement of Victims of State Crimes, a non-governmental organization, has reported threats and attempts on his life by successor groups. Juan David has been pressing for justice for the murder of his father, Tito Diaz, a mayor who was killed by the AUC, with the collaboration of a former state governor (who was recently convicted).

Trade unionists, a frequent target of the AUC, are now targeted by successor groups. According to the National Labor School, the leading organization monitoring labor rights in Colombia, in 2008 trade unionists reported receiving 498 threats (against 405 trade unionists). Of those, 265 are listed as having come from the successor groups, while 220 came from unidentified actors.<sup>2</sup>

The successor groups are also forcibly displacing large numbers of civilians from their homes. Forced displacement by these groups likely has contributed to a substantial rise in internal displacement nationwide after 2004. According to official figures, after dropping to 228,828 in 2004, the number of newly displaced persons went up each year until it hit 327,624 in 2007. The official 2008 numbers are a little lower, at 300,693, but still substantially higher than at the

sources, and networks of support. Thus, successor groups have been able to easily fill the AUC’s shoes, using the massive resources they already had or could readily obtain through crime to recruit new members and continue controlling and abusing the civilian population.

***"The paramilitary groups aren't interested in letting the truth get out. They see human rights defenders, like us, as an inconvenience."***

Juan David Diaz Chamorro checks the street from inside his house in Sincelejo, Sucre. He keeps the blinds drawn as a precaution. He is the son of Eudaldo "Tito" Diaz, ex -mayor of Roble, Sucre, who was assassinated in 2003 by paramilitaries. The then-governor of Sucre has recently been convicted of involvement in the killing.

Due to Juan David's efforts to denounce and bring to justice his father's killers, he and his family have received frequent threats to their lives. One letter Juan David says he received in 2008 read: "Shut up, big mouths. We will kill you all for talking to the authorities and to the media.... Your house is pretty, right there we will kill you with grenades and with bullets..."

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Juan David Diaz Chamorro returns from a day of work as a doctor in a local hospital, and removes the bullet-proof vest he wears whenever he leaves the house.

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start of the demobilization process. The non-governmental organization Consultoria para los Derechos Humanos y el Desplazamiento (CODHES) reports different numbers, finding that around 380,863 people were displaced in 2008—a 24.47 percent increase over its number (305,966) for 2007.<sup>4</sup>

In fact, much of the displacement is occurring in regions where successor groups are active. CODHES says there were 82 cases of group displacement in 2008; the most affected departments were Nariño and Chocó, where the successor groups are very active.<sup>5</sup> Human Rights Watch spoke to dozens of victims who said they had been displaced by successor groups in Nariño, Medellín, the Urabá region, and along the Atlantic Coast.

Without exception, in each of the four major regions Human Rights Watch visited and examined closely for this report, the successor groups were committing serious abuses against civilians.

For example, in Medellín, successor groups (often made up of demobilized or non-demobilized AUC members) continued exerting control in various neighborhoods through extortion, threats, beatings, and targeted killings after the demobilization of the paramilitary blocks in the city. Despite his supposed demobilization, AUC leader Diego Murillo Bejarano (known as “Don Berna”), exerted what locals and many officials described as a monopoly over crime and security in the city, contributing to a significant but temporary reduction in homicides for a few years. But in the words of one city resident, the people in the city at the time were experiencing “peace with a gun to your throat.”<sup>6</sup>

Due to infighting in Don Berna’s group, as well as competition with other successor groups trying to enter the city, the last



Juan David Diaz Chamorro speaks on the phone in his room. A poster of his father, Eudaldo “Tito” Diaz, former mayor of Roble, Sucre, is seen in the background.

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two years have seen a rapid rise in violence against civilians in Medellín. In the first ten months of 2009 there were 1,717 homicides in the city—more than doubling the 830 killings registered in Medellín for the same period in 2008. The groups have also caused a significant rise in internal displacement in the city. In one case Human Rights Watch documented, more than 40 people from the Pablo Escobar neighborhood of Medellín were forced to flee their homes between late 2008 and early 2009 as a result of killings and threats by the local armed group, which is partly made up of demobilized individuals. The victims, who were hiding in a shelter in Medellín, described living in a state of constant fear

in the city: “We can no longer live in Medellín. They have tentacles everywhere.”<sup>7</sup>

In the southern border state of Nariño, massacres, killings, threats, and massive forced displacement of civilians occur on a regular basis, though they are significantly underreported. The successor groups in Nariño are responsible for a significant share of these abuses. For example, between June and July of 2008, almost all residents in three communities in the coastal municipality of Satinga were displaced after one of the successor groups (then using the name *Autodefensas Campesinas de Nariño*, or Peasant Self Defense Forces of Nariño) went into one of the towns, killed two young men, and reportedly caused the forced disappearance of a third.

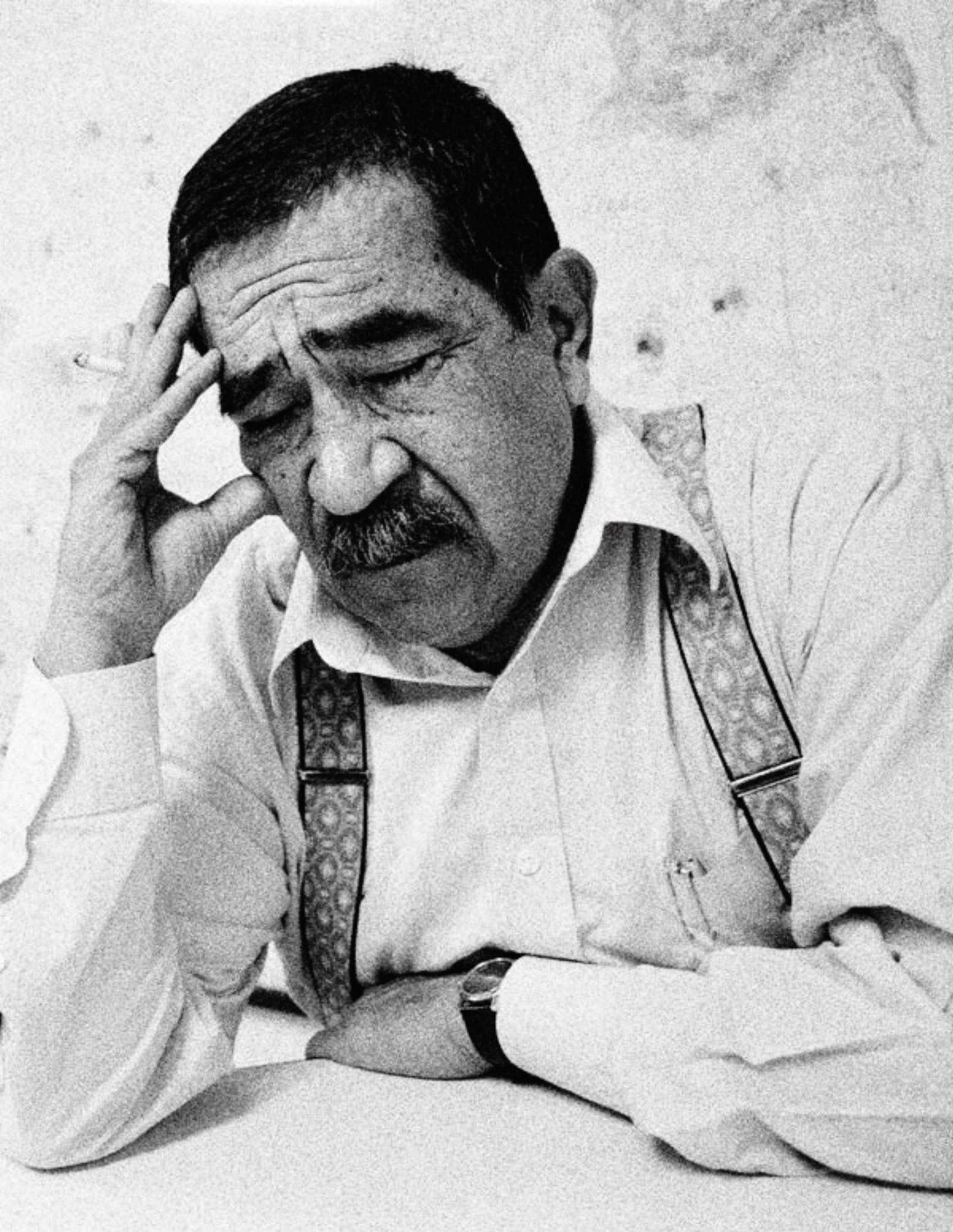
A substantial portion of the Liberators of the South Block of the AUC remained active in Nariño and, under the name “New Generation,” violently took over important sectors of the Andean mountain range shortly after the demobilizations. More recently, New Generation has lost influence, but two

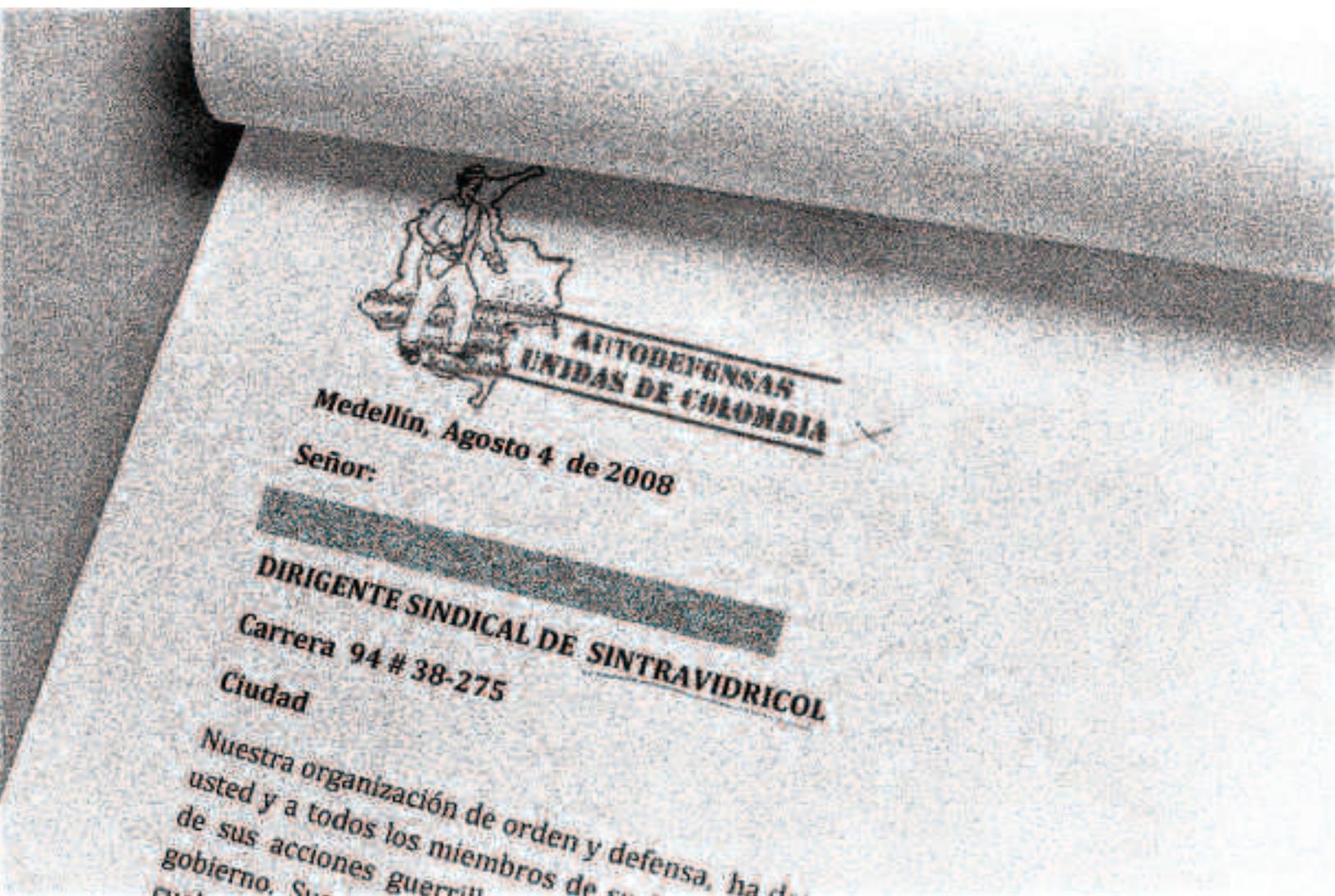


*"I have a security plan that makes me feel like a prisoner. My private life is over. Wherever I go, I go with two policemen."*

Dr. Jorge Ceballos, then a senior human rights official for the city of Medellin, is seen in his former office. He resigned from the post in August 2009. Dr. Ceballos received numerous death threats against his person and his family, including against his granddaughter. Dr. Ceballos had frequently denounced the operation and activities of successor groups to the paramilitaries in Medellin. However, he is not sure as to the source of the threats against him.

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A death threat on United Self-Defence Forces of Colombia (AUC) paramilitary coalition letterhead directed against a trade union leader, dated in 2008 (two years after the AUC demobilizations process was officially completed) seen on the desk of Dr. Ceballos at the Human Rights Ombudsman's Office, Medellín.

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other groups have gained in strength. Along most of Nariño's coastline, the Rastrojos and the Black Eagles are active and frequently engage in acts of violence against civilians. Both groups are reported to have a growing presence in the Andean mountain range. In our interviews in the region, several residents, local officials, and international observers described cases in which public security forces apparently tolerated the Black Eagles.

As one man from the Andean town of Santa Cruz told Human Rights Watch: "In Madrigal ... the Black Eagles interrogate us, with the police 20 meters away... [Y]ou can't trust the army or

police because they're practically with the guys... In Santa Cruz and Santa Rosa we have the Rastrojos. They arrived in March or April. They arrived ... in camouflaged uniform. They're a lot, 100, 150, 300—they've grown a lot... They come in and tax the businessmen. It appears that they sometimes confront guerrillas and other times the Black Eagles and New Generation."<sup>8</sup>

## COLOMBIA'S OBLIGATIONS

Regardless of their label (whether as armed groups, paramilitaries or organized crime), the Colombian government bears specific responsibilities to address the threat that they pose to the civilian population. Those include obligations to protect civilians from harm, prevent abuses, and ensure accountability for abuses when they occur.<sup>9</sup> The level of state responsibility for the abuses of the successor groups will increase depending on the extent to which state agents tolerate or actively collaborate with these groups.



Dr. Ceballos walks towards his house in a residential neighborhood of Medellín, with one of his bodyguards.

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In addition, some of the successor groups could be considered armed groups for the purposes of the laws of war (international humanitarian law, IHL). Several successor groups appear to be highly organized and to have a responsible command and control structure, and an involvement in the conflict, such that they qualify as armed groups under IHL: for example, ERPAC, which operates on in Meta, Vichada, and Guaviare, and, arguably, some of the groups in Nariño, qualify.

Other groups, enjoying less territorial control or less organization, or that are not aligned to the conflict, may simply be “criminal organizations.” In relation to such groups, however,

the state still has a legal duty to take reasonable steps to prevent the commission of human rights violations, to carry out serious investigations of violations if committed, to identify those responsible, to impose the appropriate punishment, and to ensure adequate compensation for victims.

## STATE RESPONSE

The government has assigned the Colombian National Police’s Division of Carabineers the lead role in confronting the successor groups.

Government policies stipulate that the military is to step in to confront the successor groups only when the police formally request it, or in situations where the military happens to encounter the groups and must use force to protect the civilian population. But the Carabineers presently appear to lack the capacity and resources to effectively pursue the



The “humanitarian communities,” along the Curvaradó river in Chocó are composed primarily of Afro-Colombian families who have returned to their land after being forcibly displaced in the late 1990s by paramilitary groups, operating with the toleration and sometimes support of sectors of the Colombian military. Their land was taken over by businesspersons allegedly allied with the paramilitaries, and often converted into African palm plantations. The returning families have been threatened, and some of their leaders killed, in this attempt to lay claim to their territory.

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successor groups in all areas where the successor groups are engaging in abuses. In several areas where the groups operate, the police have no presence. Yet the military does not appear to be stepping in to fight the groups in those areas. In at least one case, Human Rights Watch found that police and army officials in the state of Meta each pointed to the other as the authority responsible for combating the successor groups. The army cited the government policy assigning responsibility to the police as a reason not to step in, and the local police said they had no jurisdiction.

Another problem is the failure of the government to invest adequate resources to ensure that members of the successor

groups and their accomplices are held accountable for their crimes. The Office of the Attorney General created a specialized group of prosecutors in 2008 to handle cases involving the successor groups. But the group is understaffed, and is able to focus only on some of the successor groups.

One significant concern, raised by members of the police and the Office of the Attorney General, is corruption and toleration of successor groups by some state officials, which make it difficult to track down, confront, and hold accountable the groups.

The most prominent example of such concerns involves the current criminal investigation into allegations that the chief prosecutor of Medellín, Guillermo Valencia Cossio (the brother of Colombia’s minister of interior), collaborated extensively with successor groups. He has denied the allegations. As detailed in this report, Human Rights Watch also received reports in Nariño, Chocó, Medellín and Meta of situations in which members of the police or army appeared to tolerate the activities of successor groups.

With few exceptions, the government has failed to take effective measures to identify, investigate, and punish state officials who tolerate the successor groups. At times, public security forces appear to respond to allegations that their

members are tolerating the groups by simply transferring the officials to other regions. The correct response would be to inform prosecutors of the allegations and suspend the officials in question while criminal investigations are conducted.

The state has also failed to take adequate measures to prevent abuses by the successor groups and protect the civilian population.

The Ministry of Interior's longstanding protection program for human rights defenders, trade unionists, and journalists has provided much-needed protection to vulnerable individuals. But it does not cover victims of the AUC who are seeking justice, restitution of land, or reparation under the Justice and Peace Law (a 2005 law allowing paramilitaries responsible for atrocities and other serious crimes to receive dramatically reduced sentences in exchange for their demobilization, confession, and return of illegally acquired assets). The Constitutional Court has ordered that these victims receive protection from the state and the government has since implemented a decree providing for increased police security in regions considered to present high risks for victims participating in the Justice and Peace Law Process. Yet it remains unclear whether the program is effectively covering all victims who need protection. These programs also do not cover ordinary civilians in many regions who are continuously being threatened, attacked, and displaced by the successor groups.

In several instances, Human Rights Watch received reports that representatives of the Presidential Agency for Social Action and International Cooperation (Social Action) were refusing to register and provide assistance to internally displaced persons who reported that they were displaced by paramilitaries, on the grounds that paramilitaries no longer exist. While Social Action says that these cases do not reflect official government policy, it must take effective action to ensure that such rejections do not continue at a local level.

Finally, the Ombudsman's Early Warning System (the EWS), which constantly monitors the human rights situation in various regions and regularly issues well-documented risk reports about the dangers facing civilian populations, has played a key role in reporting on the successor groups' operations and likely abuses. But other state institutions that should be acting on the EWS's recommendations often ignore or downplay them. The decision-making process on what actions to take based on the EWS's risk reports lacks transparency and, as recommended by the US Agency for International Development, requires reform. The EWS has also suffered due to government delays in providing necessary funding.

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<sup>1</sup> Human Rights Watch interview with "Lucía" (name changed at the request of the source), Bogota, March 14, 2009.

<sup>2</sup> National Labor School, "Chart on Violations against Life, Liberty and Wellbeing against Trade Unionists: Killings, Threats and Disappearances by Perpetrator, 2002-2009," undated, copy sent by email from National Labor School to Human Rights Watch on August 26, 2009.

<sup>3</sup> Presidential Agency for Social Action and International Cooperation, Sole Registry of the Displaced Population, General Charts of the Displaced population, cutoff date of November 30, 2009, available at <http://www.accionsocial.gov.co/Estadisticas/publicacion%20noviembre%20de%202009.htm> (accessed December 29, 2009).

<sup>4</sup> CODHES, Codhes Informs: Emerging Victims, Displacement, Human Rights and Armed Conflict in 2008, p. 3, April 22, 2009, [http://www.codhes.org/index.php?option=com\\_docman&task=cat\\_view&gid=35&Itemid=50](http://www.codhes.org/index.php?option=com_docman&task=cat_view&gid=35&Itemid=50) (accessed December 29, 2009).

<sup>5</sup> *Ibid.*, p. 4.

<sup>6</sup> Human Rights Watch interview with Alexander Pulgarín, Medellín, September 29, 2007.

<sup>7</sup> Human Rights Watch interview with displaced residents of Pablo Escobar neighborhood, Medellín, June 2, 2009.

<sup>8</sup> Human Rights Watch interview with a resident of Santa Cruz, Pasto (Nariño), July 21, 2009.

<sup>9</sup> Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 8, *Velásquez Rodríguez v Honduras*, Judgment of 29 July 2988, Inter-Am. Ct. H.R., (Ser. C) No. 4 (1988), paras 172-175.

# RECOMMENDATIONS

## TO THE GOVERNMENT OF COLOMBIA

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### *ON THE DEMOBILIZATION OF PARAMILITARY BLOCKS*

In light of the evidence of significant fraud in the demobilizations of some paramilitary blocks, and the failure of portions of the blocks to demobilize, the government should:

- Establish an ad-hoc independent commission of inquiry to provide a public accounting of what happened during the demobilizations, how many of the purportedly demobilized paramilitaries were really combatants, to what extent paramilitaries remain active today, and to what extent paramilitaries responsible for atrocities have evaded justice.
- Conduct a systematic and coordinated effort to identify land and illegal assets that paramilitaries or their accomplices may be holding, and ensure their recovery and restitution to victims. Among other steps, this will require adequately funding the Superintendence of Notaries and Registry, so that it can increase collection of information about land holdings and cross-reference it with displaced persons' reports of land takings.

### *ON COMBATING THE SUCCESSOR GROUPS*

In light of the failure of government policies to prevent the continued growth of the successor groups, the government should:

- Ensure that the Carabineers unit of the police is adequately funded and staffed to confront the successor groups.
- Instruct the army that if its members observe or receive reports of successor groups operating in regions under their jurisdiction, they are to immediately inform the police and appropriate judicial authorities so that they can respond. The instruction should make clear that if the police have no presence in the area, the army should take steps to confront and arrest the successor groups' members.
- Provide sufficient resources for the Office of the Attorney General to increase the number of prosecutors and investigators in its specialized group investigating successor groups.

### *ON ALLEGED TOLERATION OF SUCCESSOR GROUPS BY STATE AGENTS*

In light of regular, credible allegations that state agents and members of the public security forces are tolerating successor groups, and the tendency of public security forces to address the allegations by simply transferring their members to other regions, the government should:

- Vigorously investigate and prosecute officials who are credibly alleged to have collaborated with or tolerated the successor groups.
- Instruct the police and army that, when they receive allegations of toleration of successor groups by their members, they should immediately report such allegations to the Office of the Attorney General for investigation and suspend the members against whom the allegations were made while investigations are conducted.

## ***ON PROTECTION OF AND ASSISTANCE TO VICTIMS AND CIVILIANS***

In light of the failure of current government policies to provide effective protection to victims of the AUC and civilians in regions where the successor groups operate, the government should:

- Put into operation an effective protection program for victims and witnesses of paramilitary crimes, as required by the Colombian Constitutional Court.
- Provide sufficient funding for the Office of the Ombudsman to expand and ensure the uninterrupted operation of the Early Warning System.
- As the US Agency for International Development's inspector general has recommended, reform the Inter-Institutional Committee on Early Warnings to allow active participation by representatives of the Ombudsman's Office, to ensure publicity of risk reports and transparency of the Committee's decision-making, and to ensure appropriate and timely responses to risk reports.
- Issue directives to Social Action and other state agencies providing that Social Action should register persons who are victims of displacement by successor groups. Victims who refer to the perpetrators of abuses against them as paramilitaries should not be denied assistance on the grounds that paramilitaries no longer exist. The directive should provide for disciplinary action against officials who disregard these instructions.

## **TO THE OFFICE OF THE ATTORNEY GENERAL OF COLOMBIA**

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### ***ON THE DEMOBILIZATION OF PARAMILITARY BLOCKS***

- In light of a 2007 Supreme Court ruling that forbids pardons for crimes of "paramilitarism," the Office of the Attorney General should open investigations into and take advantage of the opportunity to re-interview demobilized persons who did not receive pardons, and to inquire in greater depth about their groups' structure, crimes, accomplices, and assets, as well as about the individual's membership in the group.
- Thoroughly interrogate participants in the Justice and Peace Process about their groups' financing streams, assets, and criminal networks; dismantle those networks; and recover assets under the control of the groups or their successors.
- Thoroughly investigate and prosecute demobilized mid-level commanders or others who had leadership roles in paramilitary groups and who may have remained active, as well as all high-ranking military, police, and intelligence officers, politicians, businessmen, or financial backers, against whom there is evidence that they collaborated with paramilitaries.
- In light of the high rate of impunity in cases involving forced displacement, substantially increase efforts to investigate and prosecute allegations of forced displacement and land takings by paramilitary groups.

### ***ON INVESTIGATION OF SUCCESSOR GROUP ABUSES***

- Review the number and distribution of prosecutors and investigators throughout Colombia to ensure that there are sufficient law enforcement authorities available in regions where the successor groups have a presence.
- Strengthen the specialized group focused on investigating the successor groups, by adding a sufficient number of prosecutors and investigators, and providing sufficient resources and logistical support to that group, so that it can effectively and systematically investigate the major successor groups.
- Instruct prosecutors to prioritize investigations of state agents who have been credibly alleged to have tolerated or collaborated with the successor groups.

# RECOMMENDATIONS

## TO THE UNITED STATES

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- Provide specific assistance for logistical support, equipment, and relevant training to the specialized group of prosecutors investigating the successor groups. Training should cover not only strategies for investigation and prosecution of the groups themselves, but also of state agents who have allegedly cooperated with or tolerated the groups.
- Urge the Colombian government to expand the Early Warning System of the Ombudsman's Office, and to ensure that victims of displacement by the successor groups receive the assistance to which they are entitled.
- Because the paramilitary leaders with the most information about the groups' criminal networks and financing sources were extradited to the United States, the US Department of Justice should instruct US prosecutors to create meaningful incentives for the extradited paramilitary leaders to disclose information about their criminal networks and links to the political system, military, and financial backers, as well as about the successor groups. The

United States should use that information to prosecute all implicated persons that are within its jurisdiction and when appropriate should share the information with Colombian authorities to further prosecutions in Colombia.

- Condition not only military but also police aid on accountability for members of public security forces who collaborate with successor groups.
- Continue to delay ratification of the US-Colombia Free Trade Agreement until Colombia's government meets human rights pre-conditions, including dismantling paramilitary structures and effectively confronting the successor groups that now pose a serious threat to trade unionists.<sup>10</sup>

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<sup>10</sup> Human Rights Watch's position on the US-Colombia Free Trade Agreement is more fully described in: Human Rights Watch, Comments to the Office of the US Trade Representative Concerning the US-Colombia Free Trade Agreement, September 15, 2009, <http://www.hrw.org/en/news/2009/09/15/human-rights-watch-comments-office-us-trade-representative-concerning-us-colombia-fr> (accessed January 19, 2010).

## TO ALL DONOR COUNTRIES TO COLOMBIA

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- Press the Colombian government to expand the Early Warning System of the Ombudsman's Office, and to ensure that victims of displacement by the successor groups receive the assistance to which they are entitled.
- Assist the Colombian justice system to put in place investigative procedures and strategies to ensure accountability for state agents who cooperate with the successor groups.

- Condition any aid to public security forces on accountability for members of public security forces who collaborate with successor groups.
- Delay consideration of free trade deals with Colombia until the Colombian government meets human rights pre-conditions, including dismantling paramilitary structures and effectively confronting the successor groups that now pose a serious threat to trade unionists.

## Paramilitaries' Heirs

### The New Face of Violence in Colombia

Between 2003 and 2006 the Colombian government implemented a demobilization process for 37 armed groups that made up the brutal, mafia-like, paramilitary coalition known as the AUC. The government claimed success, as more than 30,000 persons went through demobilization ceremonies and entered reintegration programs. But almost immediately afterwards, new groups cropped up all over the country, taking the reins of the criminal operations that the AUC leadership previously ran. Today, these successor groups are engaging in frequent and serious abuses against civilians, including massacres, killings, forced displacement, rapes, threats, and extortion. They have repeatedly targeted human rights defenders, trade unionists, displaced persons, and community members who do not follow their orders. In some regions, like the city of Medellín, where the homicide rate has doubled in the past year, the groups' operations have resulted in a large increase in violence.

*Paramilitaries' Heirs*, based on nearly two years of field research, documents the extent to which the emergence of the successor groups is related to the government's failure to effectively demobilize many AUC leaders and fighters. It describes the groups' brutal abuses against civilians, particularly in Medellín, the Urabá region, and the states of Meta and Nariño. And it points out continuing shortcomings in the government's response to the groups. The state has an obligation to protect the civilian population, to prevent abuses, and to hold perpetrators accountable. But it has failed to ensure that the police units charged with combating the groups, or the group of prosecutors charged with investigating them, have sufficient capacity to do so. It has done too little to investigate regular reports that state officials are at a minimum tolerating the activities of the successor groups. And it has yet to take adequate measures to protect civilians from this new threat.

*Bodies of three victims of killings allegedly committed by a successor group to the paramilitaries in El Roble, Nariño. After recovering the bodies, the Police left them in the cemetery of Tumaco, Nariño, outside the morgue, leaving them unguarded as curious residents surrounded them.*

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