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BETWEEN JUSTICE AND IMPUNITY: THE JUSTICE AND PEACE LAW IN COLOMBIA

LEONARDO REALES

RESUMEN

En el momento más difícil del conflicto armado colombiano, un gobierno derechista fue elegido para liderar la nación. Los grupos paramilitares consideraron que dicha elección les daría una oportunidad perfecta para buscar la aprobación de una ley especial que los juzgara como tal. A pesar de la aparente defensa a la impunidad implícita en ella, la llamada Ley de Justicia y Paz fue aprobada en 2005. ¿Representa esta Ley, en efecto, una apología a la impunidad? ¿Garantizan sus decretos reglamentarios los derechos a la justicia, la verdad y la reparación? ¿Es necesario mejorar la Ley y sus decretos reglamentarios para lograr la paz y la reconciliación en el país? Este artículo busca responder estas preguntas controversiales, de manera paralela a la explicación del origen del conflicto armado y los grupos paramilitares en Colombia. Con base en la revisión del material publicado en tal sentido, cabe resaltar que el texto es uno de los pocos trabajos investigativos que analiza no sólo la Ley

de Justicia y Paz, sino también su relación con la crisis de legitimidad que afecta al Congreso y al gobierno colombiano actual.

ABSTRACT

In the midst of the Colombian armed conflict, a right-wing government was elected to rule the nation. The paramilitaries thought that this election would provide them a perfect opportunity to seek the approval of a special law for them to be judged. Despite apparent impunity-related issues, the would-be Justice and Peace Law was approved in 2005. Does this law support impunity? Do its regulatory decrees guarantee the rights to justice, truth, and reparation? Is it necessary to improve these laws to achieve peace and reconciliation? This paper intends to answer these controversial questions, while explaining the origin of the armed conflict and the paramilitaries in Colombia. Based on the author's research, it is proposed that this text represents one of the few works of its kind that analyzes the Justice and Peace Law and its relation to the political crisis of legitimacy that affects the country.

* Historiador y Politólogo. Ph.D. Candidate. M.A. in Economic, Political and International Affairs. Coordinador del Movimiento Nacional Afrocolombiano CIMARRÓN y corresponsal en América Latina de la Escuela Internacional de Paz (EIP).

INTRODUCTION

Colombia presents the most serious human rights situation in Latin America and the Caribbean. The country has been affected by a cruel internal armed conflict for almost five decades. 'The Colombian war', as most citizens in the country call its internal conflict, has involved the Colombian Armed Forces, guerrilla movements, and paramilitary groups. The illegal armed groups in conflict, both guerrillas and paramilitaries, have been responsible for the bulk of the human rights violations throughout the country, which has included massacres, kidnappings, forced disappearances, selective homicides, tortures, and constant extortions. Military officers and some politicians have been implicated in different abuses, independently or in collaboration with paramilitary groups (Human Rights Watch 2006). Impunity for such crimes, particularly when they involve high-ranking military officers and parliamentarians, remains a serious problem. Over the years, the internal armed conflict has also contributed to worsening of the socio-economic and political situation of the ethnic groups. In the midst of the armed conflict, both the Congress and the government approved Law 975 of 2005, also known as the *Justice and Peace Law*. This law was essentially created to benefit paramilitaries who decided to surrender and be judged under its specific terms. Although there is still much debate about the consequences of this law to date, the current administration's supporters defend it as a crucial step to end most of the problems mentioned above.

The following three topics are considered the core of the Justice and Peace Law: *the right to justice, the right to reparation, and the right to truth*. The right to justice basically proposes the 'alternate sentence', that is, other than the one set forth in the Criminal Code. This sentence is in the range of five to eight years of incarceration, and it is determined based on the beneficiaries' contribution to achieving peace and collaborating with judicial authorities. The right to reparation includes not only symbolic reparation but also indemnity, restitution, and guarantees of non-reiteration. The right to truth encourages confession and acceptance of charges. However, it does not include serious investigations or trials. It should be noted that Law 975 provides for zero days of incarceration if the beneficiaries tell the full truth about their crimes. This is why most critics of the Justice and Peace Law emphasize that this unique law grants impunity at all levels. Political analysts have also underscored that due to

irregularities, Law 975 became the most controversial law ever approved in Colombian history.

The purpose of this paper is twofold: (1) to describe the main characteristics of the peace process between the Colombian government and paramilitary organizations, which produced the approval of the Justice and Peace Law, and (2) to explore the key aspects of this Law (the right to justice, the right to reparation, and the right to truth) and their impact on the current political crisis that affects the country.

The text is divided into seven parts: First, a brief introduction, in which a general overview of the main aspects of the Justice and Peace Law is presented; second, previous research on this law and the analytical framework of the document are outlined; third, the history of the Colombian internal armed conflict and the origin of the paramilitary groups in the country are explained; fourth, the peace process between the paramilitaries and the government is described; fifth, a detailed assessment on the three key aspects of Law 975 is shown; sixth, the problem of impunity that has affected this law and the legitimacy of the government is outlined; and seventh, a conclusion, in which the controversial application of Law 975 and the need of make changes to it are underlined.

The paper also describes how several provisions contained in Decrees 4760 of 2005 and 3391 of 2006, which regulate Law 975, contravene international human rights treaties and the Colombian Constitution as regards the rights of victims. Before the Justice and Peace Law was approved, the current government sponsored large-scale demobilization ceremonies and events in which thousands of paramilitaries handed over weapons. Law 975 was finally passed in July 2005, but its implementation only began in 2006, after facing constitutional challenges within the judicial system. These challenges are related to the main concepts of the analytical framework presented below.

PREVIOUS RESEARCH AND ANALYTICAL FRAMEWORK

Since the beginning of the Congressional discussions on the Justice and Peace Law, some nationally and internationally recognized non-governmental organizations performed research about apparent irregularities. Their documents are also critical references for the study of the peace process between

the government and the paramilitaries from 2003 to 2005. Some authors have also explored the judicial benefits of Law 975 and its contribution to peace. It should be noted that most texts on the Justice and Peace Law are polarized. In fact, many authors do not hide their political affiliation while analyzing its contribution. That polarization is related to the fact that the president of Colombia, Alvaro Uribe, is seen as a representative of the so-called *extreme right*. Several non-governmental organizations, such as, Human Rights Watch, the Washington Office on Latin America, the Colombian Commission of Jurists, the International Crisis Group, the Colombian Lawyers' Collective, and Amnesty International show their 'anti-Uribe feelings' when they conclude their texts and give recommendations on what to do about Law 975 of 2005 and the national security policies. 'Pro-Uribe' authors highlight president Uribe's strengths and the demobilization ceremonies mentioned above.

This paper presents both the benefits and the apparently negative consequences of Law 975 based on those organizations' documents and the author's experience as a human rights activist and former army soldier. Also, the paper includes the contribution of several social researchers and political analysts not only to the literature on the Justice and Peace Law but also to the study of the Colombian armed conflict and the peace negotiations between the government and the paramilitaries. Other texts are used throughout the paper to explain the core aspects of Law 975 (the right to justice, the right to reparation, and the right to truth).

This text represents one of the few academic works to extensively analyze the main characteristics and general outcome of the Justice and Peace Law to date. Even though this law's core aspects will be studied in detail from the Colombian (judicial) perspective in the following pages, the author will also use what Beristain (2005) proposes as a theoretical framework for reconciliation processes in Latin American countries where violent armed conflicts have taken place. This framework underlines that laws like the Justice and Peace Law in Colombia should take into account the contexts in which perpetrators committed awful crimes. This makes it easier to support their victims when reconciliation processes are being held and to develop special programs and projects according to specific realities. For legitimacy purposes, it is also necessary to have a national debate on what groups, communities, or individuals should obtain the legal status of victims. These debates, in which academics,

researchers, NGOs, political analysts, and government officials should participate, can become the keystone of the quest for truth, justice, and reparation.

There are two types of victims: *direct victims* are those persons who have personally suffered violent acts, and *indirect victims* are their relatives or friends, who may also suffer the noxious consequences of violence (Beristain 2005). Acts of violence evoke in citizens strong feelings of resentment and indignation toward the wrongdoer (Osiel 1997), but it is extremely problematic to classify all citizens as victims. In any case, this text will focus on direct victims of paramilitary actions, as provided for in Law 975.

It is well-known that violent conflicts usually have a negative impact on all citizens. Nonetheless, there are certain populations (women, ethnic groups, etc.) that may suffer more than others due to cultural issues or their specific characteristics. In the Colombian case, the main victims of the armed conflict have historically been the Afro-Colombian communities and the indigenous groups. Reales (2004) states that the Afro-Colombian communities have been threatened, for the last couple of decades, by the illegal armed groups that see the Afro-Colombians as an obstacle for their activities. Afro-Colombians occupy strategic territories, such as along the Pacific Coast, which are ideal for drug trafficking operations. The control of the illegal groups over the lands of Afro-Colombians has also worsened the violations of the cultural, social, political, constitutional, and civil rights of the communities that are frequently victims of blockages, restrictions to people's mobilizations, and access to food and medicines. The Justice and Peace Law does not include any article on specific benefits for Afro-Colombians or indigenous persons. As Beristain (2005) would say, Law 975 fails in ignoring the diverse universe of victims, like exists, for example, in Colombia.

The existing literature in Colombia explores three different ways to search the truth after a peace or reconciliation process. Some authors have focused on the judicial truth (common judicial institutions), others have highlighted the crucial importance of the so-called institutionalized non-judicial truth (truth commissions), and others have studied the non-institutionalized non-judicial truth, which is essentially the search for truth based on chronicles, press texts, and academic documents (Pizarro 2006). Law 975 of 2005

contains a mixture of these three ways to seek the truth in its articles. The effectiveness of this mixture is based on the former paramilitary leaders' confessions, the texts of a working group on collective memory that was recently created by the *National Commission on Reparation and Reconciliation*,¹ and several academic articles written by prestigious intellectuals. The current government says that this mixture has not only led the nation to the truth about the paramilitaries' crimes but also has helped secure reparations to their victims. Most critics of the Justice and Peace Law, however, have insisted that reality is still far from what the government shows as judicial successes. These critics also suggest that reparations and justice are hard to achieve due to irregularities of this law, as argued in the following pages.

The Justice and Peace Law promotes four types of reparation: individual reparation, (economic benefits), collective reparation (reconstruction of historical memories), symbolic reparation (public acceptance of having committed terrible crimes to help provide dignity to victims), and integral reparation (all those actions that help guarantee the non-repetition of awful crimes). Teitel (2000) emphasizes that in Latin America reparations like these are intended to repair the shame and humiliation previously inflicted on victims and to restore their reputation and equal status in the public eye. In order to fulfill these intentions after the approval of Law 975 of 2005, the current government created the *National Fund for Reparation*.² Beristain (2005) supports the creation of institutions of this kind since States are responsible of securing reparations.

The reparations promoted by Law 975 of 2005 will play a crucial role in achieving justice, peace, and reconciliation when Colombians learn how to forgive (Springer 2006). A negative attitude toward forgiveness, however, has characterized Colombian society since the nineteenth century, when liberties and rights were granted only to powerful elites. This situation did not significantly change in the twentieth century, which helped feed feelings of resentment and hatred. These feelings are undoubtedly related to the roots of the internal armed conflict and the rise of the paramilitaries which are currently being judged under Law 975 of 2005.

1 This Commission was created after the approval of Law 975 of 2005.

2 See Article 54 of Law 975 of 2005. In *Diario Oficial de Colombia* (2005).

The Colombian Armed Conflict and the Origin of the Paramilitaries

Before presenting a summary of the history of the internal armed conflict, it should be noted that both guerrillas and paramilitaries have been classified as criminal and narco-terrorist groups. Mauricio Romero (2003) states that paramilitary groups (in Colombia) are organizations or persons that conduct political violence acts through military domination of a given region. Paramilitary organizations were originally created as an 'armed response' to the guerrillas' violent action. When these organizations realized that they could profit from the war and drug trafficking activities, they changed their military strategies, grew stronger, and endured the worst aspects of the cruelest and oldest internal conflict in Latin America.

Although the internal armed conflict in Colombia started in the 1950s, right after the assassination of Jorge Gaitán, a leftist political leader who was running for the presidency, the feelings of resentment and hatred that have fed it began at least two centuries ago. Some historians have underscored that these feelings are the consequence of the institutionalized violence and repression that characterized the country in the nineteenth century, when the two main political parties (Conservative and Liberal) fought each other in bloody civil wars (Utria, 1999). Both parties continued to feed violent feelings. In the midst of the worst civil war ever seen in the country, the so-called 'One Thousand Days War', Colombia lost the most important territory that the nation has ever had, Panama.³

During the first half of the twentieth century, the Colombian elites (both Liberal and Conservative) systematically excluded peasants, Afro-Colombians and indigenous persons from the key decision-making spaces in the country, and political repression was a common occurrence. Gaitán then rose as the most charismatic leftist leader ever seen in the country. He fought the regime for a decade. When the elites realized that Gaitán's growing power could overthrow the Conservative regime, they assassinated him.⁴ Violent

3 Although the loss of Panama in 1903 was due to many reasons, most historians agree that the Panamanian political leaders took advantage of this civil war to declare independence from Colombia.

4 Jorge Gaitán was murdered on April 9 1948. The assassin was killed by Gaitán's supporters in Bogotá. They never knew the names of the elite members who were responsible for the assassination of their leader.

popular reactions to his assassination were seen throughout Colombia. A young Cuban student called Fidel Castro actively participated in this 'one-day war' against the dominant regime, while participating in a meeting in Bogotá. Although it was just an anecdote for him, Castro later recognized that the spectacle created by those violent events exercised a great influence on his political behavior (Balfour, 1995). A few years later, he overthrew the Cuban regime and became the main supporter of the Colombian guerrilla groups at the international level.

The guerrilla groups were publicly created in the 1950s during the aftermath of the period known as '*La Violencia*'.⁵ The Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) became the most powerful guerrillas in the country. They grew stronger in rural regions where the State had limited presence or no presence at all. This is the reason why both groups still have socio-political and economic control over many peasants in Colombia.

The groups also attacked possessions that belonged to rich farmers and landowners, while conducting kidnappings and extortion activities. In the 1980s, these guerrilla groups were strengthened when they joined the drug trafficking business. Both groups demanded monthly fees from some drug traffickers, who were performing their illegal operations in zones of guerrilla influence. Nowadays, the guerrilla groups are producers of coca and traffickers, as their commanders themselves have recognized to the media (Arce and Reales 2006). For this reason, the Colombian insurgency is known as a 'narco-terrorist guerrilla'. Although the drug industry did not create the guerrillas in Colombia, the drug trafficking business not only has strengthened these illegal armed groups but also seems to perpetuate their existence. This fact makes it more difficult to apply eradication policies in Colombia than in the other nations of the Andean region.

The main consequence of the Colombian guerrillas' strengthening was the creation of paramilitary organizations in the early 1980s. These 'extreme right-wing' illegal groups, which violently defend their interests, have grown stronger in the last couple of decades with support of politicians, landowners, and corrupt members of the Armed Forces. Most

of these groups joined efforts to become the strongest illegal network in Colombia's history. In the 1990s, they named themselves the United Self-Defense Forces of Colombia (AUC).

The paramilitaries also got involved in drug trafficking activities, which made them powerful as well. From 1982 to date, both guerrillas and paramilitaries have been the main violators of human rights in Colombia. This fact helps explain the significant relationship between political violence and drug trafficking (Arce and Reales, 2006) and why Colombia still has one of the highest political homicide rates in Latin America.

In the last couple of decades, the Colombian people have seen five presidential candidates be assassinated, as well as dozens of peasants and union leaders, human rights defenders, journalists, professors, students, and at least fifteen hundred members of the Patriotic Union, a political party that was born as a result of a failed peace process between the Belisario Betancur administration and the FARC.⁶ The vast majority of people killed for political reasons comprised unarmed civilians living in zones where both guerrilla and paramilitary groups are active (Reyes, 1994).

The last four governments have persistently emphasized that the guerrilla groups are responsible for most political homicides in the country. However, some statistical reports done by independent institutions and non-governmental organizations have demonstrated that the paramilitaries committed most political crimes in the last couple of decades (Arce and Reales, 2006). Other studies indicate that in less than eight years the so-called '*paras*' (the paramilitaries) have gained control over one million hectares of lands, under the environment of their violent actions and the forced displacement of local residents (CODHES, 2004). Five million hectares of the best productive land in Colombia, that is, some 48% of the country, are under control of both guerrilla and paramilitary forces (Arce and Reales, 2006). Former paramilitaries are currently negotiating the legalization of part of these lands, taking advantage of the 'successful' peace process that they recently held with the government,⁷ whereas other paramilitaries continue their illegal activities as if no peace negotiations had ever occurred.

5 'La Violencia' is considered the non-declared civil war that was held in Colombia from 1948 to 1957, as a result of the historical conflict between the dominant parties (Liberal and Conservative).

6 Belisario Betancur governed Colombia from 1982 to 1986.

7 The Uribe administration undertook a peace process with most paramilitary groups from 2002 to 2006. This peace process is studied in detail in the following pages.

Why did some paramilitaries not participate in the peace negotiations and decided to reject being judged under the benefits of Law 975 of 2005? There are two approaches to this apparently 'paradoxical' decision. On one hand, some members of the paramilitary organizations wanted to have more benefits without any option of being incarcerated. On the other hand, some paramilitary leaders saw their chiefs' decision (of accepting Law 975) as a perfect opportunity to control the drug trafficking industry, which is perhaps the most lucrative business in Latin America and the Caribbean. These leaders are currently creating 'new' paramilitary organizations in key regions for drug trafficking activities, while their former bosses are being judged under the Justice and Peace Law.

The paramilitaries went through four stages of change (from 1982 to 2002) before negotiating peace with the current government and obtaining the legal benefits of Law 975. The first stage began in 1982, when President Belisario Betancur (1982-1986) initiated an ambitious peace process with the guerrilla groups. When the Betancur administration failed to achieve peace, some local elites financially supported the creation of strong paramilitary forces to protect their private interests. The second stage started in 1988, during the Virgilio Barco administration (1986-1990), when political violence acts and selective killings dramatically increased as the paramilitary groups extended their control to regions where the guerrillas were the main force. The third stage began in 1991, when the Political Constitution was approved. The new Constitution granted political, social, and economic rights that were not fulfilled in practice. The guerrillas, in several regions, took advantage of this situation that affected poor people to promote their revolutionary ideas. The paramilitaries then decided to seek financial and military support at all levels, especially of drug trafficking networks and local politicians (Ossa, 2002).

The early 1990s are well known as the bloodiest time in Colombian contemporary history. The author was serving in the Colombian Army at that time and like most army soldiers had to face an irregular war in which both guerrillas and paramilitaries committed awful crimes. Carlos Castaño,

the former paramilitary leader who was killed by his own men in 2004,⁸ once recognized that the paramilitaries used 'genocide tactics' to win their war, control the drug trafficking business, and impose their radical rules in many regions (Aranguren 2001). Massacres were a common occurrence throughout the 1990s. One of the bloodiest massacres occurred in the town of Mapiripán, where almost fifty peasants were brutally decapitated by paramilitary personnel (Garay 2003). These massacres were part of forced displacements all over the country, eventually affecting around two and a half million people, most of whom were of Afro-Colombian or indigenous background. The forced displacement that mainly affects the Afro-Colombian communities and indigenous persons is considered a violation of their economic, social, and cultural rights, since their lands are legally classified as ancestral (Reales, 2004).

The fourth stage started in early 1998, when President Andrés Pastrana (1998-2002) held peace talks with the FARC. The paramilitary groups did not trust the intentions of the FARC and criticized the government. Then, in an unprecedented move, the paramilitaries incorporated thousands of peasants (including many children) into their forces. In 1982, Colombia had less than 5,000 paramilitary fighters. A couple of decades later, the so-called AUC had more than 30,000 paramilitaries (Romero, 2003).

Despite the paramilitaries' distrust of president Pastrana and the latter's position of attacking those local politicians and corrupt members of the Armed Forces who supported the AUC, the Pastrana administration contacted important paramilitary leaders to analyze their will to negotiate peace. Throughout these weak peace talks, Pastrana was helped by Felipe González, Gabriel García Márquez, and the Roman Catholic Church. Although those peace talks failed in achieving their goal, massacres and other crimes decreased in 2001 (Pastrana, 2005). Most paramilitaries indicated to Pastrana's negotiators that they wanted a right-wing government to get involved in a serious peace process. In 2002, the right-wing candidate Alvaro Uribe won the presidential election. The paramilitaries then had the best opportunity ever to negotiate peace.

⁸ Although it has not been proved yet, the Colombian authorities believe that Vicente Castaño, Castaño's own brother, gave the execution order. A few weeks before his death, Carlos Castaño said that he would denounce the most terrible crimes committed by his men, if necessary (Caracol News, 10/10/2006).

THE PEACE PROCESS BETWEEN THE GOVERNMENT AND THE PARAMILITARY GROUPS

From the beginning of his presidential campaign, Alvaro Uribe emphasized that he would be willing to negotiate peace with the illegal groups in conflict, if, and only if, they agreed to end their violent actions. In 2002, the nation needed a peace process in which both the guerrillas and the paramilitaries were involved (Valencia 2003). Nevertheless, the paramilitaries continued to feed the war with support of drug traffickers, politicians, and rich farmers. On May 2, 2002, the massacre of Bojayá, the worst massacre in Colombian history, took place. This massacre was the consequence of a combat between the FARC and the AUC. 119 civilians, who were hidden in a Church to avoid the cross-fire, were literally bombed that day. All the victims were Afro-Colombians, including some pregnant women and children. This massacre was considered the worst infraction ever to the international humanitarian law norms ratified by the Colombian state (Reales, 2004).

Most paramilitary leaders realized that crimes like the massacre of Bojayá would be forgiven only if a legitimate peace process and a justice and peace law were approved. With Uribe in power, it was a matter of a few months to have these approvals. On November 29, 2002, the United Self-Defense Forces of Colombia (AUC) publicly declared a cease-fire and their will to initiate a peace process with the Uribe administration. A few weeks later, other paramilitary groups joined the peace efforts. Only the paramilitary force known as '*Bloque Metro*' rejected any option of joining an eventual peace process and continued their hostilities in some regions. In December 2002, the government created an exploratory commission to start peace talks with those paramilitary groups that have declared the cease-fire. Uribe relied on his High Commissioner for Peace, Luis Restrepo, for that purpose. The peace process between those paramilitaries and the government officially began in 2003.

On June 27, 2003, the AUC released their 'paramilitary' children who fought as adult soldiers. Soon after, the government established two conditions to accomplish both an unparalleled paramilitary demobilization program and

peace. Those conditions were the total cease-fire and the end of the paramilitary participation in the drug trafficking business (Colombian Office of the High Commissioner for Peace, 2006). Some NGO reports show that the paramilitary groups did not fulfill the government's conditions. As a matter of fact, some drug traffickers bribed the paramilitary leaders and joined their groups to obtain the benefits of the justice and peace law (Springer, 2005) that was already in discussion by late 2003. Some critics of Law 975 argue that this law was manipulated from the beginning of the Congressional discussions on its implementation, since dozens of parliamentarians were financially supported by the paramilitaries. The paramilitary leaders themselves recognized that they controlled 35% of the parliamentarians elected for the 2002-2006 Congressional period (Revista Semana, 06/05/05). In any case, the government underscored the legitimacy of the demobilization program and the peace process, after signing a verification agreement with the Organization of American States (OAS) in early 2004.

A few days after Uribe signed the above agreement, the paramilitary leaders met in Santa Fe de Ralito and committed to demobilize their forces by December 2005. In addition, they committed to stop participating in illegal acts or crimes, if the justice and peace law that was in discussion was approved. The demobilization program lasted nine months longer than what the paramilitaries had promised. Its outcome was shown as a great success of the peace process. Thirty-eight large-scale ceremonies were held to demobilize 31,687 paramilitary fighters. In late 2006, the judicial authorities started investigations to judge the paramilitary leaders who are protected by Law 975 and its regulatory decrees.

It should be underlined that these laws became the legal framework applicable for demobilized persons responsible for grave crimes, which essentially refers to those leaders who made the important decisions among the paramilitary organizations. More than 30,000 former paramilitary fighters were found non-responsible for those decisions. These fighters participated in massacres and selective killings throughout Colombia, but the benefits of the new legislation made them avoid spending a single day in prison. The majorities of them are serving or have already served judicial sentences at home (domiciliary detentions).

Lucio (2005) highlights that the peace negotiations between the paramilitary groups and the current government

were completely different from previous peace processes. From the beginning of these negotiations president Uribe guaranteed the paramilitary leaders the elimination of their extradition orders (due to drug trafficking-related crimes) to the United States, which had never happened in Colombian history.

Although the paramilitaries never fought the state, they spread death throughout the country, even when the peace negotiations were benefiting them. In fact, from 2003 to 2005 they repeatedly violated their public commitment to a cessation of hostilities and persisted in committing homicides, death threats and attacks against the civilian population, hostage-taking, torture and humiliating treatment, forced displacements, recruitment of children, and acts of sexual violence (UN Office of the High Commissioner for Human Rights 2006).

The U.S. Department of State (2006) also notes that despite the peace negotiations, paramilitaries continued to violate the 2002 cease-fire, including violations of international humanitarian law and human rights, which primarily affected peasants, Afro-Colombians and indigenous people. NGO human rights reports suggest that paramilitaries have killed more than 2,500 innocent civilians since the 2002 cease-fire and demobilized paramilitaries have committed serious human rights violations (Colombian Commission of Jurists, 2006). In spite of these reports indicating multiple abuses and illegal activities, the government still portrays the paramilitary demobilization program as a successful step towards peace.

Critics and even some supporters of the peace process between the government and the paramilitary groups have pointed out that little effort has been made to investigate past crimes of demobilized paramilitaries or to collect key information that could be used to effectively dismantle the groups' structures and identify their supporters and assets. Cross-checking of individuals' names against prosecutors' records resulted in only a few dozen paramilitaries being linked to ongoing investigations, given that in most investigations, the real perpetrator is not identified by his true name but rather by nick names or other factors (Human Rights Watch, 2006).

In June 2005, prosecutors ordered the arrest of top paramilitary commander, Diego Murillo Bejarano (also known as



'Don Berna' or 'Adolfo Paz'), for allegedly ordering the assassination of a politician and two other persons two months before. Nonetheless, the Uribe administration announced that Murillo Bejarano would be allowed to demobilize and receive all the benefits of the Justice and Peace Law that was about to be approved by the Colombian Congress. The government also suspended the extradition order for Murillo and Salvatore Mancuso (the most powerful paramilitary commander), both of whom are wanted in the United States for drug trafficking. Human Rights Watch (2006) underscores that the overwhelming majority of investigations involving human rights abuses committed by demobilized paramilitary leaders have not yet been resolved. What is worse, the problem of impunity seems to affect these investigations that are currently conducted under the legal framework of the Justice and Peace Law and its regulatory decrees.

ASSESSING THE JUSTICE AND PEACE LAW

Massive human rights violations have repeatedly occurred for decades, but there is no consensus on how to confront them. The means employed to deal with these violations are equally diverse, ranging from international tribunals to domestic trials to extrajudicial purges to general amnesties. History indicates that confronting violations of this kind is a much more difficult task than confronting ordinary crimes. Silence and impunity have been the norm rather than the exception, and the few investigations that have been undertaken often targeted the wrong actions (Nino 1996). Ackerman (1992) suggests that the challenge is to do justice to the victims of the greatest injustices without sacrificing the opportunity to build a strong legislation for a better future, one in which the terrors of the past will become a grim but distant memory. In July 2005, Law 975 was approved not

only to confront the above violations, but also to apparently do as much justice as possible to the victims of the paramilitary groups' crimes.

Hannah Arendt (1958) states that we (human beings) are unable to forgive what we cannot punish and that we are unable to punish what has turned out to be unforgivable. Some persons who have survived the paramilitaries' actions in Colombia agree with Arendt's statement. Others would probably say that the primary need is to know the truth about the paramilitaries while achieving peace. In any case, there is no doubt that certain laws can be used as legal instruments to reduce impunity and seek reconciliation in nations affected by armed conflicts. This was why president Uribe promoted Law 975 of 2005 (the Justice and Peace Law) while negotiating peace with the paramilitaries. This law and its regulatory decrees, nevertheless, are still considered controversial since they mainly benefit the perpetrators and limit the rights of their victims, as evidenced below.

A few days before the final approval of the Justice and Peace Law in Colombia, the United Nations Office of the High Commissioner for Human Rights (2005) warned that this proposed law did not contain enough mechanisms to effectively obtain truth about the paramilitary groups' crimes. This institution pointed out that without real access to truth it was impossible to obtain justice. Also, it underlined that Law 975 did not include articles that could help support Afro-Colombians and indigenous persons as the main victims of the paramilitaries' violent actions.

A few days after Law 975 was approved, *The New York Times* (07/05/2006) stated that president Uribe and his supporters in the Colombian Congress should have called this law 'Impunity Law for Narco-Terrorists and Perpetrators of Massacres'. The latest human rights report from the International Crisis Group (2006) also highlights that both the Uribe administration and the parliamentarians perfectly knew the risks of approving the Justice and Peace Law for society, since it was obvious that most demobilized paramilitary leaders never lost their criminal economic and political muscles.

The approval of Law 975 was extensively criticized by human rights organizations at both national and international

levels. Despite those criticisms and the public objections (to the way the law was approved) of Justices Jaime Araujo and Humberto Sierra, Law 975 was ratified by the Colombian Constitutional (Supreme) Court.⁹ Justice Sierra (2006) notes that the Justice and Peace Law and its regulatory decrees violate the international human rights treaties ratified by the Colombian state, since these laws do not provide sufficient tools to effectively guarantee the rights to justice, truth, and reparation for the victims of the paramilitaries' crimes.

Justice Araujo (2006) underlines that Law 975 was irregularly approved, since the Colombian Political Constitution establishes that laws of this importance must be approved by at least 2/3 of the congressmen, which never occurred in this case. He also indicates that Law 975 establishes sentences that seem to be against the Colombian Constitution and international law. The following comparison describes the significant differences between some of the Criminal Code's sentences (time in prison), by which any Colombian citizen who commits a given crime is punished, and the Justice and Peace Law's sentences¹⁰ that benefit the paramilitary leaders who joined the peace process:

Crime	Sentence (Criminal Code)	Sentence (Law 975)
Drug Trafficking	128 to 360 months	60 to 96 months
Extortion	256 to 384 months	60 to 96 months
Genocide	480 to 600 months	60 to 96 months
Homicide	400 to 600 months	60 to 96 months
Human Traffic	208 to 414 months	60 to 96 months
Kidnapping	320 to 540 months	60 to 96 months
Mutilation	128 to 360 months	60 to 96 months
Rape	170 to 405 months	60 to 96 months
Terrorism	240 to 450 months	60 to 96 months
Torture	160 to 360 months	60 to 96 months

Most paramilitary leaders are currently being judged. Law 975 establishes that no sentence can be added to another, which means that if paramilitary leaders were found guilty for all the above crimes (as expected) they would spend no more than 96 months in prison.

Amnesty International (2005) underscores that these noto-

9 According to the Constitution, the Constitutional Court must ratify all laws approved by both the president and the Congress. Seven (out of nine) Justices voted forward the ratification of Law 975 of 2005.

10 Colombian Constitutional Court's documents (2006). <http://www.constitucional.gov.co/corte/>

rious differences between the Criminal Code and the Justice and Peace Law make it impossible to guarantee the core aspects of this law: the rights to justice, reparation, and truth. The government argues that even though Law 975 is not perfect, it establishes a legal framework that helps secure the enjoyment of these particular rights (El País, 09/08/2006). The Uribe administration and its supporters also argue that one of the positive outcomes of Law 975 is the strengthening of the judicial system, which now has more investigation units to address paramilitary groups-related issues (Colombian National Commission on Reparation and Reconciliation 2006). These units rely on the testimonies of victims or their relatives to punish the demobilized paramilitaries. However, people's distrust of the government and their fear to denounce crimes have limited not only the endeavors to punish those paramilitaries but also the legal framework to guarantee the rights to justice, reparation, and truth (El Tiempo, 10/31/2006).

THE RIGHT TO JUSTICE

Law 975 of 2005 and its regulatory decrees force victims and perpetrators to reach agreements, even when the victims have not seen their rights satisfied, which is an essential presupposition for any kind of reconciliation. Regulatory Decree 3391 of the Justice and Peace Law establishes the obligation of the members of paramilitary groups to fulfill the eligibility requirements contained in Law 975, since it deems that these persons have met the requirement with only the implicated person's oath, ignoring that it is a duty of the judicial authorities themselves to prove this fulfillment and refuse any legal benefit if this is not taking place. This Decree also allows members of paramilitary groups deprived of their liberty due to the commission of crimes not constituting violations to human rights and international humanitarian law to receive the judicial benefits of Law 975, even when this statute was created to grant privileges to persons that demobilize voluntarily and not for those that have been captured (Colombian Lawyers' Collective, 2006).

The Justice and Peace Law establishes that demobilized persons may be deprived of their liberty in military installations. In that regard, bearing in mind that paramilitaries have systematically acted in collusion with the Colombian Armed Forces (Amnesty International 2005), imprisoning paramilitaries in these places, ignores the State's duty to combat them, and, in addition it is a mockery of the national

reality in which the State's responsibility for the actions of their groups has been proven repeatedly. Regulatory Decree 3391 of 2006 also violates the right to justice by establishing that the Prosecutor General's Office will not investigate the persons to whom the demobilized persons have fraudulently transferred the assets seized from their victims. This means that the accomplices of crimes where assets were expropriated will not receive any punishment (Colombian Lawyers' Collective, 2006).

Law 975 clearly states that this statute will be applied only to paramilitaries who committed crimes before July 2005. Its regulatory decrees, however, allow paramilitaries responsible for forced disappearances (in 2006) to be its beneficiaries. The Colombian Commission of Jurists (2005) notes that this law disregards the minimum conditions for justice since it does not include serious investigations with the participation of victims under due conditions of security and supports excessive benefits for perpetrators of crimes against humanity. The same human rights NGO suggests that in addition to attempting to fool the international community and Colombian society, with such provisions the current government is disregarding the State obligation to guarantee the rights of the victims of such crimes.

THE RIGHT TO REPARATION

The Justice and Peace Law limits the assets that should be designated to reparation, since it is evident that these assets, independent of their designation, should be the object of forfeiture by the State, given their illegal character. This law's regulatory decrees create a spinning tray where reparations are eventually made to the victims with the assets that were seized from them, which clearly let the members of paramilitary groups keep having assets of licit origin as a part of their capital. Additionally, the regulatory decrees indicate that if the judicial authorities have knowledge of assets that were not surrendered by demobilized persons, processes for the forfeiture of properties should be initiated as regards these assets. However, in this process the legal benefits granted to the paramilitaries cannot be revoked.

Decree 3391 states that the assets surrendered by demobilized persons will be taken into account as measures of reparation when the assets are used for projects of demobilized people (Colombian Lawyers' Collective 2006). This means that former paramilitary leaders can fulfill their duty of making reparations by surrendering their assets to their own

former fighters (who have been demobilized). Law 975 and its regulatory decrees also determine that programs concerning national reconciliation should not only be directed to the victims, but also to their perpetrators, which ignores the State's duty to preferentially assist the victims.

The Colombian Commission of Jurists (2005) highlights that the Justice and Peace Law does not guarantee the victims the right to reparation for widespread and systematic violations of their human rights, for the following reasons: First, victims are not taken into account when defining the criminal acts for which reparation must be granted. Victims cannot be parties to the judicial proceedings. They can only participate after the sentencing. Therefore, they are limited to requesting reparation for the acts where a person has been found guilty and has been sentenced, not for all of the acts of which they were victims. In addition, the burden of the petition for reparation does not lie with the State but with the victim; so, if victims do not request reparation for the incidents (because they do not have knowledge of the proceeding or cannot intervene), the benefit of 'alternate sentence' must be conceded to the condemned paramilitary leader.

Second, the so-called National Fund for Reparation is precarious. The government does not provide a fixed national budget allotment for the fund. Donations are contingent and, as mentioned above, the economic resources that the perpetrators hand over are solely those illegally obtained. Therefore, there are no guaranteed resources for reparation. On the contrary, Law 975 sets forth that the victims' rehabilitation programs are restricted to the budget availability of this (precarious) Fund.

Third, Law 975 does not order the State to give reparation to all victims but only to victims of crimes for which the perpetrators have been sentenced. Under these conditions, reparations are random because they depend on judicial proceedings regarding only certain cases opened before the 'demobilization' of the paramilitary units. In short, neither Law 975 nor the government can guarantee fair compensations or indemnities for all victims. This is why it can be argued that impunity is present in the application of the right to reparation promoted by this statute.

THE RIGHT TO TRUTH

Law 975 and its regulatory decrees ignore the obligation of the demobilized person to completely and truthfully confess all the crimes in which that person participated or has knowledge thereof. Bearing in mind that investigations concerning human rights violations have an extremely long duration in Colombia, new convictions will surely come about after the alternative sentencing and evidentiary period have taken place, which in practice means the demobilized person will not lose any benefit (Colombian Lawyers' Collective, 2006).

The Justice and Peace Law does not encourage trustworthy confession (Colombian Commission of Jurists 2005). Demobilized persons' full confession of the crimes they have committed and their collaboration in shedding light on the events should be indispensable conditions for granting them generous benefits. Taking into account that Law 975 of 2005 contemplates legal benefits as granting alternate sentences that may even represent zero days of effective incarceration, conceding such benefits should demand as a minimum that demobilized persons substantially contribute to shedding light on the truth of the events and on establishing the identity of those responsible for such events. No matter whether demobilized paramilitaries' declarations occur under the label of confession or acceptance of charges, these persons should not be able to apply for alternate sentence benefits unless they have given a full declaration regarding the events in which they were involved, their level of command, and who collaborated with them in committing the crimes.

It should be underlined that the Justice and Peace Law establishes that demobilized persons who have hidden key information or who have lied regarding their participation in awful crimes, instead of losing their benefits, are punished with a short alternate sentence. In this case, the time of incarceration imposed in past sentences is considered time served under the new sentence. According to most human rights NGOs and political analysts, the Justice and Peace Law does not seek the historical truth (Amnesty International, 2005). As a matter of fact, in this law the truth is clearly limited to partial statements established in each individual case, ignoring possible connections between them. This schema makes it impossible to conduct an inquiry of the regulatory conditions that have enabled committing atrocities and to identify those who have sponsored or covered up the actions of the paramilitary groups. Also, except for the

measures that Law 975 includes to protect judicial files and facilitate limited access to them, this statute does not set forth any provisions aimed at allowing public knowledge and disclosure of the events, which is a necessary measure to prevent history from repeating itself (Colombian Commission of Jurists, 2005). The author shares the idea of some human rights organizations suggesting that if the main objective of the current government is to seek a true reconciliation after the controversial peace process with the paramilitary groups, rebuilding the full truth by shedding light on events of mass violence will be indispensable. Otherwise, the implementation of Law 975 will continue to enable impunity rather than justice and peace.

LAW 975 AND THE PROBLEM OF IMPUNITY

As argued throughout the text, the Justice and Peace Law and its regulatory decrees lack instruments to guarantee truth, justice, and reparation for grave crimes committed by the paramilitary groups in Colombia. It is important to recall that the immense majority of the paramilitaries (more than 30,000 demobilized persons) are now free, after serving short domiciliary detentions. Many of these persons have returned to their 'past' illegal activities. The Colombian authorities calculate that about 60 new illegal groups are growing stronger all over the country with support of demobilized paramilitaries (*El Tiempo*, 12/10/2006). These emerging criminal groups continue to commit grave crimes such as selective killings, forced displacement and drug trafficking activities, as evidenced in the Colombian media.

The Justice and Peace Law has also been considered an 'impunity law' because it does not mention the state's responsibility in the formation and activity of the paramilitary groups. In fact, impunity with respect to criminal actions committed with the acquiescence, tolerance or omission of state agents is not addressed in any way by Law 975 of 2005.

The Colombian Commission of Jurists (2005) suggests that the historical truth will not emerge if this law is not improved. Truth in the context of this law is definitely limited to partial versions in each individual case, while ignoring the connection between them. Law 975 and its regulatory decrees make it impossible to establish the factual and normative conditions that enabled the commission of atrocities or know the identities of government employees and private citizens who directly sponsored or covered up the

crimes of the paramilitaries. In other words, this law and its implementing regulations do not provide effective measures that make it possible to know what the paramilitaries did for decades, which would help prevent the repetition of grave crimes in Colombia.

The Colombian Lawyers' Collective (2006) emphasizes that the Justice and Peace Law and its regulatory decrees do not guarantee justice but do provide impunity for paramilitary members. This NGO underlines that these regulations intended to impose impunity to crimes against humanity since they make it easier for the State to hide its responsibility in committing such crimes. Additionally, these regulations clearly defend short sentences for grave crimes committed by the paramilitaries and limit the rights to truth, justice, and reparation, as argued above.

One of the negative consequences of the controversial Justice and Peace Law was the so-called 'para-politics' scandal that still affects the Uribe administration. This political crisis started when the judicial authorities investigated a long list of Colombian politicians because of allegations concerning their apparent history of collusion or collaboration with paramilitaries. The investigations revealed notorious paramilitary control of the political system. In mid-November 2006, the Colombian Attorney General Office charged Jorge Noguera, the former head of the Colombian Police Intelligence Service (DAS) of providing information on intelligence operations to paramilitaries. This information allowed dozens of paramilitaries involved in criminal activities to evade capture by authorities (Washington Office on Latin America, 2006).

The above incidents indicate that it is necessary that strong measures be taken to protect the safety of the victims and defend the rights to justice, truth, and reparation. That is why most critics of Law 975 and its regulatory decrees emphasize that these laws should be substantially improved in order to guarantee those rights and help achieve reconciliation and peace in the country. The Colombian Constitution allows both the Congress and the government to make changes in statutes like the Justice and Peace Law and its regulatory decrees when the need of improving the judicial system becomes a priority.

This text suggests that changes of this kind are urgently required to ensure that the full truth about paramilitary crimes

is revealed and the perpetrators are brought to justice. Those eventual changes should take into account that the impact of the armed conflict and the paramilitaries' crimes have disproportionately affected the ethnic minorities throughout the country, which means especial measures protecting Afro-Colombians and indigenous persons should be approved in order to help achieve reconciliation and peace while doing justice to the past.

CONCLUSION

The Justice and Peace Law and its regulatory decrees have been severely criticized by most human rights organizations at both national and international levels. Critics and even some supporters of the peace negotiations between the Colombian government and the paramilitary groups underline that little effort has been made to investigate grave crimes of the paramilitaries or to collect information that could be utilized to effectively dismantle the groups' structures and identify their supporters and assets. As argued in the text, this law and its regulations seem to be in violation of both the Constitution and the international human rights treaties ratified by the Colombian state, since they do not provide sufficient mechanisms to protect the victims of the paramilitary groups.

Most paramilitary leaders are currently being judged. Law 975 establishes that none of the short sentences especially created for them can be added to sentences for other crimes, which means that if a paramilitary leader is found guilty for the gravest crimes, he will spend a maximum of eight years in prison. Human rights NGOs and some political analysts have underscored that the notorious differences between the Colombian Criminal Code and the Justice and Peace Law make it impossible to guarantee the core aspects of this law and its regulatory decrees: the rights to justice, reparation, and truth.

This paper emphasizes that changes in the Justice and Peace Law and its regulatory decrees are urgently required to ensure that the full truth about paramilitary crimes is revealed and the perpetrators are brought to justice. Given that those crimes and the internal conflict have mainly affected

Afro-Colombian and indigenous groups, eventual changes in these laws shall include special measures protecting ethnic minorities that help achieve reconciliation, justice, and peace while guaranteeing the victims' rights.

REFERENCES

- Ackerman, B. (1992). *The Future of Liberal Revolution*. New Haven: Yale University Press.
- Amnesty International. (2005). *La Ley de Justicia y Paz garantizará la impunidad para los autores de abusos contra los derechos humanos*. Bogotá: Amnesty International.
- Aranguren, M. (2001). *Mi Confesión, Carlos Castaño*. Bogotá: La Oveja Negra.
- Araujo, J. (2006). *Salvamento de Voto a la Sentencia C-370 de 2006*. Bogotá: Corte Constitucional de Colombia.
- Arce, M. & Reales, L. (2006) "Violencia política, asistencia militar de USA y producción de coca en los Andes Centrales." In *Revista de Ciencia Política Universidad Católica de Chile*. Vol. 26 - No. 1. Santiago: Universidad Católica.
- Arendt, H. (1958). *The Human Condition*. Chicago: University of Chicago Press.
- Balfour, S. (1995). *Castro. Profiles in Power*. New York: Longman Publishing.
- Beristain, C. (2005). "Reconciliación y democratización en América Latina: un análisis regional." In *Verdad, Justicia y Reparación*, Gilda Pacheco and Lorena Acevedo (eds.), San José: Instituto Interamericano de Derechos Humanos.
- Caracol News*. 10/10/2006. Bogotá.
- Colombian Commission of Jurists. (2005). *Documents on the Justice and Peace Law*. Bogotá: Colombian Commission of Jurists.
- Colombian Commission of Jurists. (2006). *Human Rights Report*. Bogotá: Colombian Commission of Jurists.
- Colombian Constitutional Court. (2006). *Documentos sobre la Ley 975 de 2005*. Bogotá: Corte Constitucional de Colombia.
- Colombian Lawyers' Collective. (2006). *The Regulations to the Justice and Peace Law Ignore the Colombian Constitution and International Human Rights Law*. Bogotá: Colombian Lawyers' Collective.
- Colombian National Commission on Reparation and Reconciliation. (2006). *Documents on Law 975*. Bogotá: National Commission on Reparation and Reconciliation.
- Colombian Office of the High Commissioner for Peace. (2006). *Proceso de Paz con las Autodefensas. Informe*. Bogotá: Presidencia de la República de Colombia.
- Consultoría para los Derechos Humanos y el Desplazamiento (CODHES).(2004). *Informe Institucional*. Bogotá:

- CODHES.
- Diario Oficial de Colombia. (2005). *Ley 975 de 2005*. Bogotá: Congreso de la República.
- El País* (Colombian Newspaper). 09/08/2006. Cali.
- El Tiempo* (Colombian Newspaper). 10/31/2006. Bogotá.
- El Tiempo* (Colombian Newspaper). 12/10/2006. Bogotá.
- Garay, R. (2003). *La Masacre de Mapiripán*. Villavicencio: Regar Editores.
- Human Rights Watch. (2006). *Human Rights Report on Colombia*. Bogotá: Human Rights Watch.
- International Crisis Group. (2006). *Colombia: Towards Peace and Justice*. Brussels: International Crisis Group.
- Lucio, C. (2005). "Pasiones, violencia y poder." In *Grandes conversaciones, grandes protagonistas*, María Bonilla (ed.), Bogotá: Editorial Norma.
- Nino, C. (1996). *Radical Evil on Trial*. New Haven: Yale University Press.
- Osiel, M. (1997). *Mass Atrocity, Collective Memory, and the Law*. New Brunswick: Transaction Publishers.
- Ossa, C. (2002). ¿Paz armada o paz negociada? In *Al oído de Uribe. Cómo iniciar un nuevo proceso de paz en Colombia*, Carlos Trujillo (ed.), Bogotá: La Oveja Negra
- Pastrana, A. (2005). *La palabra bajo fuego*. Bogotá: Editorial Planeta.
- Pizarro, E. (2006). "Tres caminos a seguir. Verdad histórica y verdad judicial." In *El Tiempo*. 18/12/2006. Bogotá.
- Reales, L. (2004). *Report on the Human Rights Situation of Afro-Colombians, 1994-2004*. Bogotá: Afro-Colombian National Movement CIMARRON.
- Revista Semana* (Colombian Magazine). 06/05/05. Bogotá.
- Reyes, A. (1994). "Drug Trafficking and the Guerrilla Movement in Colombia." In *Drug Trafficking in the Americas*. Edited by Bruce M. Bagley and William O. Walker III. Miami: University of Miami / Transaction Publishers.
- Romero, M. (2003). *Paramilitares y Autodefensas, 1982-2003*. Bogotá: Universidad Nacional de Colombia - IEPRI.
- Sierra, H. (2006). *Salvamento de Voto a la Sentencia C-370 de 2006*. Bogotá: Corte Constitucional de Colombia.
- Springer, N. (2005). "Restablecer el Equilibrio: Justicia y Reconciliación." In *Memorias del Foro sobre Reconstrucción, Reintegración y Región*. Medellín: Fundación Konrad Adenauer.
- Springer, N. (2006). "Es posible perdonar?" In *El Tiempo*. 11/13/2006. Bogotá.
- Teitel, R. (2000). *Transitional Justice*. Oxford: Oxford University Press.
- The New York Times*. 07/05/2006. New York.
- United Nations Office of the High Commissioner for Human Rights. (2005). *Documento 'Consideraciones sobre la Ley de Justicia y Paz'*. Bogotá: Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos.
- United Nations Office of the High Commissioner for Human Rights. (2006). *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia*. Bogotá: Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos.
- U.S. Department of State. (2006). *Report on Human Rights Practices in Colombia*. Washington: U.S. Department of State.
- Utria, R. (1999). "Una reflexión y una propuesta sobre la paz en Colombia." In *La Guerra y la Paz en la segunda mitad del siglo XX en Colombia*, Raúl Alameda (ed.), Bogotá: Controversia.
- Valencia, L. (2003). *Misericordias de la Guerra. Esperanzas de la Paz*. Bogotá: Editorial Intermedio.
- Washington Office on Latin America. (2006). *Melting the Tip of the Iceberg: Colombia's 'Para-Politics' Scandal*. Washington: WOLA Publications.