

# “Sí, su Señoría, acepto la responsabilidad”

A study on justice, reintegration, reconciliation and former paramilitaries postulated to the Justice and Peace Law



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**Title**

Spontaneous declaration 'Aleman', April 2, 2009

**Illustrations**

Above: Bellavista Prison, Medellín [www.inpec.gov.co](http://www.inpec.gov.co)

Below: Workshop Peace and Reconciliation, Medellín [www.pazyreconciliacion.gov.co](http://www.pazyreconciliacion.gov.co)

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### **Abstract**

This study analyses the link between DDR, transitional justice and reconciliation in the context of the peace process of the Colombian government with paramilitary groups. Peace negotiations between the government and leaders of the paramilitary organization AUC led in July 2003 to the Santa Fé de Ralito Accord, the first step to the disarmament, demobilisation and reintegration of the paramilitaries. In 2005, the government passed Law 975, better known as the Justice and Peace Law, which seeks to prevent large-scale impunity through the prosecution of combatants responsible for excessive human right violations. Furthermore, it serves as a judicial framework for the reintegration of the not prosecuted demobilised combatants. Certain achievements have definitely been made in Colombia since the demobilisations of paramilitary groups and the coming into existence of the Justice and Peace Law. Yet the participants of the process of Justice and Peace experience many obstacles and uncertainties. Furthermore, still warring armed groups combined with common criminals and drug traffickers seriously threaten not only the outcomes of these processes but also the lives of its participants.

## Contents

<u>1. Introduction</u>	<u>7</u>
<u>2. A Road to Peace?</u>	<u>12</u>
2.1 The Colombian conflict	12
2.2 Paramilitary groups	13
Origins and expansion	13
Paramilitary diversity	14
State infiltration	15
<i>Narcotráfico</i>	15
Peace negotiations	16
2.3 DDR	17
Disarmament and Demobilisation	17
Reintegration	18
2.4 Reconciliation	20
2.5 Transitional Justice in Colombia	21
Justice and Peace Law	23
Four yours of Justice and Peace	25
2.6 Paramilitaries in Colombian prisons	26
2.7 Threats to peace	27
<u>3. Getting to know the <i>postulados</i></u>	<u>30</u>
3.1 Paramilitary life	30
Time of entry and position	30
Paramilitary intergroup relations	32
Family contact	34
3.2 Postulation to the Justice and Peace Law	35
“Everybody signed it”	35
“Let's pay and leave this behind”	36
“Thank you, tattle tale”	37
“Hey, I also want those benefits”	38
3.3 Arrest	38

<u>4. Judicial proceedings</u>		<u>41</u>
4.1 Being postulated		41
Resign and reintegrate	41	
Imprisoned and confused	43	
4.2 Judicial process		45
Spontaneous declarations	45	
Alternative sentence	46	
4.3 Being judged		48
Time for reflection	48	
Heroes of society	50	
<u>5. The return to civilian life</u>		<u>53</u>
5.1 Serving prison time		53
Postulated ex-paramilitaries in prison	53	
The forgotten wing	56	
Inner Reconciliation	58	
“Let us look for peace after 50 years of war”	59	
Family contact	61	
5.2 Reintegration in society		63
Returning to school	63	
Finding work	65	
Changing minds	67	
Reconciliation at family and community level	69	
5.3 Future expectations		71
“I would shoot songs of peace”	71	
<u>6. Conclusions</u>		<u>73</u>
Bibliography		77
Annexes		80
Appendix 1: Characteristics research population		
Appendix 2: Educational and socio-economic profile		
Appendix 3: Reasons for joining paramilitary group		
Appendix 4: Time of entry to paramilitary group		

## List of abbreviations

ACR	High Advisory Group on Reintegration
AUC	United Self-Defence Forces of Colombia
CEPAR	Educational Centre for Peace and Reconciliation
CNRR	National Commission of Reconciliation and Reparation
CTI	Technical Investigation Team of the Attorney General
DAS	Administrative Department of Security
DDR	Disarmament, Demobilisation and Reintegration
ELN	National Liberation Army
EPL	Popular Liberation Army
FARC	Revolutionary Armed Forces of Colombia
ICTJ	International Centre for Transitional Justice
INPEC	National Penitentiary and Prison Institute
LJP	Justice and Peace Law
MAPP/OEA	Mission to Support the Peace Process of the Organisation of the American States
SENA	National Service for Learning
UNFJP	National Prosecutorial Unit of Justice and Peace

# 1. Introduction

“To facilitate the processes of peace and individual or collective reincorporation into civilian life of the members of illegal armed groups, guaranteeing the victims’ rights to truth, justice and reparation” (Art.1, Law 975/2005, Colombia)

The resolution of contemporary – mostly internal – wars has proved to be more complex than pre-Cold War settlements. Armed violence has become fragmented, armed actors have diversified and boundaries between different forms of violence and between armed actors have become blurred (SIPRI, 2008:4). Increased feelings of fear and insecurity have led to a proliferation of neighbourhood security groups, street gangs and smuggling networks (SIPRI, 2008:4). Without the aim to actually defeat or take over the state, contemporary conflicts frequently attempt to challenge state authority. ‘The goal is not military victory, but political mobilization’ (Kaldor, 2001:15). This may lead to a power vacuum, as none of the actors proves to be capable of overruling others, not even the state (Ramsbotham, 2005:4). State weakness, in its turn, catalyzes the fragmentation of violence and gives other armed actors space for further development. A vicious circle comes into play in which a weak state leads to the rise of illegal armed actors, which on their turn are further weakening the state (SIPRI, 2008:5).

What does this mean for contemporary conflict resolution, in which conflict resolution stands for ‘the addressing and transforming of deep-rooted sources of conflict’ (Ramsbotham, 2005:29)? In order to transform violent into non-violent behaviour and hostile into non-hostile attitudes, a comprehensive understanding of the conflict is necessary. Furthermore, the presence of a more diverse and unconventional set of armed actors calls for another approach of conflict resolution. Nowadays, the investment in the disarmament, demobilisation and reintegration (DDR) of these armed actors has become crucial to end violence and restore peace (Humphreys, 2007:531). Closely related to the reintegration of the demobilised combatants, is the process of their reconciliation; they need to restore relationships with relatives and community members and regain their self-confidence (see Bar-Tal and Bennink, 2004 and Huyse, 2007). Yet the effectiveness of these peace efforts is severely undermined by fear, insecurities and violence, which are still daily threats in many societies, including Colombia.

Contemporary conflict resolution has also adapted new forms of justice in order to encourage reconciliation and re-establish sustainable peace (ICTJ, 2008:1). For a long time, the value of justice in post-conflict situations has been focussed on its punitive function. The punishment of perpetrators for their crimes, that is, retributive justice, serves as evidence of the functioning of society (Montville, 2001:115) and reaffirms the power of the state (De la Calle, 2009:78). Yet post-conflict situations frequently ask for another model of justice as compromises have to be made in order to restore

peace (De la Calle, 2009:102). Modified mechanisms under the name of transitional justice initiatives seek for a more comprehensive approach of justice, as they merge the punishment of perpetrators with the prevention of re-escalation of conflict through the healing of damaged relationships – called restorative justice (Montville, 2001:115).

These peace initiatives are closely interrelated: reconciliation, for example, enhances the reintegration of combatants in their communities and transitional justice promotes reconciliation in its search for the reconstruction of the truth. The Stockholm Initiative on Disarmament, Demobilisation and Reintegration (2006:30) also shows a link between DDR, transitional justice and reconciliation. While DDR programs previously granted amnesty to the perpetrators of violence and assisted them in their reincorporation into civilian life, recent studies emphasize the importance of justice to break cycles of violence and restore peace (ICTJ, 2008:1). The punishment of those responsible for human right violations facilitates the communities' acceptance of the ex-combatants in their process of reintegration. Also, reparation for victims, a mechanism of transitional justice, can contribute to society's acceptance of the investment in DDR programs (SIDDR, 2006:30).

This study analyses the link between DDR, transitional justice and reconciliation in the context of the peace process of the Colombian government with the paramilitary groups. Peace negotiations between the government and leaders of the paramilitary organization AUC led in July 2003 to the Santa Fé de Ralito Accord, the first step to the disarmament, demobilisation and reintegration of the paramilitary. In 2005, the government passed Law 975, or better known as the Justice and Peace Law, which seeks to prevent large-scale impunity through the prosecution of combatants responsible for war crimes and violations of international humanitarian law (Art.21 Decr. 128/2003). Furthermore, it serves as a judicial framework for the reintegration of demobilised combatants not involved in human right abuses (Jaramillo, 2009:4). This law, and the so-called Justice and Peace process, has received much criticism, yet without a doubt, it is the most complete and demanding framework of any process of demobilisation and national reconciliation in recent – national and international – history (FSD, 2007:1). A comprehensive study on this process and on its link to the reintegration and reconciliation of the demobilised combatants will not only contribute to the few existing studies on these subjects; it will also detect current obstacles in its executive phase of the process, when changes could still be incorporated in order to lead to more satisfying results.

Fully aware of the fact that this research is nowhere near a comprehensive approach on the Justice and Peace process in Colombia, it aims at providing insight into the experiences of one of the groups involved – the demobilised paramilitaries postulated to the Justice and Peace Law. Without the least intention of justifying their participation in massive human right violations, I suggest that a focus on the perpetrators of violence is important to an evaluation of the process, as its results depend for a great part on their collaboration. Based on fieldwork undertaken from February until



July 2009 in the city of Medellin – the second largest city in Colombia and the department of Antioquia – it is build around the following central research question:

*What are the experiences of ex-paramilitaries postulated to the Justice and Peace Law with the judicial proceedings of Justice and Peace and what achievements and difficulties do they encounter in the processes of reintegration and reconciliation?*

Ex-paramilitaries postulated to the Justice and Peace Law are those demobilised paramilitaries suspected of being responsible for human right violations and eligible to be tried and judged according to Law 975. Since the collective demobilisations, 3.712<sup>1</sup> former combatants have been postulated to this law, either by their commander or on their own initiative. At least one-fourth<sup>2</sup> of this population is currently imprisoned, based on criminal investigations carried out by the National Prosecutorial Unit of Justice and Peace, a judicial entity created by the Justice and Peace Law. The remaining postulated ex-combatants are supposed to attend a reintegration program.

Three research questions are used to come to a comprehensive answer on the central research problem. First of all, who are the demobilised paramilitaries postulated to the Justice and Peace Law? This question focuses briefly on certain periods of the lives of the respondents which have been decisive for their current situation – their paramilitary life, the postulation to the Justice and Peace Law and their arrest (if arrested). Then, what are the experiences of this population with the judicial proceedings of Justice and Peace? I highlight the different judicial proceedings that the postulated ex-paramilitaries carry out. The prison population of my sample is more advanced in this phase of the process and encounter many obstacles and uncertainties. Both populations reflect on their paramilitary past in the current context of being publicly judged. Finally, what achievements and difficulties do the postulated ex-paramilitaries encounter in the processes of reintegration and reconciliation? First, I discuss the prison population of this study, who are still at the start of the road to reintegration and reconciliation. Then, the postulated ex-paramilitaries in liberty already initiated the journey of their return to civilian life, guided by the program of Peace and Reconciliation yet threatened by fears and insecurities. Does the postulation to the Justice and Peace Law affects their situation?

In Medellin, postulated ex-paramilitaries are imprisoned in Bellavista or in Itagui. In the north

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<sup>1</sup> Current number of postulated ex-combatants on the list of the High Commissioner of Peace, as published on the internet page of the National Prosecutorial Unit of Justice and Peace [www.fiscalia.gov.co](http://www.fiscalia.gov.co) (consulted in August, 2009)

<sup>2</sup> This estimation is based on the number of 1018 postulated ex-combatants (AUC and guerrilla members) that participated in the national disobedience among prisoners in May 2009 (source: *El Colombiano* June 5, 2009). Probably many more are currently imprisoned, taken into account that many imprisoned ex-combatants refuse to participate as they are soon to be released by ordinary law. Yet I have found no up-to-date numbers available.

of Medellín, Bellavista prison – designed for 1.700 individuals – holds 6.106 prisoners<sup>3</sup>, including 160 former paramilitary of which 50 are postulated to the Justice and Peace Law. In Itagui, situated in the south of the city, 222 cells are holding 570 prisoners, including 39 former paramilitary participating in the Justice and Peace process. In-depth interviews with 25 imprisoned ex-paramilitaries (18 in Bellavista and 7 in Itagui) and informal conversations with a few more have produced most findings on this population. These respondents, all male, had fulfilled diverse ranks as a paramilitary – from first commanders to patrolmen. The entrance to prison grounds gave me the opportunity to observe daily life in the Justice and Peace wings. Also, the presence at judicial proceedings not only gave me a further insight into the process, it also gained me confidence with this population.

Then, the reintegration program Peace and Reconciliation of the municipality of Medellín has 56 former paramilitaries postulated to the Justice and Peace Law among its 3.794 active participants<sup>4</sup>. These respondents were more difficult to reach and sometimes reluctant, as many fear for their own safety and for that, try to avoid gatherings and meetings. Also, various participants left the program; some fled from Medellín because of security reasons and others got arrested in the time of my fieldwork. At Peace and Reconciliation, I have assisted classes and workshops and accompanied psychologists to get in contact with this population. Finally, 16 in-depth interviews serve as findings on the experiences of these respondents. All have been either middle rank paramilitaries or rank and file; four of them are female. A group interview and conversations with psychologists have been added to these findings. Furthermore, interviews with personnel of institutions created by the Justice and Peace Law have provided additional data on the research population and the Justice and Peace process. Finally, the internship at the MAPP/OEA regional office in Medellín from February to May 2009 has opened a lot of doors for this study.

Especially the interviews with those in prison went well. Because they almost do not receive visits except from their own relatives, they found in me a listening ear. Although I got introduced to the majority of this population as an intern of the MAPP/OEA, I have always clearly distinguished this study from the internship. This gave me a certain degree of confidence and neutrality in their eyes. Various respondents trusted me with “off the record” information, which showed me a considerable degree of confidence, in spite of its sensitivity. As mentioned above, I found the respondents in liberty sometimes reluctant, yet understandable in their situation. The findings on this population are definitely affected by fears and insecurities on the part of the respondents as topics were frequently difficult to discuss and time was limited. I am also aware of the fact that perpetrators instinctively cover themselves and tell their own version, yet the truth has many sides. A prison strike by the imprisoned respondents severely limited my time to interview them, but at the same time, this

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<sup>3</sup> Numbers of Bellavista and Itagui on internet page of INPEC [www.inpec.gov.co](http://www.inpec.gov.co) (consulted in August, 2009)

<sup>4</sup> As stated on internet page of Peace and Reconciliation [www.pazyreconciliacion.gov.co](http://www.pazyreconciliacion.gov.co) (consulted in August, 2009)

became a valuable source of information. I regret not having participated in home visits of the psychologists of Peace and Reconciliation to speak to family members of my research population, but time as well as safety issues had played a part.

How are the experiences of postulated ex-paramilitaries both on the judicial proceedings and on the process of reintegration and reconciliation arranged in this study? The following chapters provide a conceptualization and empirical analysis of this question. In chapter 2, I will review the literature on the key concepts for this study – being reintegration, reconciliation and transitional justice – and relate these to the Colombian armed conflict, paramilitary DDR and the transitional justice framework offered by Law 975 and its application. This chapter provides an integrated context in which the study has taken place. Then, chapter 3, 4 and 5 present the results of this study. Chapter 3 is a more detailed analytical description of the ex-paramilitaries postulated to the Justice and Peace Law, including their entry to the Justice and Peace process. Chapter 4 above all elaborates on the experiences of the research population with the judicial proceedings as stated in the Justice and Peace Law. Chapter 5 discusses the achievements and difficulties the postulated ex-paramilitaries encounter in the processes of reintegration and reconciliation. Then, chapter 6 brings these findings together in a comprehensive conclusion and suggests further research.

## 2. A Road to Peace?

“Con la esperanza, que quiere ser certeza,  
de que el país escuche lo que tenemos para decir,  
para argumentar, para proponer, para soñar.”<sup>5</sup>  
(*Desmovilizados Colombia 2009*)

This chapter discusses the concepts which lay the foundations of this research. I will review the interconnections of DDR – especially on reintegration – reconciliation and transitional justice and situate these concepts in the Colombian conflict and the peace process with paramilitary groups. A brief history on the paramilitaries and a description of the main components of the Justice and Peace Law serve as an introduction to the main findings of this study in the following chapters. Besides, as this study includes imprisoned ex-paramilitaries, the Colombian prison system and its rehabilitative function are briefly addressed. An outline of threats to these peace efforts concludes this chapter.

### 2.1 THE COLOMBIAN CONFLICT

The Colombian conflict has a long history. Its origins can be traced back to the year 1948, when the assassination of the Liberal candidate for presidency Jorge Eliécer Gaitán instigated a period of extreme violence, starting in Bogotá and spreading all around the country. This period – known as *La Violencia* – lasted until the 1960s (UNDP, 2003:25-28; Palacios, 2006:157). The National Front, a pact between Conservatives and Liberals, was established in 1957 in order to stop the violence and return to civilian rule under a bipartisan power sharing arrangement. Yet this pact meant the political exclusion of other parties, as the only two parties included in the pact were the Conservative and the Liberal Party (Palacios, 2006:153-157). The armed struggle became ‘reinvented’ in the countryside by guerrilla groups who transformed it into a socialist revolution in the second half of the 1960s (UNDP, 2003:30-32). In that time, the FARC and ELN came into existence as left wing guerrilla movements and are still operating in Colombia today. Other guerrilla movement that have had significant impact on Colombian society were the urban guerrilla M-19 and the Maoist orientated EPL, which eventually demobilised in 1991 and 1992, respectively (Ortiz, 2006:325). Because of guerrilla violence, paramilitary groups originated in the 1980s in a search for self-defence. These self-defence forces will be further outlined below.

What makes the Colombian conflict as complex as it is, is the involvement of various armed actors. It is not only a struggle between the state and guerrilla, or between paramilitaries and guerrilla, but a struggle in which the state, guerrilla and paramilitaries are intertwined with common

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<sup>5</sup> [“With the hope, that wants to be certain, that the country listens to what we have to say, to demonstrate, to propose, to dream.”] By *Desmovilizados Colombia*, a joint of demobilised combatants who want to contribute to the finding of a solution to the conflict in Colombia. Published online at <http://www.desmovilizados-colombia.org/institucional.php> (consulted in August, 2009)

criminals and drug traffickers (UNDP, 2003; Romero, 2003; Palacios, 2006). Especially the last group, drug traffickers and the enormous amount of money involved in the drug business complicate the Colombian conflict. That is, this money is the main funding for the armed actors, and as such keeps the conflict alive (Duncan, 2006:238-239).

## 2.2 PARAMILITARY GROUPS

### Origins and expansion

It is often said, that it is the absence of the state that makes life in Colombia uncertain, and that a certain law of the jungle seems to rule. Irregular armies have come into existence as protective measures all around the country; some disappeared, others still exist (UNDP, 2003). As such, right wing paramilitaries started to organize themselves already at the end of the 1970s:

“The State was not present for more than 30 years. It had become a guerrilla state and we transformed it into a paramilitary state. We were trying to recuperate the absence or the inexistence of the State. We were a country with a lot of countries inside of it. We had a lot of nation, but no State. There was no legitimacy of law, no authority, no justice. Impunity ruled.” (Former political commander ‘Ernesto Baez’<sup>6</sup>)

Publicly known since the early 1980s, paramilitary groups started out as independently organized private armies of civilians defending their properties, legally covered by Law 48 of 1968. Despite the abolishment of this law in 1989, paramilitary groups continued and became violent 'guerrilla cleaning' armed forces (Theidon, 2007:69). From 1994 until 1999 they acted under the name of so-called CONVIVIR-groups, a national cooperative for neighbourhood watch groups legalized and supported by the Colombian state (Crandall, 1999). Afterwards, the paramilitaries illegally continued their struggle against guerrilla movements because of the inability of the state and the national army to defend the regional elites' interests. Many groups united themselves in 1997 in a national paramilitary umbrella organization AUC, when a new wave of assassinations and massacres ravaged the country (UNDP, 2003:59-63).

Paramilitaries have been accused of many crimes, among which the assassination and forced displacement of thousands of social and political leaders, human right activists and trade union leaders (Romero, 2003:264). Also, many civilians were among the victims of paramilitary actions, as they not only searched for active guerrilla members, but for every suspected collaborator of the guerrilla, frequently being poor peasants (UNDP, 2003:90-91). Garzón (2005:47) emphasizes the complexity of the paramilitary organization AUC and defines it as a federal model consisting of many

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<sup>6</sup> I use pseudonyms for all respondents and informants out of security reasons, except for the commanders alias 'Pedro Bonito', 'Julian Bolívar', 'Alemán' and 'Ernesto Baez'. Because their names and statements are already widely known, I incorporate their original paramilitary pseudonyms in this study. They have expressed their confidence in my role as researcher in name of the University of Utrecht and the information they have shared with me in personal interviews and informal conversations is not of an incriminating kind.

autonomous regional and local elements, joined together in the expectation of meeting their objectives. Furthermore, according to Romero (2003:267), some of the leaders of the AUC have used its strong connections to the military forces to serve their own interests and accumulated excessive wealth. Duncan (2006:25) describes the paramilitaries united in this organization as warlords, who established military and political control of territories with relative autonomy of the national government, armed forces and judicial branch.

### **Paramilitary diversity**

Although paramilitary groups were previously defined as a united actor, more recent studies show the diversity of its members and origins (Garzón, 2005: 129; Rozema, 2008:429). They are in general higher educated than guerrilla combatants (Gutiérrez, 2008:11) – of my sample nearly a third finished at least secondary education – with an average age of approximately 33 years old (Gutiérrez, 2008:12) – in my sample approximately 25 at the time of joining with an average time in the group of 5,2 years<sup>7</sup>. Furthermore, paramilitary groups are said to comprise a considerable number of ex-members of the armed forces – 7 of the 44 respondents – and common criminals (Gutiérrez, 2008:12) – although only 2 of my respondents were openly engaging in criminal activities before joining the paramilitaries, five other respondents admit to have a criminal record. Also, paramilitary groups contain more workers than peasants (Gutiérrez, 2008:12) – among the remaining respondents are 12 workers against 3 peasants. 14 respondents found themselves without a (steady) job; six were still in school.

Diversity is also found in the reasons for joining an armed group<sup>8</sup>. In general, motivations to take up arms are frequently mixed, confused or even contradictory (Gutiérrez, 2008:20). The majority of my respondents joined a paramilitary group for reasons of protection – two-third of them out of protection from the guerrilla. Taken Gutiérrez' (2008:21) distinction of individualistic incentives and ideology-based conviction, only a small number of the respondents mentioned their attraction to the ideology of the AUC as a reason for joining. Economic necessity is the single most often mentioned reason, but was in only four cases the decisive or primary reason to actually join the armed group. Yet the grouping of reasons in categories does not take away the complexity of the decision made by ex-combatants to join an armed group. Often, one reason was caused by another, that is, it was rather a combination of different reasons that made the respondents join the paramilitaries.

The personal histories of many of my respondents illustrate that Colombia is a country in which, according to Kaldor's (2001:15) notion of the creation of a climate of fear and hatred by

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<sup>7</sup> See appendix 1 for a complete outline of the basic characteristics of the research population and appendix 2 for a graphic presentation of their educational and socio-economic profile.

<sup>8</sup> See appendix 3 for a table of the various reasons mentioned by the respondents for their entry in the paramilitary groups, also classified in main categories.

contemporary wars, violence has become a part of civilians' daily life. Generations after generations have been growing up in a culture of violence, or "Mafia culture", as 'Pedro Bonito' refers to the normalization of violence in his country. One of the consequences is the large amount of victims and a thin line between victims and perpetrators of this violence. More than one-third of my sample mentions to have joined the paramilitaries out of feelings of vengeance against the guerrilla; they had lost relatives, possessions or even both to them. Besides, various respondents referred to the guerrilla as 'the problem' and the paramilitary organization as 'the solution'. Thomás relates:

"Barrios were a in a state of disaster. [...] Guerrilla members were making our neighbourhood unsafe. [...] We needed a solution. The paramilitaries offered that solution."

### **State infiltration**

The relationship of paramilitaries and the state is at the least ambiguous. Although independently organized, in the 1980s the national army supported these self-defence groups since they were of great help in its counterinsurgency warfare against the guerrilla (Cruz Rodriguez, 2007:§1). However, because of persistent accusations of paramilitaries extensively violating human rights of the civilian population, in the end of the 1990s they lost – at least publicly – state's support (Crandall, 1999). Nevertheless, paramilitaries have managed to infiltrate in various sectors of Colombian society – e.g. politics and security forces. Also the respondents mention various links to state officials. Institutions such as the DAS and the Attorney General informed them on suspected guerrilla members, army officials provided weapons and military training and mayors and politicians discussed with them on 'how to handle the problem' [the guerrilla]. Also the current exposition of the truth in the spontaneous declarations reveals direct links between politics, the army and paramilitaries. Yet former commander 'Pedro Bonito' mentions the sensitivity of this information:

"We had regular meetings with military officials and politicians, and we can prove it. Yet we can't talk about *Uribistas*, because if we do, they will extradite us, just like our former companions. And that's the last thing I want for my future. I better keep my mouth shut."

### **Narcotráfico**

Then, paramilitary groups have been known for a wide variety of crimes to finance themselves. Their share in land ownership gained them power and a certain degree of autonomy (see Cruz Rodriguez, 2007:§1). Yet especially their involvement in drug trafficking has made them an economic, political and social force in Colombian society (Theidon, 2007:70). In the mid 1980s, the guerrilla and drug lords started to disagree on the terms and conditions of their cooperation. The paramilitary groups took this opportunity to fight their rich enemy by taking over large part of 'its business'. The paramilitaries, thus, provided the drug traffickers of security and territory for their business, in

exchange for a share of their profits<sup>9</sup>. But exactly the involvement of paramilitary groups in *narcotráfico* has led to internal conflicts between commanders, resulting in the assassination of various high rank paramilitaries (Rozema, 2008:430). 'Ernesto Baez' relates about how the political cause, with which he personally initiated his paramilitary struggle, eventually changed:

"The conflict started out political, but with the involvement of *narcotráfico* it became economic. What power has a political voice against the power *narcotráfico* has, a power that big as that of *narcotráfico*? The war dehumanized because of the drugs."

Yet last year, *narcotráfico* became a political instrument, when the Uribe government extradited 15 demobilised paramilitary commanders to the United States because of drug trafficking charges. These warrants were not new, yet the concerned ex-commanders had just started to reveal paramilitary links with *Úribistas* in their spontaneous declarations when they got extradited. Consequently, many have explained the extraditions as the silencing of the postulated ex-paramilitaries<sup>10</sup>. This instigated feelings of betrayal among paramilitaries in the Justice and Peace process, as the Colombian government had promised to ignore requests of extraditions as long as the paramilitaries would collaborate with the Justice and Peace process<sup>11</sup>. The influence of these extraditions on the three pillars of the Justice and Peace Law will be discussed further on.

## Peace negotiations

In November 2002, the leaders of the AUC prelude a period of cease-violence. This led to the initiation of negotiations with the government on a process of demobilisation (Garzón, 2006:350). Various reasons for the leaders to enter a peace process have been mentioned, e.g. their internal disagreements and a changing public opinion towards paramilitaries (Rozema, 2008:429-430). Former commander 'Julian Bolívar' explains his position:

"With the demobilisation we wanted to show the guerrilla that it would be possible for all of us to lay down our arms. We would make the first step, and give them an opportunity as well. We saw the demobilisations as the end of this war."

Regardless of the motivations for a peace process, two facts distinguish these peace negotiations from negotiations carried out in other conflict zones.

First, the peace negotiations in Colombia were partial, because they only involved one of the illegal armed organisations. Because of that, warring groups severely jeopardise the peace process

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<sup>9</sup> Information from the journalist website of Verdad Abierta on paramilitaries and the armed conflict in Colombia, article: "El Comienzo: los años del MAS y las Autodefensas del Magdalena Medio (1981-1991)" (consulted in August, 2009).

<sup>10</sup> Idem, article "Corte Suprema frena extradición de paras", published on August 20, 2009.

<sup>11</sup> Mentioned by various respondents and put into words by alias "Jorge 40" in a public letter to Eduardo Pizarro, current president of CNRR, on February 22, 2009. Source: Verdad Abierta article "Traición del gobierno a los paras ha provocado rearme: Jorge 40", published on March 4, 2009.



(ICC, 2003). Also, worries have been expressed that the negotiations with paramilitaries have been used to legitimise the wealth and power of paramilitaries, to provide powerful drug criminals' with a paramilitary status and prevent their extradition (Duncan, 2006:353). Second, the inclusion of a degree of justice was practically new to peace negotiations worldwide<sup>12</sup>. The Colombian government could not neglect the massive human right violations, but alternative sentences were offered for those who would collaborate with the process on the reconstruction of the truth and the reparation for victims. While the paramilitary commanders committed themselves to the complete demobilisation of their members, the government promised to facilitate the reintegration of the demobilised combatants into civilian life through education, provision of work and psychological counselling ('Pedro Bonito'). These and other commitments from both parties finally resulted in the signing of the Santa Fé de Ralito Accord in July 2003.

### **2.3 DDR**

Disarmament, Demobilisation and Reintegration is a peace building initiative which is carried out worldwide, mostly in African countries. Providing an alternative to war, it aims at the re-establishment of previous relationships and a return of combatants to civilian life. Crucial is the involvement of the receiving families and communities in this process (Rozema, 2008:426-428). Also, DDR programs have proved to be most successful when carried out as part of a larger reconstruction process, as any peace initiative. Overall development is necessary for the accommodation of all ex-combatants in society (Rolston, 2007:265). In the case of Colombia, the ongoing conflict is a serious threat to the outcomes of the DDR process. That is, it makes at least two of the recommended preconditions for a successful DDR absent: a secure environment in which the armed actors lay down their arms and the inclusion of all warring parties in the DRR program (Rozema, 2008:428).

#### **Disarmament and Demobilisation**

While disarmament refers to the laying down of arms, demobilisation is the dismantling of the armed actors' military structures (Theidon, 2007:71). In Colombia, 31.671 men of the AUC collectively demobilised from November 2003 until August 2006 (Caramés, 2009:6). In order to receive support, every demobilised combatant was to leave a complete file of information with the National Prosecutorial Unit and the DAS. Thomás says the officials even "took our teeth<sup>13</sup>". Of the 31 ex-

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<sup>12</sup> See "Justice in Conflict? The ICC and Peace Processes" by Grono and O'Brien for an outline on recent peace agreements who either implicitly or explicitly provided impunity. Published on the internet page of the International Crisis Group in 2008, available on <http://www.crisisgroup.org/home/index.cfm?id=5330&l=1> (consulted in August, 2009)

<sup>13</sup> Thomás refers to a print the National Prosecutorial Unit made of the teeth of demobilised combatants to serve as identification material.

paramilitaries of my sample who collectively demobilised<sup>14</sup>, two third found themselves in liberty after the ceremony and were incorporated in reintegration programs. The remaining respondents – high and middle rank paramilitaries – stayed in the Concentration Area of Santa Fé de Ralito until the last collective demobilisation in the end of 2006. Meanwhile, they received the financial support the government had promised them and waited for what would happen.

## **Reintegration**

Then, for those respondents in liberty after the demobilisation, the third phase of this approach to conflict resolution – their reintegration – initiated in 2007 (Caramés, 2009:6). It involves the strengthening of capacities of the ex-combatants and their re-socialization in society, frequently the phase which poses most difficulties on its participants (see Rolston, 2007). A failure to accomplish reintegration can break down the entire program, because former combatants can fall back into criminal and illegal behaviour ‘to give new justification to their lives’ (Mashike, 2004:87). Yet although the potential for demobilised combatants to be involved in criminal activities should not be underestimated, little evidence exists for the justified criminalization of this group (Mashike, 2004:100-101).

Vital to reintegration is the access to a stable employment and income and a regaining of civilian status. Important to consider is that reintegration is a long-term process, which should not be tied to a certain period of time<sup>15</sup>. The transition from combatant to civilian, then, requires more than a cease of violence (Humphreys, 2007). Nevertheless, ex-combatants are often ill-equipped for this reintegration; they lack education, professional skills or perhaps even more important, credibility. Moreover, in most post-war countries the economy is severely hit by the conflict, which makes ex-combatants have to compete with a large group of unemployed citizens (Rolston, 2007:262). While the prison population of my sample is obviously not yet reintegrating into society, the respondents participating in Peace and Reconciliation are currently developing their social and economic skills. The reconstruction of their social relationships will be discussed in the next paragraph on reconciliation. I will now focus on the economic reintegration of former combatants, in which employment is mentioned as a crucial factor. Because it provides an income and structures daily life, employment reduces the temptation to commit crimes (Freudenberg, 2006:7).

According to the United Nations DDR Resource Centre, economic reintegration starts for the demobilised combatants with education, vocational training and skills development. Then, while in the bigger context the creation of employment is necessary, former combatants need to build on

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<sup>14</sup> At the time of the demobilisations, 13 of the respondents already found themselves in prison. Some, though, demobilised symbolically in prison – if the opportunity was offered.

<sup>15</sup> As defined by the United Nations DDR Resource Centre, source: <http://www.unddr.org/iddrs/01/20.php> (consulted in August, 2009)

their livelihood and generate an income. This process can be facilitated, among other measures, by promoting the private sector to absorb this population and making grants or loans available<sup>16</sup>. In Medellin, besides the national reintegration program of the ACR, also the local Peace and Reconciliation, implemented by the municipality in 2004, assists demobilised combatants in their return to civilian life. Of the 4.258 demobilised paramilitaries who initially entered this program, 3.794 were still active participants in 2008<sup>17</sup>.

Certain progress has been made in Colombia because of these demobilisation programs. Above all, the absolute number of conflict-related killings in Colombia has gone down. In the city of Medellin, this number went down from 310 homicides per month in 2002 to 54 in 2007<sup>18</sup>. Yet recent statistics on homicides in Medellin show a relapse to more than 180 homicides per month<sup>19</sup>. Without addressing the 'wider network of criminal organizations in which former paramilitaries were and continue to be involved' (Rozema, 2008:425), violence and power struggles will not disappear in Medellin. Theidon (2007:86) notes:

The quantitative decrease in homicides and the disappearance of arms from public spaces does not necessarily mean that *paramilitarismo* has ended. The process is a complex one, even more so in Medellin, both because of the strategic nature of the region as well as its past history of violence and drug trafficking. Even though the paramilitaries have allegedly demobilised men and surrendered weapons, their power continues to dominate the city.

These power struggles are much too complex to be solved by the current DDR-process alone. The criminal networks of which paramilitaries made – and still make – part, stayed intact (Rozema, 2008:425) and violence is still an everyday threat in various barrios in Medellin.

Finally, currently imprisoned demobilised combatants should receive preparation on economic reintegration to facilitate future processes. I deliberately use 'should', because frequently this preparation – also known as rehabilitation – is absent, especially in Latin American prisons. A prison is expected to be more than a place of punishment. Prisoners need to be rehabilitated through psychological care, education and vocational training (Ungar, 2003). Unfortunately, an extreme lack of funds and political support for reform in Latin American countries obstruct an effective change of prison systems into pre-release rehabilitation centres (Ungar, 2003). On the contrary, Latin American

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<sup>16</sup> Source: PowerPoint presentation '4.30 Social and Economic Reintegration' by the UNDDR as part of an online DDR-training, available at [http://www.unddr.org/training/430Social\\_and\\_Economic\\_Reintegration.ppt](http://www.unddr.org/training/430Social_and_Economic_Reintegration.ppt) (consulted in August, 2009)

<sup>17</sup> Numbers on 2008 available on the website of Peace and Reconciliation: "Presentación Programa de Paz y Reconciliación", available at [http://www.pazyreconciliacion.gov.co/sitio/index.php?sub\\_cat=2](http://www.pazyreconciliacion.gov.co/sitio/index.php?sub_cat=2) (consulted in August, 2009)

<sup>18</sup> Source: PowerPoint presentation 'Modelo de Intervención' by the Municipality of Medellin, available at [http://web.usbmed.edu.co/usbmed/formacion/diplomados/hermeneutica\\_del\\_conflicto\\_y\\_derechos\\_humanos/p/onencias/paz\\_y\\_reconciliaci%C3%B3n\\_JULIO\\_con\\_JAR.ppt#1](http://web.usbmed.edu.co/usbmed/formacion/diplomados/hermeneutica_del_conflicto_y_derechos_humanos/p/onencias/paz_y_reconciliaci%C3%B3n_JULIO_con_JAR.ppt#1) (consulted in August, 2009)

<sup>19</sup> This data is based on the number of 889 homicides in Medellin in the first six months of 2009. Source: Statistics of Medellin by the Secretary of the Municipality, available at <http://www.medellin.gov.co/irj/go/km/docs/EstadisticasGobierno/Homisemes0809.pdf> (consulted in August, 2009)

prisons are even said to be 'learning schools of violence' ([FSD, 2008](#)). Below, I will discuss the specific characteristics of Colombian prisons – in which demobilised paramilitaries are currently serving prison time – and its rehabilitative function.

## **2.4 RECONCILIATION**

Armed conflicts destroy social relationships and change perceptions between society members. Therefore, reconciliation – being the process of repairing social relationships and reversing changed perceptions – is necessary to rebuild livelihoods and restore peace and trust in communities. Crucial for a successful reconciliation is the need for both (or all) parties of the conflict to be included in this process to reach a “mutually acceptable solution” (Bar-Tal and Bennink, 2004:11-12). Huyse (2007:19-21) describes three stages of reconciliation: (1) replacing fear by non-violent coexistence, (2) building confidence and trust and (3) creating empathy in victims and perpetrators. The ongoing conflict in Colombia is obstructing reconciliation, as it makes Huyse’s first stage impossible. Then, reconciliation needs a certain degree of justice, truth and reparation (Salazar, 2007:15) and can be generated by four fundamental instruments: healing, truth-telling, restorative justice and reparation. Colombia’s Justice and Peace process has included both truth-telling and reparation, which will be outlined further on. Yet these instruments should be accompanied by often long-term efforts (e.g. educational programs for ex-combatants) to reach an effective reconciliation (Huyse, 2007:24).

Reconciliation in the case of ex-combatants is first of all a micro level reconciliation, because the first step is to re-establish relations of acceptance, forgiving and trust within communities. A dependency on each other for survival produces ‘group loyalty’ or ‘unit cohesion’ in an armed group, which disrupts social relationships not connected to this group. Besides, combatants are mostly fighting in distant areas and because of group rules and/or security reasons lack the possibility of returning regularly (Henriksen, 2008). Reconciliation, then, is vital to the process of reintegration, because the acceptance of ex-combatants by their community works as a mechanism of social control (Ginifer, 2003:46-48). Yet reconciliation cannot be laid upon a person or group of persons by a decision taken from above (Salazar, 2007: 9-10). In Medellin, feelings of resentment have been reported, because of the special attention perpetrators of violence receive while not being punished for their crimes (Rozema, 2008). In an attempt to overcome these reconciliation obstacles in Sierra Leone, ex-combatants have been encouraged to volunteer in their communities – e.g. street cleaning, civil works – to show their renewed involvement (Ginifer, 2003:46).

Studies on ex-prisoners have shown mostly the same difficulties in their reconciliation with relatives, communities and victims. Feelings of fear and distrust by community members obstruct ex-prisoners in a desired resumption of life before prison time (Lynch, 2001). Even more, studies have shown that the longer prison time served, the more disrupted are family relations of prisoners (Lynch,

2001). Does this mean that reconciliation will be even more difficult for the demobilised combatants who are now serving prison time than for those in liberty who are currently tested? Because the imprisoned ex paramilitaries will most likely not be in freedom any time soon, this matter does not have to be addressed yet. However, a comprehensive analysis of the achievements and difficulties in the reconciliation of the ex paramilitaries currently reintegrating in society could serve as a model of reconciliation for the future released demobilised combatants.

Important is not to take only social reconciliation on the family, victim and community level into account, but also address the process of individual or inner reconciliation. An ex combatant has to reconcile himself with his own destiny again and regain confidence after having participated in an illegal armed group (Huyse, 2007:71-72). Former combatants are said to feel insecure, less self-confident and aggressive, because of traumatic (and mostly violent) experiences, what makes it more difficult for them to reintegrate into civilian life (Hume, 1994). While some genuinely regret the harm they caused, others lack a feeling of guilt and responsibility. According to Huyse (2007:72), a lack of guilt can be explained by the interpretation of perpetrators that they acted as heroes, that they were entitled to use violence because of the situation, or that they obeyed orders. Also, others deny guilt and responsibility by putting it into perspective: accepting the crimes yet not taking responsibility, because they experienced a time of war or an even more violent enemy (Huyse, 2007:72). In Colombia, feelings of revenge are in abundance because of the intensity and length of the armed conflict, and serve as inexhaustible source of justifications for the use of violence. Especially the imprisoned respondents of my sample seem to have appropriated these interpretations. A closer look on this will be outlined in chapter four.

## **2.5 TRANSITIONAL JUSTICE**

The term transitional justice became widespread in the late 1980s and early 1990s, when governments – especially in Latin America and Eastern Europe – adopted new initiatives to deal with their legacy of human right violations as the notion of forgetting and forgiveness had gained more opponents (ICTJ, 2008:1). Moral and legal obligations in peace processes resulted in the implementation of transitional justice initiatives as a more appropriate answer to extensive human rights abuses (SIDDR, 2006:30). Yet because of the fragile phase of transition to democracy, mechanisms of justice needed to be modified in order to promote the process of peace, reconciliation and democracy. These modified mechanisms of justice became known under the name of transitional justice (ICTJ, 2008:1). While every implementation of transitional justice mechanisms should be based on its particular context and actors in order to be effective, a basic approach consists of five initiatives: (1) criminal prosecutions, (2) truth commissions, (3) reparations, (4) security system reform and (5) memorialisation (ICTJ, 2008:1). These initiatives are proved to be most effective when

used together. Implementing only one of the initiatives is even said to instigate feelings of injustice and vengeance in the affected population (ICTJ, 2008:2).

The Justice and Peace Law applies three interrelated and interdependent pillars of transitional justice: truth, justice and reparation. First of all, truth is seen as a vital element to any peace process, because a democratic and just society cannot be based on lies or silences. Yet at the same time, the truth (Salazar, 2007:14) is relative, that is, every individual interprets the truth according to their reality. This makes the search for *the* truth an impossible quest. While truth commissions are non-judicial mechanisms (OHCHR, 2006:24), the spontaneous declarations in Colombia are precisely designed to reconstruct a judicial truth. In this way, truth is supposed to facilitate criminal investigations as well as reconciliation<sup>20</sup>, as it repairs victims for the damage done by historical justice (Huyse, 2007:97). The reconstruction of the truth also facilitates a process of healing: victims frequently need the truth to complete the process of mourning; perpetrators can find rest in the oral testimony to victims as – besides being political and judicial – it also has a confessional and spiritual dimension (Montville, 2007:118-119). Further on we will see that for some of the respondents the spontaneous declarations facilitate inner healing.

Justice ‘is perhaps the most fundamental element of peace’, according to Montville (2001:115), because it seeks order and morality. Yet the relation between justice and peace in peace efforts is complex. While justice demands the fair punishment of perpetrators, compromises are frequently necessary to cease violence (Uprimny, 2006:2-3). In the Justice and Peace process with the paramilitaries in Colombia, compromises led to an agreement on the persecution of perpetrators of human right violations, while offering them an alternative sentence (De la Calle, 2009:112). The execution of justice does not only serve to accuse individuals, but can also discover patterns in large-scale human rights abuses and restore people’s confidence in the law system<sup>21</sup>. Furthermore, justice restores trust in society and promotes reconciliation between different groups, and it proves the functioning of the state<sup>22</sup>. Compensatory justice can be obtained by repairing the victims (Huyse, 2007:97). In practice, boundaries between these different dimensions of justice are frequently blurred and they should rather be seen as complementary instead of exclusive (Lambourne, 2009:31-32).

Especially the reparation of victims is still in an initial phase in Colombia, although through the reconstruction of the truth victims are also being repaired. While reparation is frequently associated with economic compensation for the crimes committed, in contemporary post-conflict situations the concept has gained a much broader definition. A comprehensive view on reparation by

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<sup>20</sup> Source: “Colombia: background” by the ICTJ, updated July 2008, available at <http://www.ictj.org/en/where/region2/514.html#resources> (consulted in August, 2009)

<sup>21</sup> Source: “Prosecutions”, published on the website of the ICTJ and updated in April 2008, online available at <http://www.ictj.org/en/tj/781.html>

<sup>22</sup> Idem

Vandeginste (2007:145-146) includes restitution, compensation, rehabilitation and satisfaction. The application of these concepts by the Justice and Peace Law is outlined below. Reparations are vital to the reconstruction of a post-conflict society, because they are meant to break through the vicious cycle of feelings of revenge. Repair the victims of violence in a comprehensive way can satisfy their search for justice and advance the process of reconciliation (Vandeginste, 2007:148). For that, it can be seen as a form of restorative justice, with the aim of restoring damaged relationships (Lambourne, 2009:30). Vandeginste (2007:148) properly calls reparation “a bridge between the past and the future” in which the victims’ participation is necessary for a successful reconciliation with the past.

### **Justice and Peace Law**

In what way are these three interrelated and interdependent pillars of transitional justice applied by the Justice and Peace Law? Until this moment, progress is above all made in the reconstruction of the truth through a judicial process.

The institution created for the execution of this process is the National Prosecutorial Unit of Justice and Peace, which operates in Bogotá, Barranquilla and Medellín. This unit is in charge of the criminal investigations against the former combatants postulated to the Justice and Peace Law and their accusation before court (Art.34, LJP). It has various satellite groups of judicial police (CTI) at its full-time disposal to advance investigations, also outside the urban areas (Res. 0683 of 2008). In Medellín, 18 prosecutors investigate the crimes committed by paramilitary groups by interviewing the postulated ex-paramilitaries and collecting as much information as possible from the victims<sup>23</sup>. Because victims frequently lack sufficient means to report themselves at official institutions, the National Prosecutorial Unit – together with e.g. CNRR and the Ombudsman – organises field trips to remote places or places with a high presence of victims. On these field trips, the institutions inform victims on their rights, assist them with the necessary paperwork for judicial proceedings and occasionally take DNA samples in order to advance the identification of recovered bodies<sup>24</sup>. According to a prosecutor delegate at the office in Medellín, these field trips are extremely valuable, as they are not only an essential source of information, but also contribute to a rebuild of people’s confidence in official institutions.

With this information, the National Prosecutorial Unit verifies the confession by the postulated ex-combatants – the spontaneous declaration. In this confession, besides the names of the victims, also detailed descriptions of time, place and mode of operation have to be declared (Art.17, LJP). While criminal investigations are regularly focussed on those considered most

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<sup>23</sup> Interview with Dr. Eduardo Moreno, head of the National Prosecutorial Unit of Justice and Peace in Medellín on March 12, 2009.

<sup>24</sup> Personally observed in field trips during the internship at the MAPP/OEA

responsible for human right abuses (ICTJ, 2008:1), an investigator of CTI<sup>25</sup> mentions the importance of including rank and file members in the reconstruction of the truth:

“The commanders take responsibility for crimes because of their command at that time, but the rank and file, the ones who really carried out the crimes, know much more. They are the ones who can tell us exactly what happened to the victims.”

The ex-combatant has to relate on the history, development and expansion of the illegal armed group of which he formed part, as detailed as is known by this person. Also accomplices and links to e.g. state officials and *narcotráfico* have to be mentioned (Art.4, Res. 3998 of 2006). This information helps the prosecutor delegate to discover patterns of abuses and create a more general account on the violent past. Such an account can contribute to a better understanding of the happenings and create empathy in both victims and perpetrators, Huyse’s (2007:19-21) third stage of reconciliation. A historical truth on paramilitary groups is also reconstructed by the CNRR, a commission created by the Justice and Peace Law in January 2007 (Art.51, LJP).

After the completion of spontaneous declarations and the investigations carried out by the prosecutor delegate, the case of the postulated ex-combatant moves to court, in which a Judge for Control of Guarantees evaluates the imputation of charges as presented by the prosecutor. If accepted, the Supreme Court determines the sentence of the accused when convicted by ordinary law. Only if the accused fully meets the conditions as stated in the Justice and Peace Law, the judge suspends the original and executes the alternative sentence of five to eight years of prison (Art.3, LJP). It is the task of the Procurator General’s Judicial Office for Justice and Peace to control the accomplishment of the judicial benefits of demobilised combatants in the process of Justice and Peace<sup>26</sup>. The Public Defender Service guarantees the rights of the accused on judicial representation, if the accused wishes to or lacks the means to hire a lawyer (Art.34 and Art.14, LJP). The component of justice is crucial to the Justice and Peace process in Colombia, as it provides the only official bases for truth and reparation (Jaramillo, 2009:3). Yet an overall inability of institutions in Colombia – e.g. insufficiency of human resources, scarcity of technical and logistical resources – is obstructing an effective execution of the process of Justice and Peace<sup>27</sup>.

Then, the demobilised combatants postulated to the Justice and Peace Law are to repair their victims by returning them their properties (*restitution*), pay the damage as determined in the alternative sentence (*compensation*), satisfy the victims on a more general level by the reconstruction of the truth, asking forgiveness and serve a sentence for the crimes committed (*satisfaction*) and by

<sup>25</sup> In a personal interview on April 14, 2009 at the UNFJP in Medellín

<sup>26</sup> Interview with Dr. John Jaime Posada, coordinator of the Procurator General’s Judicial Office for Justice and Peace in Medellín, on May 29, 2009

<sup>27</sup> Source: “Colombia (AUC) 2008”, Country briefing as part of comparative analysis of DDR programs worldwide by Escola de Cultura de Pau, online available at <http://escolapau.uab.cat/english/programas/ddr.php> (consulted in August, 2009)



the promise not to get involved in human right violations again (*non-repetition*). The reparation of victims and the restitution of their goods and properties are verified by the CNRR (Art.51, LJP). Yet except for the reconstruction of the truth, asking forgiveness and the promise of non-repetition in the form of voluntary demobilisations (Jaramillo, 2009:4), these forms of reparation will be defined in the perpetrators' convictions, which until today have not yet happened. Also, compensation will be largely depend on 'the property and money that the authorities are able to amass from recovering assets legally or illegally obtained by the perpetrators of human rights abuses' (Jaramillo, 2009:4). This will remain uncertain until the prosecutions are over.

### **Four years of Justice and Peace**

Since the Justice and Peace Law passed the government in July 2005, slightly more than four years ago, it has been highly criticised and much criticism has still not disappeared from public debate. The United Nations Office for Human Rights (OHCHR, 2005:1) immediately complained about the disproportionate judicial benefits for human right violators without the demand of a real contribution to the reconstruction of the truth and to reparation. According to Amnesty International<sup>28</sup>, the Justice and Peace Law would not only grant impunity to demobilised paramilitaries involved in human right violations, also their collaborators – wealthy landowners, and government and military officials – would remain unpunished. Then, victims in Colombia demand more truth and dignified reparation and perpetrators feel betrayed by the Justice and Peace Law. While the first postulated ex-combatant had received a conviction in March this year, recently this conviction was withdrawn because of the incompleteness of the imputation of charges<sup>29</sup>. Also, an investigator of the CTI confesses:

“The Justice and Peace Law was based on the idea that all demobilised combatants would postulate themselves. In that way, we would be able to find out the whole truth. Now we know that it was not that easy, with only 10% of the ex combatants postulated, the process of Justice and Peace does not work out the way we foresaw it. But every time more combatants are postulating themselves, eventually we will find out what happened.”

Yet an evaluation of the Justice and Peace Law after slightly more than four years of existence brings to the light the value of the process of Justice and Peace<sup>30</sup>. Although the current reconstruction of the truth is still far from complete, spontaneous declarations have brought up more truth on the violence in Colombia than ever in national history. More than 9.968 crimes have been confessed by

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<sup>28</sup> As stated on the internet page of Amnesty International USA, available at <http://www.amnestyusa.org/all-countries/colombia/justice-and-peace-law-and-decree-128/page.do?id=1101862> (consulted in August, 2009)

<sup>29</sup> As published in El Tiempo on August 19, 2009: “Corte tumbó la única condena contra un paramilitar en Justicia y Paz; se trata de alias ‘El Loro’”

<sup>30</sup> For the complete article on the evaluation of the Justice and Peace Law by Verdad Abierta, published on July 24, 2009, see <http://www.verdadabierta.com/web3/justicia-y-paz/1452-justicia-y-paz-valio-la-pena-a-pesar-de-todo> (consulted in August, 2009)

postulated ex-combatants and information on 26.054 other crimes has been provided<sup>31</sup>; of the majority of those crimes, the National Prosecutorial Unit had no investigations. That is, without the Justice and Peace process, and without the voluntary confessions, a great number of crimes would have remained unsolved. This time, the violent past is being revived instead of forgotten in order to prevent it from happening again. While many perpetrators unfortunately walk free at the moment, 1.877 others have initiated spontaneous declarations, of which 1.225 are finished<sup>32</sup>. Furthermore, thanks to these spontaneous declarations 2.043 graves have been exhumed in which 2.492 bodies of victims have been found. Of these bodies, 686 are preliminary identified and 564 have been returned to their families<sup>33</sup>. In this way, these victims have been partly repaired for their loss. Moreover, reparation is also done through psychological counselling and assistance, support for productive projects to start over and judicial assistance by different institutions designed by the Justice and Peace Law<sup>34</sup>. Thus, while many victims *and* perpetrators are still unsatisfied, considerable advances have been made by the Justice and Peace Law in the search for a sustainable peace in Colombia.

## 2.6 PARAMILITARIES IN COLOMBIAN PRISONS

The penitentiary system in Colombia has suffered from years of bad governance and a constant lack of resources. First of all, prisons in Colombia suffer common problems such as the lack of hygiene, bad sanitation, unhealthy nutrition, poorly trained staff and the lack of rehabilitation programs and opportunities of work and study (Carrillo Leal, 2001). Criminals with influence *outside* prison are able to continue to commit crimes in the outside world from *inside* prison (FSD, 2008:24). Goods and services enter Latin American prisons because of the highly corrupt organization inside. Prisoners frequently bribe guards to be provided with weapons, drugs or prostitutes, and even pay each other for a bed or food (Carillo Leal, 2001). Exactly because of this high level of corruption in Latin American prisons, an unbalanced power distribution arises in which prisoners with money turn out to be less deprived than those without (Carillo Leal, 2001). An intensified problem in Latin American prisons is the large amount of pre-trial prisoners, that is, prisoners who are not yet convicted but preventively incarcerated (Del Olmo, 1998). This not only leads to overcrowding, but also instigates illegal and/or violent activities as life outside prison loses its meaning for pre-trial prisoners (Carillo Leal, 2001). The percentage of pre-trial prisoners in Colombia is estimated to be nearly 43 percent (Correa, 2001).

Then, prisons in Latin America are famous for being among the most violent ones, with assaults and even deaths almost on a daily basis, causing a continuous feeling of extreme insecurity

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<sup>31</sup> Source: Numbers of NPUJP updated till May, 2009. Published on internet page of CNRR, available at <http://www.cnr.org.co/new09/vjr/hechos.html> (consulted in August, 2009)

<sup>32</sup> See footnote 22.

<sup>33</sup> Source: Recent numbers of NPUJP, as published on their internet page, available at <http://www.fiscalia.gov.co/justiciapaz/EXH/EXHUMACIONES.htm> (consulted in August, 2009)

<sup>34</sup> See footnote 29

among prisoners and the necessity for a certain degree of solidarity for survival (Del Olmo, 1998). Previously, members of different armed groups were placed together in cells, which reproduced the conflict fought outside in prison (Correa, 2001:29). Yet nowadays the INPEC<sup>35</sup> has assigned patios in various prisons to serve as Justice and Peace patios, where demobilised paramilitaries postulated to the Justice and Peace Law are serving time. Currently, at least 1.018<sup>36</sup> postulated ex-paramilitaries are imprisoned, yet the number of ex-paramilitaries in prison is probably much bigger, taken into account that many imprisoned ex-paramilitaries refuse to participate in the Justice and Peace process. Paramilitaries are said to use the power they enjoy in prison as a way of control over the peace accords between paramilitaries and the state; in case of changes in these accords, they at least will have the power to act inside prison (Correa, 2001). Also in Bellavista, it is the group of paramilitaries that make up the rules since 1997 (Correa, 2001). Even the Office of the Controller General acknowledged the power and privileged treatment paramilitaries receive in Colombian prisons (Lynch, 2001). Imprisoned politicians accused of having collaborated with paramilitaries receive an even more privileged treatment<sup>37</sup>.

Taking these problems, working for better prison conditions is seen by many as contributing to the peace process in Colombia. Prisons should be functioning as places that provide an alternative to life as an armed actor (Correa, 2001). A real investment in the preparation for the future reintegration and reconciliation of imprisoned combatants is necessary in order to rehabilitate this population. The obligated re-socialisation of postulated ex-paramilitaries will be defined in their sentence, that is, we have to wait on the first sentences to see if and how the lack of rehabilitation programs will be resolved.

## 2.7 THREATS TO PEACE

Not only problems inherent to institutions or programs are affecting outcomes of peace efforts such as the reintegration and reconciliation of former paramilitaries and the Justice and Peace process. Especially in the case of Colombia, the course of such efforts is highly changeable, because the conflict has not ended yet. Fear, insecurity and violence are a danger not only to these processes yet also to the people participating. Lake (1996:41-42) describes in a comprehensive way how these three concepts are intertwined and dependent on each other:

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<sup>35</sup> The National Penitentiary and Prison Institute (INPEC) was created in 1992 by the Colombian Ministry of Law and Order. This institute is responsible for the prison's administration, supervision and prisoners' treatment (FSD, 2008).

<sup>36</sup> This estimation is based on the number of 1018 postulated ex-combatants (AUC and guerrilla members) that participated in the national disobedience among prisoners in May 2009 (source: *El Colombiano* June 5, 2009). I have found no up-to-date numbers.

<sup>37</sup> As published in *El Tiempo* on July 21, 2009: "Así es la vida de los parapolíticos en La Picota; dedican su tiempo a la agricultura".

[..] [Ethnic] conflict is most often caused by *collective fears* of the future. As groups begin to *fear for their safety*, dangerous and difficult-to-resolve strategic dilemmas arise that contain with them the potential for tremendous *violence*. As information failures, problems of credible commitment, and the *security dilemma* take hold, groups become apprehensive, the state weakens, and *conflict* becomes more likely. [..] *Fears of insecurity* and polarize society, [..] a toxic brew of *distrust and suspicion* that can explode into *murderous violence* (emphasis added).

Clear is that one evokes the other, and the other way around. We can speak of a vicious circle, leading to violence and bringing fear and insecurity with it.

McIlwaine and Moser (2007) state that fear and insecurity, caused by everyday violence, also destroy social relationships of communities. A violent environment that is socially fragmented makes the rebuilding of social relationships for ex-paramilitaries and ex-prisoners almost impossible. Also, violence makes vulnerable people join (again) perverse organizations, like drug gangs, paramilitary groups and guerrilla movements (McIlwaine, 2007). Meddings (2001: 13), moreover, speaks of the extreme psychosocial, traumatizing effects of violence and the accompanying insecurity on entire communities. According to Theidon (2007), a failure among various Colombian ex-combatants to return to civilian life is not caused by a lack of motivation, but due to difficult circumstances they find themselves in concerning the labour market and security issues because of the still on-going armed conflict in the country. Scholars as well as community members are convinced that recidivism is a real threat to peace operations, although rates are not accurate. Also in Medellin, ex-combatants have been accused of falling back into crime. In many cases they fear their own lives if they decide not to join an armed group to protect them (Rozema, 2007).

By way of conclusion, this chapter presents the interrelatedness and interdependency of the peace initiatives of DDR, reconciliation and transitional justice in the context of the recent peace process of the Colombian government and paramilitary groups. Paramilitary combatants, united in a national organisation, differ in socio-economic profile and reasons for joining the paramilitary, which asks for a comprehensive approach on the process of reintegration and reconciliation. The accord in 2003 between the AUC and the government meant the implementation of a national DDR-program. The Justice and Peace Law, simultaneously, was designed to serve both as a punishment of extensive human right violators and as a judicial framework for the reintegration of demobilised combatants. Based on the transitional justice mechanisms of truth, justice and reparation, which are closely linked to each other, this law is one of the most demanding laws in post-conflict situations. The degree of justice in these peace efforts facilitates the reintegration and reconciliation of the demobilised combatants. Different institutions have been created by the Justice and Peace Law in order to execute the process, of which the National Prosecutorial Unit provides – at least for now – the most important contribution. Certain achievements have been made in the past four years, yet the

reconstruction of the truth alone is not enough to re-establish sustainable peace. Ex-combatants need rehabilitation, also those in prison, but until today, a lack of study and work opportunities and psychological counselling reigns in Colombian prisons. Furthermore, the still existing fears, insecurities and violence in society threaten outcomes of these peace efforts. The following analytical description of the postulated ex-paramilitary serves as a basis for current and future peace processes they find themselves in.

### 3. Getting to know the *postulados*

Who are the demobilised paramilitaries postulated to the Justice and Peace Law? After discussing their educational and socio-economic profile and their reasons for joining the paramilitary, this chapter first analyses their paramilitary life. A description of their time of entry and the positions they fulfilled explains their current situation, group cohesion in the paramilitary group is discussed and the respondents relate on the effect of the loyalty to a paramilitary group on family relations. Then, I look at the different moments the respondents were postulated to the Justice and Peace Law and the reason why they postulated themselves. This shows that also ex-combatants postulated to the law are no homogeneous group and that the act of postulation was in many cases not a deliberate or purposeful one. The different moments and experiences of arrest of the prison population are also included. Together, these descriptions provide an insight to the respondents' current situation.

#### 3.1 PARAMILITARY LIFE

##### Time of entry and position

'Ernesto Baez' had already joined the paramilitary in 1979, because he became convinced of its ideology. For six years he kept performing his functions as lawyer and university professor, while he contributed to the early paramilitaries' development of their political thoughts. 'Ernesto Baez' was the first one of my sample to enter and in the 26 years of participation he had "always stayed loyal to his own thoughts". Yet almost 90 percent of the respondents joined the paramilitaries between 1995 and 2005. Although the sample of this research is extremely small if we realise that in 2006 already more than 30.000 paramilitary combatants had collectively demobilised (Caramés, 2009:1), a clear correlation can be noticed between the coming into existence of the umbrella organization AUC in 1997 and an increased number of people joining a paramilitary group<sup>38</sup>. Yet most of the respondents, especially the rank and file, manifested they did not feel connected to a nationally united paramilitary organization. This finding corresponds with the earlier mentioned reasons for joining the paramilitaries, which mostly had to do with local, personal matters (i.e. search for protection, joining relatives and/or friends and the need for economic stability<sup>39</sup>) and for that generated no interest in a national organization.

In order to take a closer look at the relation between the positions the ex combatants postulated to the Justice and Peace Law performed in the paramilitary groups and their time of entry, I have made a distinction between leading and subaltern positions<sup>40</sup>. The 15 respondents who were

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<sup>38</sup> See figure 1 in appendix 4 for a graphic outline of the respondents' time of entry to the paramilitary group

<sup>39</sup> See again appendix 3 for the table on reasons for joining the paramilitary

<sup>40</sup> Leading positions are the high and medium level positions in which a person has other persons under his command, not only the first commander, but also positions as squad commanders, political commissioners and military instructors. Subaltern positions, then, are the low level positions in which a person has to follow orders,

carrying out leading positions seem to have entered the paramilitary group in an earlier stage than the 29 respondents who were being led<sup>41</sup>. Also, generally seen, they fulfilled their positions in the paramilitary group for a longer time, with an average of eight years in the group against 4,4 years by the subaltern paramilitaries<sup>42</sup>. Of the high rank ex-paramilitaries, 80 percent is now serving time in prison. Only three of them are currently participating in the reintegration program of Peace and Reconciliation, David and Ivan in hiding for the National Prosecutorial Unit. Of the respondents in freedom, less than a fifth (3 out of 16) had fulfilled a leading position. This corresponds with the notion that, above all, commanders of armed groups should be held responsible for the committed crimes (ICTJ, 2008:2). Indeed, the AUC did not consist of a military section only. Of the eight ex-combatants who only fulfilled positions in other areas of the armed group – e.g. financial administration (Hernán), communications (Adriana) and mechanics (Renaldo) – only one has been arrested, because the Justice and Peace Law grants amnesty to demobilised combatants who have not participated in excessive human rights violations (OACP, 2007). Further on will be discussed why these respondents got postulated.

An earlier time of entry and a higher position in the group could be explained by the simple assumption that the longer one spends in an organization, more probable it becomes to be promoted to a higher position. Yet the results of this sample show more variety. As counts for any paid position, former experience is often decisive in giving someone a leading function. Where did the paramilitary commanders in Colombia find experienced manpower? First of all, in the army, where people had already received military training based on defeating an internal enemy. Diego, Armando and Luis Alberto had served the national army before joining a paramilitary group and easily ended up being either military commander or military instructor in the organization. Moreover, 'Pedro Bonito' states that a significant proportion of his men in rural Urabá consisted of deserted guerrilla members, who were already military trained<sup>43</sup>. Of this sample, only Luis had served the FARC before entering the paramilitary.

As we have seen above, most of the time that the paramilitary organisation operated it was an illegal armed group by law. That made criminals, with their experiences and connections in the illegal scene, also a powerful workforce. Ivan and Ariel, both criminals before joining a paramilitary group, almost immediately occupied leading positions in the group. However, Nicolás, a street vendor without military training or criminal connections, was also wanted by the paramilitary group in his neighbourhood. He explains:

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being for example hitmen, patrolmen, security guards and radio operators. The persons performing these functions have no other responsibility than to complete orders, and have no power to make decisions about the tasks carried out. For a complete list of the leading and subaltern positions, see figure 2 and 3 in appendix 4.

<sup>41</sup> See figure 2 and 3 in appendix 4 for a graphic outline of this difference.

<sup>42</sup> See appendix 1 on the time spent in a paramilitary group.

<sup>43</sup> Gutiérrez (2008) also writes: "Former guerrilla members are well received in the paramilitary groups, both for political (promote future desertions) and purely technical (absorb their know-how) reasons." (p.16)

“Everybody knows that street vendors know what's going on in the barrio. Also the paramilitaries knew that, they asked me to join them. I had valuable information on a lot of people. That's why I became responsible for charging the companies in our zone, for collecting money.”

Thus, also people who possessed valuable information were strategically positioned in the paramilitary group. Furthermore, precisely because of the above mentioned illegality of the organisation, the degree of trust between a (potential) paramilitary and its commander also influenced one's position in the group. For example, José Luis had married his commander's daughter, which made him “more connected to the zone” and better reliable as personal security guard. An exception seems to be Javier: while he grew up with commanders of the AUC and states that “paramilitarism is like family tradition”, he always stayed a low rank paramilitary; for 14 years he fought for “his land [*mi tierra*]”, until his arrest in 2004.

### **Paramilitary intragroup relations**

Once in the group, an important task for the paramilitaries was to find a way of coexistence and to feel united to serve the paramilitary cause of defeating the guerrilla. Although most respondents were personally affected by guerrilla violence, their actual reasons for joining the paramilitaries were divided in many personal objectives. Was Henriksen's ‘unit cohesion’ created?

A clear majority, especially of those with subaltern positions and currently in liberty, classifies their relationship to their companions as friends, when they were paramilitaries. As most explain to have become friends because of the long time they spent together, for John it had more to do with his position in the group:

“It was easier to be a hitman. [...] Being in the city, you can sleep in your own house, you can eat as you're used to. You have all your contacts around you. Once you are in the mountains, as a patrolman, it is hard to sleep well, to eat well. You don't know the people around you. But you need them; you become sort of friends, because you go through the same things.”

Some companions have stayed friends until today. José Luis and Ivan still communicate with their currently imprisoned companions. Four respondents even used the word 'family' to describe their former companions. Ingrid explains why she came to see her companions as close as relatives:

“My job as radio operator was not hard, physically, but I was stressed all the time. I didn't sleep well; we had to move a lot. I was always thinking a lot, and that stressed me. [...] Mentally it was hard work. That's why we became a close team, the five of us. We always talked about everything, shared every experience, they became like brothers to me.”

Even though the ex paramilitaries had entered with their own objectives, in these cases they became close to their companions because of similar experiences. Oliver and Pilar even fell in love with each other while working in the same team and got married after the demobilisation.



However, other ex paramilitaries did not develop close relationships to their companions. This happened to 'Ernesto Baez' and Luis Alberto, for example, because their leading positions made them constantly receive new men to train and they often changed residence because of security reasons. Others deliberately withheld themselves from extensive contact with companions. Ex-squad commander Ariel treated his companions strictly as colleagues, not as friends and even less as family members. 'Ernesto Baez' states that it was exactly because of the circumstances in which the paramilitaries were living, that making true friendships was more difficult. Furthermore, some respondents admitted that coexistence was not only difficult, but that forcing different individuals together even brought along many problems.

"There were more problems between the paramilitaries themselves than between paramilitaries and guerrillas, if you ask me. Unity was really difficult to reach." ('Ernesto Baez')

Also former security guard Felipe mentioned that there were always many conflicts in his group, because most paramilitaries wanted to interfere in decision making. Thus, power struggles were not only externally fought, also intern disagreements led to difficulties.

However, social relationships between paramilitaries did not solely depend on their own contribution, but also on the ways in which commanders led their paramilitary group. Most did not allow their combatants to get into fights with each other. In case of a fight, people got transferred to another bloc, or, according to David, serious fights between men could end in the killing of all men involved in order to maintain order in the group. At the same time, some commanders did not want their combatants to get too close, possibly to avoid conspiracies or rebellions against them. As Edwin recounts:

"We were a group of 12 minors of age, hitmen, we didn't have too much contact. We were trained by our recruiters to distrust anybody. When we started to talk with each other, and we found out some delicate matters concerning our recruiters, they started to kill us, one by one. Fortunately, I managed to flee."

Another strategy used to keep the level of confidence low between patrolmen, as told by David, was their systematic change of squad; nobody could be secure of its place. Besides, in many groups, as mentioned by various respondents, it was forbidden for the rank and file to discuss family matters. With these rules, commanders tried to withhold their combatants from getting close to each other.

Respect was the most important and prevailing attitude in paramilitary groups. Generally spoken, the subaltern ranks respected their superiors, and the superiors also respected their combatants and other leading positions. This respect was derived from the rules commanders imposed on their combatants. All paramilitaries knew that these rules were to be obeyed, and that commanders did not refrain themselves from severely punishing the ones who did not listen. Luis

gives away details on disobedience in his paramilitary bloc that ended in the death of forty of his companions:

“Another squad of our bloc decided to extort an important and very rich Señor, who had some farms in the zone and enjoyed a lot of influence. This Señor went to our commander to complain about the extortion. Because of his influence in the zone, our commander ordered the assassination of the whole squad of 40 companions, by one of his other squads.”

By knowing the severity of punishment for disobedience, respect was enforced on the combatants. While rank and file felt united or sometimes even became to see each other as relatives, high rank paramilitaries – intentionally or unintentionally – stayed away from getting too close. In the end, as in any military organisation, respect heavily influenced social relationships and group loyalty was enforced upon the paramilitaries by strict rules.

### **Family contact**

Was this group loyalty disrupting family relations or were formerly existing networks maintained? First, up to 25 of the 44 ex-combatants of my sample joined the paramilitary group that was operating in their residential area. Most, thus, were regularly in the presence of their relatives, “when things in the group were quiet” (José Luis), and did not feel a disruption of family contact. More than half of them still lived with their parents; others already had their own nuclear family. Others deliberately left home because they thought that, doing otherwise, their family would be in danger. Yet because of their irregular and often dangerous work, in all cases family relations were at least troubled.

“I had some troubles with my wife, because she didn't agree with me working for them [paramilitaries]. My whole family knew what I was doing. Sometimes it was dangerous, because they all recognised me, because of my job as a street vendor. I had to be careful not to bring my family in danger.” (Nicolás)

“I lived with my family, I saw them everyday. They didn't agree with my decision though, that sometimes made it difficult. We were arguing a lot.” (Alejandro)

“I lived with my parents and I regularly had to shoot in front of their eyes. That is the hard thing of working in your own barrio. They found that very difficult.” (Jorge)

Insecurities and fears that belonged to paramilitary life apparently affected family relations. Nevertheless, the majority of those working in their residential zone were able to combine group loyalty to the paramilitary group with a reasonable maintenance of social relationships not connected to this group.

The other 19 respondents joined a paramilitary group in another zone, away from their relatives. Those in the mountains stayed in encampments, while some urban combatants were

lodged by their commanders. The maintenance of their pre-paramilitary social network became more difficult, if not impossible. One third was able to visit their relatives in their time as paramilitary – especially high ranks. Former squad commander David, for example, was allowed to visit his family for 15 to 20 days each year. He relates about these visits:

“After these days, it was always hard to go back to the mountains, to leave my family, but I had to obey orders. There was no way to get out of it without getting my family in danger.”

Five respondents only maintained phone contact with their relatives on a regular or even daily base; the remaining eight had (almost) no family contact at all. Some were not sincere about their occupation, because they did not want their relatives to worry. Often, it was a combination of factors that obstructed the respondents from maintaining social relationships outside of the paramilitary group: the distance, rules in the armed group and security issues made it difficult. They either had no options to visit them or did not want to put them in danger. Yet these respondents state that, although they could not maintain contact with their relatives, they sent them money every month. This possibility of providing for their family has been an important weight in the decision to keep working for the paramilitary group.

### **3.2 POSTULATION TO THE JUSTICE AND PEACE LAW**

Between 2003 and 2005, all respondents had collectively demobilised – except for the 13 ex-paramilitaries who got arrested before their paramilitary group laid down weapons. For some the demobilisation took only hours; others had to wait weeks in encampments on different Concentration Areas before the ceremony took place. Many respondents mention an immense amount of paperwork they had to sign, and if we realise that the majority had only finished primary school, most respondents did not dedicate enough attention to the completion of these papers. While the respondents after the demobilisations went different ways – either in liberty or in prison – all eventually ended up in the Justice and Peace process. I have divided the respondents in four different groups, depending on the moment of postulation and their reasons to do so.

#### **“Everybody signed it”**

The very first moment for ex paramilitaries to sign the postulation was during the demobilisation ceremony or in the months afterwards. Yet for many of them, at the moment of postulation, it was not clear for what exactly they were postulating themselves. Currently has been acknowledged that not all ex-combatants who have been postulated to the Justice and Peace Law were supposed to be in the process<sup>44</sup>. Already nine respondents in my sample of 44 fulfilled positions in which they did not

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<sup>44</sup> Source: “Justicia y Paz: valió la pena a pesar de todo”, by Verdad Abierta, published on July 24, 2009, see

violate human rights, and for that, have the right on amnesty. Because a lot of things were – and still are – unclear, demobilised combatants signed to enter the process, as they were told it would be better for them and they feared the unknown consequences of not signing.

“The only thing they told us at our demobilisation was that it was better to sign the postulation in order to prevent troubles in the future. We didn't know what would come next, or what would happen to us, we just knew that it was better for us to sign. Everybody signed it.” (Jose Luis)

Seven respondents postulated themselves under these circumstances. Then, other demobilised combatants do not even recall the postulation papers. As we have read above, during the demobilisation ceremony, participants received many documents to sign and did not realise that a postulation to the Justice and Peace Law was one of the papers they put their autograph on. Up to six respondents found themselves in this situation. They now realise that they postulated themselves in:

“We have no idea when we postulated ourselves. It must have been in the demobilisation ceremony, when we signed a lot of papers. Everybody signed, and there was no lawyer to help us out. It was only when we saw our names and photos on television, that we directly asked the lawyers of Peace and Reconciliation what was going on.” (Leonardo and Marcos)

Even more concerning was the situation Ingrid, Olivia and Renaldo found themselves in. They were told by spokespersons of their blocs that the document had to be signed in order to receive the financial help the government had promised them, and for that, they entered the process of Justice and Peace.

### **“Let's pay and leave this behind”**

Yet a larger number of respondents was informed on what their obligations and their rights would be as a postulated demobilised combatant. Although they lacked many details on the process – as most people, because on many things has not been decided yet, until today – they consciously entered the process of Justice and Peace, because they knew they had to pay for their crimes and felt confidence in the process in the way it was presented. Thus, they were already aware of the fact that they committed crimes that could not easily be forgotten. Ten of them, including the four commanders who participated in the peace negotiations with the government, explain that they truly believed in the judicial process – believed, because they have lost their confidence along the way. They saw it as a closure of their paramilitary life, in which they as well as Colombian society would benefit of the things they had agreed on.

“It looked like a good solution. We would pay for what we did and then leave it behind us.” (Felipe)

“Nobody knew exactly what was about to happen, but I thought it would be the best to tell the truth

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<http://www.Verdadabierta.com/web3/justicia-y-paz/1452-justicia-y-paz-valio-la-pena-a-pesar-de-todo> (consulted in August, 2009)

to the victims. And for that, we would receive the benefits we agreed on.” (Nicolás)

They all signed in the demobilisation ceremonies or in the months afterwards if their demobilisation was carried out before July 2005, when the Law passed the government.

Two respondents emphasize that their decision to postulate themselves to the Justice and Peace Law was highly influenced by the government's promise that after completing the process, the ex paramilitaries would “get out clean, as crimes would be paid for” (Ariel). There would be no record on their judicial documents that otherwise would hinder them for the rest of their lives. Under those conditions, both men postulated themselves while they were already serving prison time. Then, Luis Alberto, Jesús and Christian saw a postulation to the Law as the quickest way out of their problems. Because of that, they signed the postulation papers in the demobilisation ceremony.

### **“Thank you, tattle tale”**

Other ex paramilitaries at first neglected the possibility to postulate themselves to the Justice and Peace Law. They were spending already various years in prison, because of one or two crimes convicted by the ordinary justice system, and would be free in a couple of years. Four years have passed since the first day of the Law, and all postulated ex-combatants around them are still waiting on a conviction. Many decide not to talk because they know the National Prosecutorial Unit has little information on their crimes and they hope to be out of prison soon. However, now the process of spontaneous declarations seems to have speeded up the last months<sup>45</sup>, more ex paramilitaries are confessing their crimes *and* are obliged to name their accomplices – if fully cooperating. Now the first ex-combatants have been excluded from the Justice and Peace process because of non-collaboration, more and more postulated combatants prefer to fully collaborate in stead of risking a conviction by ordinary law. This means, that the risk to be mentioned is higher and without a postulation to the Justice and Peace Law these crimes will lead to significant more years of prison time.

Two ex paramilitaries of my sample have entered the Justice and Peace Process for this reason. Former patrolman Fernando postulated himself, because two of his closest companions are already collaborating with justice and will mention his name. In the case of Armando, it is still only a threat that others will talk about him:

“I didn't want to enter [the Justice and Peace process], because I didn't know what would happen. There are so many doubts. It seemed better to stay in the ordinary justice system. At least one knows what to expect. [...] But I postulated myself in 2007, when I was already in prison for 6 years. Because I had an important role in my group, eventually things about me will come out.”

Because of his leading position as a military commander, Armando realises that a postulation to the

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<sup>45</sup> As mentioned by two prosecutors at the UNFJP in Medellin and personally noticed on the agenda of spontaneous declarations on the internet page of the UNFJP.

Justice and Peace Law will be the best solution to narrow his prison time.

### **“Hey, I also want those benefits”**

Then, there is a last group of postulated ex paramilitaries who were triggered by the benefits postulated prisoners receive in comparison to common prisoners. These were already arrested before the demobilisations, because of crimes committed as a paramilitary. Yet in the peace negotiations, the paramilitary commanders had come to an agreement with the government that also their men who were already in prison would be able to participate in the process. Thus, after the Justice and Peace Law got official, prisoners who were recognised by the commanders as being one of their men received the opportunity to postulate themselves.

“I was postulated in the prison of Urrá. I wanted to lower my prison time, by telling the National Prosecutorial Unit what I know about some graves where victims are buried.” (Alejandro)

“I postulated myself in Bellavista. Another ex-combatant told me about it, said it could give me some benefits.” (Rafael)

Most of these men are already convicted by ordinary law, yet after completion of the Justice and Peace process, this conviction – if only concerning crimes committed *during* their time in the paramilitary group and if all conditions are met – will be suspended and converted in a conviction as determined in the Justice and Peace Law: between five to eight years. This benefit, among others, made 11 ex-paramilitaries of my sample, already spending various years in prison, enter the Justice and Peace process.

### **3.3 ARREST**

While 16 respondents found themselves in liberty at the time of my research<sup>46</sup>, the other 28 respondents got arrested at different moments and under different circumstances, yet all because of paramilitary crimes. Based on the time of demobilisation, I have divided these moments in three categories: (1) before the demobilisation, (2) at the ceremony or immediately after spending time in the Concentration Area of Santa Fé de Ralito or (3) after spending time in liberty after the demobilisation.

Almost half of the respondents in prison was already arrested before the demobilisation of their paramilitary group. As being a paramilitary had become illegal again in the late 1990s, warrants were given out for those suspected of participating in paramilitary activities. These 13 respondents got arrested between 2000 and 2004, and thus spent already an average time of seven years in prison. Although none of the respondents in prison has received a Justice and Peace Law sentence, they

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<sup>46</sup> Marcos, one of the respondents I interviewed at the office of Peace and Reconciliation, got arrested one week later.

cannot be defined as pre-trial prisoners anymore, because in the meanwhile they got convicted by ordinary law for crimes which have been proved without the need for spontaneous declarations. Five of them held a leading position in the paramilitary bloc. While most respondents were arrested at a random moment, Nicolás was captured on the spot:

“I was in charge of collecting the monthly quotas from companies that paid us in exchange for security against the guerrilla. [...] It was a ‘voluntary’ payment. I got caught by the police in 2003, while picking up a quota. It was not a secret in the neighbourhood what I was doing.”

The majority was operating in urban areas, and for that, easier to capture. John had just exchanged his urban position for being a patrolman in rural area, because he knew that the police already had a warrant for him since 1998. Yet while visiting a friend in Medellín in 2003, John got arrested.

Then, eight of the remaining respondents in prison were arrested at the ceremony or transferred to Itagui prison from the Concentration Areas. “For our own safety, they said”, mentions Francisco. All of them had signed the postulation papers in the demobilisation ceremony, except for Giovanni who postulated himself in prison. Because of their key roles in different paramilitary blocs – four of them were political and military leaders of the AUC and important names at the peace negotiations – the government did not risk losing their participation in the Justice and Peace process, and for that, without official warrants, sent them to prison.

The other seven respondents got arrested after having spent time in liberty as a demobilised combatant. ‘Pedro Bonito’, Juan José and Felipe enjoyed various years in freedom. They were taken in when they reported themselves at the National Prosecutorial Unit, the latter because he was threatened by new armed groups and preferred to be arrested. The other four, not yet postulated to the Law, were taken in by surprise. Jorge was, at the time of arrest, involved in social work for his community:

“I started to work with some politicians. We handled everything in the barrio; we made complaints at the Mayor’s office if anything was missing or if we needed a new traffic light or playground. We also bought presents which we gave to the children. In the meanwhile, I was receiving psychological help at Peace and Reconciliation.”

While Jorge refuses to mention names, he was probably involved with *Corporación Democracia*, an organisation of and for demobilised combatants in Medellín. This organisation has lately been accused of having links to criminal networks and of imposing rules and social control on barrios<sup>47</sup>, an example of the continuance of former paramilitaries’ power mentioned by Rozema and Theidon. Then, Alejandro got arrested after he started working for the army battalion in his zone:

“I went back to my zone, because the army battalion called me. They offered me a job, not officially,

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<sup>47</sup> For the complete article on these accusations, see “La Corporación Democracia, el brazo político de la Oficina de Envigado”, published on April 17, 2009 on the internet page of *Agencia de Prensa IPC*, available at <http://www.prensa rural.org/spip/spip.php?article2183> (consulted in August, 2009)

without uniforms thus, but we would get a monthly payment for helping them exploring the zone and looking for the guerrilla. We knew exactly where they were, the army needed us. I accepted that job, but I got caught by the police even before I received the first payment.”

Finally, Antonio, who had been a hitman for four years, was arrested in 2008, when he was almost finishing secondary school in a college of Peace and Reconciliation. Thus, at different moments and under very different circumstances, these demobilised paramilitaries were arrested and all ended up in the Justice and Peace process. Only four of them had not postulated themselves at the time of demobilisation, yet received another opportunity while being in prison.

In this chapter, I highlight certain periods of the lives of the respondents which have been decisive for their current situation. First of all, the ex-paramilitaries who joined the armed group in the early 2000s, and thus spent less time in the group, are nowadays more likely to be found in liberty than those who entered in an early stage. This also depends on the position the respondents fulfilled in the paramilitary group, as most high rank paramilitaries are currently spending time behind bars. Then, rank and file felt more united or sometimes even as a family, because of spending much time together; high ranks stayed more distant as they often changed place and men. Respect finally overruled in the paramilitary groups because of commanders' strict rules. Concerning family relations, those who worked in their residential zone maintained their pre-paramilitary social networks, although insecurities and fears of paramilitary life troubled relationships. However, the respondents who worked in another zone saw a combination of factors disrupting family relations, yet they contributed to family life by sending money every month. The majority of the respondents postulated themselves to the Justice and Peace Law in the demobilisation, either consciously or unconsciously. Others – sooner or later – got arrested after the postulation. A third of my sample was already in prison before the demobilisations and were postulated in prison; two saw themselves obliged because of other participating companions, many were triggered by the benefits of the Justice and Peace Law. What happened then to the postulated ex-paramilitaries?



## 4. Judicial proceedings

It is 9.30 am. On the fifth floor of the National Prosecutorial Unit is about to start the tenth session of spontaneous declarations by alias 'Pedro Bonito'. Yesterday afternoon, in only three hours, this ex-paramilitary commander confessed 23 crimes committed by his men in the 1990s. Six people, registered as victims, wait impatiently for 'Pedro Bonito' to start talking. One of the seven public defenders is reading over his case, writing down his client's questions on an official form. These questions will later be passed on to the sixth floor, from where the former commander will be talking.

The man who appears on the screen looks well dressed. With a certain tranquility – or is it self-confidence? – the now imprisoned 'Pedro Bonito' goes back in time and puts the crimes and atrocities committed by his bloc into words. Six hours later and 29 crimes confessed, he stores his pen in the pocket of his striped shirt and grabs his cellphone, watch and notebook from the table. The glance that he directs to his lawyer contains a feeling of relief. 'Pedro Bonito' just finished his declaration. In the questioning room on the sixth floor the camera is shut down; on the fifth floor, victims, lawyers and investigators gather their belongings and leave the room.

*Spontaneous declaration by alias 'Pedro Bonito', April 15, 2009, UNFJP, Medellin.*

This chapter elaborates on the experiences of the ex-paramilitaries postulated to the Justice and Peace Law with the judicial proceedings of the process. What does it mean for an ex-combatant to be postulated to this law? I will distinguish those in liberty from those in prison, as their experiences differ. One thing stands out; there are many doubts and uncertainties, in any phase of the process. The imprisoned respondents of my sample are participating in judicial proceedings, many in spontaneous declarations and some in hearings. In these proceedings, obstacles on the three pillars of transitional justice are encountered. After an analysis of these obstacles, the respondents reflect on their paramilitary past in the current context of being publicly judged.

### 4.1 BEING POSTULATED

Different experiences respondents have gone through after their postulation show a lack of a fixed procedure at the National Prosecutorial Unit for the time between postulation and the first spontaneous declaration. Prosecutors personally decide how or when to involve the postulated ex-combatant in this process. There is no time limitation on the spontaneous declarations, but when the file of the postulated ex-combatant gets sent to the Judge for Control of Guarantees, the institutions have little more than 100 days until the final sentencing of the accused.

#### **Resign and reintegrate**

Of the respondents participating in the reintegration program of Peace and Reconciliation, only Héctor and Adriana, who possibly possess important information because of their former positions of respectively squad commander and radio operator, have never been summoned. Perhaps the

prosecutors assigned to their case lack the means to contact them and/or have prioritized other postulated combatants, or they lack information on the current whereabouts of their population and for that are not able to summon them. Ingrid and Ivan say to have been advised by their lawyers to stay away from the National Prosecutorial Unit to avoid “unnecessary complications” (Ingrid). Although Ingrid nowadays has no judicial problems, Ivan felt obliged to “cover his situation” by obtaining a false identification and lives in hiding. This is clearly a consequence of their former positions as respectively radio operator and commander of hitmen. David disobeyed his summon of the National Prosecutorial Unit in Barranquilla, because he fears for his life if he returns to where his former enemies are awaiting him, he says. Feelings of distrust in official institutions and its representatives discourages him to ask for help and solve his case.

More than two-third of the respondents of Peace and Reconciliation, though, presented themselves and were interviewed once or twice by the prosecutor delegate about their actions and knowledge. Only José Luis, former commander's security guard, admits to have confessed the minimal possible in order to avoid incriminating himself. The others say they were rightfully not persecuted. This seems plausible for the four respondents who in their positions were not participating in human right violations, and maybe even for two others who said to have been posted as security guard at farms. However, it is highly improbable that a hitman and two patrolmen – who operated for respectively 1,5 and 2 years – were not involved in human right violations and possess no information of interest for the National Prosecutorial Unit and more importantly, for the victims. Yet these respondents did not get summoned again. Former financial administrator Hernán got arrested and charged with five homicides a few months after his interview, but a lack of evidence made him get released quickly from Bellavista. Marcos, one of the above mentioned security guards, recently got arrested<sup>48</sup>.

A lack of progress in the process of Justice and Peace, as these postulated ex-paramilitaries experience it, has made them perceive their postulation as a mistake, or at least as an unnecessary complication to reintegration. Two third actually sent a letter of resignation to the National Prosecutorial Unit. While a confirmation on this letter stayed out for nine of them. Olivia, who was cleaning and cooking for a paramilitary bloc for two years, got her resignation confirmed by letter. Former commander's security guard José Luis saw his resignation become official:

“Everybody around me was also resigning. Nobody could tell us anything about the process. Of the around 200 postulated paramilitaries of our bloc, 85% has already resigned. At the Public Prosecutor's Office the resignation was recorded, I signed another paper and left.”

Three reasons can exclude an ex-combatant postulated to the Justice and Peace Law from the

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<sup>48</sup> According to the Twelfth Quarterly Report by the MAPP/OEA on February 27, 2009, up to 257 ex-combatants got arrested in 2008 because of links to criminal networks, while the majority of them was participating in a reintegration program.

process: (1) because of a voluntary resignation by the postulated ex-combatant, (2) because of the non-fulfilment of the conditions as stated by the Justice and Peace Law, or (3) because of the death of the postulated ex-combatant<sup>49</sup>. Yet uncertainties about this resignation to the Justice and Peace Law are present in all parties involved.

### **Imprisoned and confused**

While the respondents in the reintegration program are concerned whether or not to stay postulated to the Justice and Peace Law, the ones imprisoned have already passed that phase. As Javier rightly notices, “once started, there is no easy way out of the process”, as a resignation means the forwarding of already made confessions to ordinary justice. Yet the respondents in prison have encountered doubts and problems along the way.

The majority of this population complains about the little they know about what will happen to them in the Justice and Peace process. Edwin and 'Ernesto Baez' express their feelings:

“What has happened in the process until now? So many years have passed. Nobody knows what to expect, what to do, in whom to trust. A lot of ex combatants confessed their crimes, and where did it get them? Why should I collaborate then? [...] They should explain us better what it all means to be postulated, to be in this process. It would make a lot of things clear for us, and people would be less scared to talk.” (Edwin)

“This process is manipulated by the whole world and judges interpret the Law as they want to; we live in complete insecurity in this process. We don't know at which door we are going to arrive!” (Eduardo)

Some are worried about specific issues. Will the time they are currently serving – which can be up to nine years already – be taken into consideration at the moment of getting convicted? Many imprisoned ex paramilitaries are close to completing – or in some cases have already completed – the five to eight years of prison time which an alternative sentence of the Justice and Peace Law can lay upon them. Neither a Judge for Control of Guarantees nor the head of the National Prosecutorial Unit seems to know. The first convictions will demand an answer to this question.

Nine respondents mention to have lost confidence in the process of Justice and Peace, because of the government's neglect to fulfil promises it made during the peace negotiations.

“It looked like a firm process, with a real man guiding it [referring to president Uribe]. We handed ourselves over voluntarily, without even having the Law written down. And now they are still not applying that Law we started talking about in the negotiations.” (Guillermo)

“What hurts us is the betrayal. They told us so many things, and nothing of that has come true. How will we ever trust an official institution again? [...] They want us to collaborate, but they don't have to? I don't see any future in this process.” (Javier)

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<sup>49</sup> As published on the internet page of CNRR, available at [http://www.cnrr.org.co/new09/vjr/legislacion/juris\\_C\\_supremaJusticia.html?rubrique42](http://www.cnrr.org.co/new09/vjr/legislacion/juris_C_supremaJusticia.html?rubrique42) (consulted in August, 2009).

“This is a bad example for all who are still in arms. Look at our government, who is going to believe them now? Of course there is a new generation of self-defence groups now.” (José)

Three others are afraid of confessing more crimes, because they have no confidence in the successful execution of the Justice and Peace Law and expect to end up in the ordinary justice system anyway, paying much more for the crimes they voluntarily confessed.

Then, various postulated ex paramilitaries see their participation in the Justice and Peace process threatened by security issues. The 26 years old Luis is mostly worried about the security of his family:

“I will accompany an exhumation-team soon, to indicate graves. I have 65 homicides to confess, and also some massacres in which I participated. [...] I want to tell them everything, I have to, but I also have to think about my family.”

Also the naming of politicians, soldiers and former companions in spontaneous declarations is dangerous, because most of them are still operating. Especially Ariel and Chris are worried, because they joined a paramilitary bloc in their residential area, and for that, have their enemies close to their relatives.

“Almost 2000 of our companions have already been killed. There is no security for us and for our families out there. They [the government] don't give us security. This paralyses the spontaneous declarations. Everybody is scared to talk.” ('Alemán')

As former commander 'Alemán' continues, these security issues are a serious obstacle for the reconstruction of the truth. Also the MAPP/OEA (2009:5) states in its last report that the application of the Justice and Peace Law is endangered especially by criminal networks linked to drug trafficking.

Various problems of the Justice and Peace Law or the process – sometimes personal – are mentioned by respondents. While Jorge and Alejandro complain about the unavailability of their public defenders, Nicolás is still waiting to get one assigned to his case. Then, former military instructor Diego experiences difficulties because of the absence of many demobilised combatants in the Justice and Peace process. The prosecutor delegate wants to charge him with two homicides he says not to have committed, because – until now – there is no other postulated ex-paramilitary who operated in the same zone at the same time to ascribe these crimes to. While this seems to happen more often<sup>50</sup>, Diego is in a greater hurry to finish the judicial process, as he got HIV infected as a paramilitary and wishes to spend his last days with his family. 'Pedro Bonito' expresses his worries on the high number of demobilised paramilitaries of whom some crimes will be excluded from the Justice and Peace process, because they demobilised after July 2005 and most probably committed crimes

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<sup>50</sup> Jorge mentions the same problem of being accused of all crimes committed in his working zone, because there are no other postulated ex-combatants to ascribe these crimes to. Further on we see that 'Ernesto Baez' also experiences a similar problem.

after the issuing of the Law. An evaluation of the statistics of the Justice and Peace process by the on-line juridical platform JDC<sup>51</sup> shows that almost 3.000 paramilitary crimes have been committed after the issuing of the Justice and Peace Law<sup>52</sup>. This means that the truth concerning these crimes will most likely not be recovered.

## 4.2 JUDICIAL PROCESS

### Spontaneous declarations

The spontaneous declaration is already named the most important mechanism at the moment in the reconstruction of the truth. As we saw above, the respondents now reintegrating in society have not started their spontaneous declarations – yet – and for that, have no experiences with this mechanism of transitional justice. Also, imprisoned Edwin refuses to talk as all his former companions have been killed after the demobilisations; he fears for his own and his relatives' lives. Former military commander Luis Alberto has only eight months of prison time left by ordinary law and prefers to leave the Justice and Peace process. The majority of the prison population of my research, yet, has initiated the judicial proceedings. Armando and Rafael have just carried out their first session of declarations.

“It's quite difficult. To remember everything, they [public prosecutor and attorney] ask many details. And to recognise every photo and every crime, you never think you have to relate these sorts of things. But I was ordered by my superior, I tell the whole truth, about the orders I followed up.” (Hitman Rafael)

While talking about his experiences with the declarations, Rafael directly tries to take responsibility off his shoulders by adding that he was ordered by a superior. Is this an effect of getting confronted with your crimes?

A third of the group has carried out various sessions of declarations, but as there will be as many sessions as necessary, the end is not within sight yet. While most have collaborated in a couple of sessions, 'Pedro Bonito' already carried out nine sessions with an average of three days of declarations. Because of his former positions as commander and political brain of the AUC, 'Pedro Bonito' possesses a substantial amount of valuable information; he not only confesses crimes committed by his men – for which he takes responsibility as commander in charge – but also relates on the coming into existence of the AUC, ways of financing and collaborators in public functions<sup>53</sup>. Giovanni relates on his declarations:

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<sup>51</sup> JDC is an abbreviation for the Spanish name of the online platform *Judicatura Democrática en Colombia* [Democratic Judiciary in Colombia].

<sup>52</sup> For the complete article on this matter published on the website of JDC, see <http://judeco.ilsa.org.co:81/node/107>

<sup>53</sup> Personally observed in various spontaneous declarations carried out by Juan Pablo between February and June at the National Prosecutorial Unit of Justice and Peace in Medellín.

“It is an intense job, I personally have 2108 deaths on my name, but I have to clarify around 5000 deaths, of all my men. Day in day out we are working on it.” (Giovanni, former squad commander)

He seems distant to the case, as his difficulties take on extreme proportions worrying about “the job” it currently causes him to recount everything. Also former commander 'Julian Bolívar' recalls the amount of work the declarations entail and mentions that one day of confessions means 15 days of “investigating everything and calling the people concerned to get more details”.

The remaining respondents are close to finishing the spontaneous declarations or have already moved on to the imputation of charges. Four of the postulated ex paramilitaries have finished their confessions and are waiting for the prosecutor to (temporarily) round up the case and take it to court. Two others, 28 years old John and 27 years old Ariel, will soon collaborate an exhumation team in search for the graves they mentioned in their declarations, to verify their confessions but more importantly, recover the bodies of the victims. Then, four respondents have completed their declarations – or at least for the moment, as new information can come up in the future – and moved on to the courtroom to receive a partial conviction. Only former political commander 'Ernesto Baez' says to have passed through the five sessions of declarations with ease, as he explains:

“The spontaneous declarations were easy for me. I didn't participate in massacres, killings, disappearances. I had nothing to do with that part of the AUC. I have written three books about our thoughts, about our work, do you think telling the same to a prosecutor is difficult then?”

The opposite counts for 23 years old Antonio, who had a hard job recounting his crimes as a hitman in his spontaneous declarations:

“I have confessed everything. [...] I needed to see photos and names of people; otherwise I would never remember everything. There were a lot of victims present. That was hard, but also good, because they all heard what they needed to hear. I know I have to pay for what I have done.”

Frequently, the information the rank and file received on an order was minimal and their task was not to ask any questions. For example, a paramilitary hitman did not always know the name of the person he was about to kill, even less the reasons why this person had to be dead<sup>54</sup>. This makes the reconstruction of the truth a difficult task.

### **Alternative sentence**

While almost all respondents in prison have experienced spontaneous declarations, most of them have not yet reached the – temporarily – round up of their case to be taken to court. For example, Diego has already finished his spontaneous declarations for months, but is still waiting on his first trial. The prosecutor delegate explains that she is trying to organize a ‘collective trial’ with Diego and

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<sup>54</sup> Own observations in numerous sessions of spontaneous declarations at the National Prosecutorial Unit of Justice and Peace in Medellín.

four of his companions, who will be charged for the same crimes, to accelerate this part of the process<sup>55</sup>. José does not yet appear in court, but hearings are organised for his case concerning a struggle between different parties about the properties he handed over after the demobilisation as reparation for the victims. More on these properties and the reparation for the victims will be outlined below.

Then, how do the four postulated ex paramilitaries of my sample experience the hearings of partial imputation of charges? According to Alberto, who had his first hearing already in October last year and is still in the preliminary phase of the formulation of charges, many planned hearings are cancelled or suspended. Because one of the players is not present or because logistical problems at the INPEC makes it impossible for Alberto to be taken to the courtroom. Although strict guidelines do exist on the permitted time between hearings, the imputation of charges against Alberto is delayed. Antonio names another reason of delay of the judicial process, which is delaying other respondents also in the completion of their spontaneous declarations. According to Antonio, investigations against him will never be closed, because every day new victims are reporting themselves and frequently these victims cannot indicate a responsible. Again, the absence of many ex paramilitaries in the Justice and Peace process is making it more difficult for those who are collaborating. Also, the fear among victims to report their case has held – and still holds – many away from official institutions. Antonio, waiting on his third hearing, sees his file being revised every time a new victim turns up.

The partial imputation of charges of former commander 'Alemán' is frozen since last January, because the Judge for Control of Guarantees twice rejected to continue the hearing. This judge, namely, considers a partial imputation as an interruption of the execution of the Law and for that, illegal. Recently, the Supreme Court defined the legality of partial imputations and with this decision obliged the judge to continue the imputation of the still incomplete charges against 'Alemán'. 'Alemán', thus, will – for now – be charged with seven crimes, among others multiple homicides, homicide in protected person, torture and kidnapping<sup>56</sup>. Finally, hearings of 'Ernesto Baez' imputation of charges, which initiated in November 2008, also encounter difficulties. As a former political commander of the AUC, he has always claimed not to have been involved in military operations against civilians. “The only arms I have used were my brains”, 'Ernesto Baez' states while pointing at his head, “and my computer is my rifle”. The prosecutor delegate to his case, however, wants to

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<sup>55</sup> Recently, a public prosecutor in Santa Marta, capital of the department of Magdalena, has also initiated collective spontaneous declarations with a group of four postulated ex paramilitaries who operated together in order to provide the victims of information as complete as possible. For the complete article on VerdadAbierta.com, see [http://www.verdadabierta.com/web3/component/\\_content/article/54-generales/1508-los-rojas-tendran-version-colectiva-en-justicia-y-paz-en-septiembre](http://www.verdadabierta.com/web3/component/_content/article/54-generales/1508-los-rojas-tendran-version-colectiva-en-justicia-y-paz-en-septiembre) (consulted in August, 2009)

<sup>56</sup> For the complete article on the rejection of the judge for control of guarantees in the case of partial imputations and the above mentioned decision taken by the Supreme Court of Justice and Peace, see <http://www.verdadabierta.com/web3/justicia-y-paz/imputaciones/1355-corte-suprema-autoriza-imputaciones-parciales-en-justicia-y-paz>

charge him with various homicides. Recently, 'Ernesto Baez' reacted publicly on these charges:

"I prefer to pay 25 years of prison for the political job I carried out, than to receive an alternative sentence for 5 years while taking responsibility for crimes I did not commit."<sup>57</sup>

Crimes that are not accepted by postulated ex-combatants will be sent to ordinary justice for further investigations (Art. 19 LJP). Until today Eduardo has made no further progress in the Justice and Peace process.

### 4.3 BEING JUDGED

#### Time for reflection

After a period of experiencing structural violence – not only committed by the paramilitaries, but coming from different groups – every individual needs to change its way of thinking and acting to reincorporate into society. According to a psychologist of Peace and Reconciliation, it sometimes takes two years for an individual to get arms out of his thoughts. Mechanisms of transitional justice can facilitate this process, as they are designed to assist not only the victims, but also the perpetrators of violence through this phase to reach national peace. In what way, then, does the Justice and Peace Law contribute to the transformation of its participants? Do postulated ex combatants reflect on their past, now they are being judged, not only by the Colombian justice system yet by the whole world? How do they feel about their former participation in an illegal armed group which has become infamous for its massive human right violations? Do they think it is fair that they are being judged?

The respondents of my sample who were not sent to prison, changed from paramilitary to civilian life and left behind stress, instabilities and insecurities. As a patrolman Jose Luis continuously changed of zone and he experienced the harsh life in the mountains. When he got promoted as his commander's security guard, these instabilities made place for an even more stressful life full of persecutions by state personnel. Also former squad commander Héctor relates:

"I don't want to go back to that time. [...] It was a period of always having to look out, always suspicious of everything and everyone. Now I feel like a free man, I can enjoy the things in life again."

Jose Luis, reflecting on his entry to the paramilitary bloc, mentions that a lack of education made him think taking up arms was necessary. Although real regrets do not come to his mind, he understands that he has to pay prison time as a consequence of his actions. Also other respondents, both in liberty and in prison, feel that a lack of something – either money or a stable family life – made their

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<sup>57</sup> Literally translated from Spanish, as published on the 23rd of July of 2009 in an article by VerdadAbierta, online available at <http://www.verdadabierta.com/web3/justicia-y-paz/imputaciones/1448-baez-prefiere-ser-condenado-por-la-justicia-ordinaria> (consulted in August, 2009)



entry to an armed group a logical decision. While criminal Ariel feels no regret of having operated as a squad commander in the barrios of Medellín, three others perceive their entry to a paramilitary bloc as a mistake, even though they desperately needed the money.

“At that time it seemed the only option to get security and to make money to sustain my family. But now I know I made a bad decision. I just didn't see any other way out.” (23 years old Antonio)

“Entering the first armed group was one of the biggest mistakes in my life. It all starts that way. Once in there, you cannot get out of it any more. [...] The whole conflict is wrong, not only paramilitaries, also the guerrilla. We are attacking civilians, and not the government who is responsible for all of this.” (33 years old Edwin)

Edwin regrets his membership to a paramilitary bloc, which he initiated when he was only 14 years old. Fernando and Javier now realise that they have to respond for their actions and confront their victims.

Others justify their participation with the positions they fulfilled in the group. For example, former radio operators Pilar and Oliver consider:

“The paramilitaries have done horrible things. Innocent, healthy people have died. But we were doing communications, we didn't kill anybody. I think we have the right to be forgiven.”

They perceive the judgement and stigmatization by society as unfair, because of not having directly participated in human right violations. Then, some respondents also blame the government for the situation in which they found themselves at the time of entry to the paramilitary group:

“Since I was a kid, I have never seen good conduct around me. Poor people, violent people. There was no school and the state was never there. War is created in poor people. We were hungry, we lived in plastic houses. We felt pain, and now we are the bad guys, without a heart. [...] This whole country is damaged. [...] The government has never been able to solve our problems. Our minds are messed up, and because of that, we did a lot of damage.” (Álvaro)

“It is the State itself that made this all possible. Our State - meaning mayor, police, all people involved - was absent in our zone. We needed to replace the State. It doesn't matter if these groups have leftist or rightist ideologies, or no ideologies at all, it's the lack of effectiveness of the State that makes them exist.” (Alberto)

Álvaro and Alberto seem to forget about their own participation in the armed conflict while blaming the Colombian state for the rise and expansion of the paramilitary groups, and their participation in it.

But in general, more respondents mention their regrets of having joined the paramilitaries than looking for someone to blame. Now being publicly criticised – as an imprisoned criminal or as a demobilised combatant; in both ways as an ex paramilitary – many respondents see their actions as paramilitaries in another light. Looking back makes them realise that “it got out of hand” (Juan Carlos) and that they caused a lot of harm.

“It was a lost time, a cause that never existed, a failed time. You learn a lot about yourself, being deprived of liberty. We had no reason to do what we have done. Carrying out many massacres, homicides; we were a criminal group. If our objective was to defend the civil population, then why did we hurt exactly that population so badly?” (Armando, in Bellavista prison)

Relatively seen, just as many imprisoned ex paramilitaries as ex paramilitaries in the reintegration program of Peace and Reconciliation seem to feel regrets about their entry to and participation in paramilitary groups.

### **Heroes of society**

How, then, do those who have participated in human right violations and who are now in prison justify their actions? How do they feel about being judged? No less than a third presents themselves as having acted out as people’s saviour, as heroes of the society, especially the ones with the highest positions and political roles in the AUC. As outlined in chapter two, in the eyes of the demobilised paramilitaries, the guerrilla was ‘the problem’ and they were ‘the solution’. The fact that they used the name *autodefensas* or self-defence forces, already gives away their justification they currently use. 46 Years old former commander José states:

“We needed to defend ourselves. We needed to act. We were losing everything to them [the guerrilla]. We were operating more effective than our own national army. We had to build up a defence. We were creating micro-countries.”

While they correspond with the others who blame an absent State for having to take up arms, besides, these respondents feel they are – or at least *were* – praised by the people instead of judged.

“What we did, our social cleansing, was what the people needed. We killed drug addicts, thieves, abusers, alcoholics and so on. They were making the neighbourhood unsafe. People called us with their problems and if they had proof, we solved their problem.”(Luis, 26 years old)

According to Luis, then, their actions were requested by society. Felipe even claims that now the guerrilla is back in his barrios, “the people say to feel nostalgic to the days we were working for them”.

Former political commissioner and squad commander Guillermo emphasizes the social and political role the AUC fulfilled:

“Where we were present, we had our own state. We granted security. We build hospitals. We constructed roads and bridges or *reconstructed* them when the guerrilla had destroyed them.” (Guillermo)

Guillermo continues about the public support and legitimacy the paramilitaries had gained:

“We had more than 30.000 armed men, but even a bigger group of civilians behind us. We were what the State couldn't give us. [...] My struggle was an anti subversive struggle. I did it with whole my heart. We received legitimacy of the people; they let us do our work, because they knew the State was not

fulfilling its job. If we were in a certain zone, it meant that the State was not there. Yes, we certainly made mistakes, but the people trusted in us, they needed us for their protection. In my city we were living already 45 years under the control of the guerrilla, people were looking for a solution. They gave us permission. We had the biggest army behind us, the army of the people.”

Although Guillermo admits having made mistakes in his struggle, more dominant is the notion that they had fought a struggle legitimised by the people. For this, he does not see his prison time as a punishment, but as a mere consequence of happenings. Former commander 'Pedro Bonito' immediately rectifies himself when he says “when I entered” while his position is better expressed by saying “when I took the decision to defend myself”.

Finally, these respondents claim that they were not only receiving legitimacy from the people, but also from their own government. It is no secret anymore that the government has been extensively involved in the paramilitary struggle. Exactly because of that, they now feel betrayed by the government who is publicly judging the paramilitary actions. Once with them, the government nowadays “has turned its back on us, because they don't need us anymore” ('Pedro Bonito'). 'Alemán' and Giovanni relate:

“We facilitated the work of the State for many years. And now they need someone to blame, to point at ‘the ones responsible.’”(‘Alemán’)

“It's very easy to accuse us of everything, to see us as the bad guys; it's easy for the ones that don't live this life. A big part of the Colombian population doesn't even know what they will have for breakfast tomorrow, but the world that judges us [the rich], doesn't know about our world.” (Giovanni)

Being judged by the same government who once helped them expand their power and territory feels like a betrayal to them. The judgement coming from society nowadays is mostly originated from misleading news written down by the press, as 'Alemán' continues. The press serves the power of the rich and is a serious threat to any peace initiative, he relates. Many of the respondents do not collaborate with interviews by journalists anymore, because they know that “the next day we are portrayed as the bad guy, no matter what we say” ('Ernesto Baez').

To conclude, the respondents in the program of Peace and Reconciliation have few experiences with judicial proceedings of the Justice and Peace process. Because of this, they perceive their postulation as an unnecessary complication and for that, two-third has sent a letter of resignation to leave the process. The respondents in prison do participate in the judicial proceedings and have encountered problems and doubts along the way. The biggest complain is the fact that nobody knows what will happen to them, they have no securities about the process. They have lost confidence in the process. While carrying out spontaneous declarations, security issues have arisen because of naming people that are currently on the streets – being other armed actors, state officials or former companions.

Furthermore, the absence of many ex-paramilitaries in this process makes it difficult for those who are present to reconstruct the whole truth. Exhumations also form an important part of this process, as the recovering of bodies of victims serves as reparation and healing of the victims. Then, although strict guidelines exist for the imputation of charges, also this part of the process is delayed because of different reasons. Many things are not clear yet, for none of the parties involved, and for that, judicial proceedings take more time than they were supposed to take. Finally, the majority of the respondents mention their regrets of having joined the paramilitaries because of being publicly criticised. Yet no less than a third presents themselves as having acted out as heroes of the society, especially the ones with the highest positions and political roles in the AUC. They feel their struggle was legitimised in the eyes of people and also in those of the government. What, then, are the ex-combatants postulated to the Justice and Peace Law experiencing in their (preparation to) reintegration and reconciliation?

## 5. The return to civilian life

This chapter discusses the achievements and difficulties the postulated ex-paramilitaries encounter in the processes of reintegration and reconciliation. Because the situations for both populations are very different from each other, I have made a distinction between the two groups. First, I discuss the prison population of this study, as they still are at the start of the road to reintegration and reconciliation. A discussion of prison time as postulated ex-paramilitary is followed by an outline of the preparation to economic reintegration. Then, different reconciliation efforts are described: on the personal, community (victims) and family level. The postulated ex-paramilitaries in Peace and Reconciliation are returning to school and some have moved on to the search for work. What are their experiences? Also reconciliation is discussed, again on the personal and family level. These findings give an insight on the experiences of the research population in their (future) return to civilian life.

### 5.1 SERVING PRISON TIME

*"Doctora, I'm sorry, but you can't enter yet. They haven't counted the prisoners yet. You'll have to wait." It is almost 9am and I am standing at the door of the Justice and Peace wing in Bellavista prison. "Did they already start counting?" I ask hopeful. "Well, it's a bit delicate today. They are in disobedience; they didn't want to talk to anybody but the director. He is in there right now, talking to them. You should come back in an hour."*

*After two and a half hours and various tries to get in, the guard finally decides. "Ok, Doctora, you can go in now, they're rounding up their talks with the director." Anxiously I enter to see what is going on. Two prisoners are still discussing with the director. After a while, jefe de patio Alberto explains me what happened. "We are upset because we don't get the same treatment here as our companions in Itagui. We have nothing in here." "And what did the director say?" Alberto shrugs and says: "Well, he promised to give us back the stuff they took from us last week, but we'll have to see how this ends. Come on, I'll bring the news to everybody, I want you to hear it." Alberto takes his stand in the patio and calls everybody's attention. "Companions, our Doctora from Holland has seen our demand for the same rights." Suddenly, I have become part of the disobedience instead of being a mere observer. "Listen to what he promised me..."*

*Justice and Peace wing, Bellavista prison, June 12, 2009*

#### Postulated ex-paramilitaries in prison

The earlier mentioned assignment of postulated demobilised paramilitaries to Justice and Peace wings has considerably improved the situation of this population. Álvaro, Fernando and Felipe mention that they regularly had to fight for survival in the patios they come from. They confirm the presence of personal fights which were carried out between former enemies who were placed together, as described by Carillo Leal (2001:29). John adds that problems were worse in other patios because of the presence of high amounts of drugs. Although food tastes bad (Juan José), at least they receive at least two meals a day and water is almost permanently available. In Bellavista, time is spend either inside in the corridors or outside in the yard. The corridors lead to cells, where prisoners

share their space. The yard consists of a soccer playground with a few tables and benches on the side. In a corner hangs a bar, where once in a while a prisoner is doing exercises. Normally, the 160 prisoners are literally hanging around, walking back and forth on the playground and waiting for the day to pass by. The guards only enter in the mornings and afternoons to count the prisoners.

The Justice and Peace wing of Itagui holds 39 mostly high rank demobilised paramilitaries, including the only five commanders that have not been extradited – yet. Some prisoners have their private cell in this wing, others share a room; all rooms are build around a much bigger playground, with fitness equipment behind it. Also, the commanders have a few rooms at their disposal, which serve as library or office. A small cafeteria provides the prisoners of three meals a day. In Itagui, considerably more seems to happen. Lawyers walk in and out, guards once in a while come in to deliver packages or ask questions and a television continuously shows the news. 'Pedro Bonito' relates on how the ex-combatants get through prison time:

“You have the ones we call *chirettes*, they smoke marihuana, relax and don't care about anything. Or you can live Mandela style. That means keeping yourself busy with finding a way out, analysing the process and think of what can be done to make it better.”

Yet spending time in Itagui's wing of Justice and Peace is not free of charge; prisoners pay for the goods they possess, and even pay electricity to be able to use them (Francisco). Meanwhile, they do not generate an income, that is, previously earned money has to pay the bills.

Because of the transfer of former paramilitaries to assigned wings, paramilitary coexistence has once again arisen. Some even feel themselves superior to common prisoners. Nicolás rectifies the use of Bellavista for the patio where they are hold, because “we are not in Bellavista; we are in the Justice and Peace wing”. Armando says that former rank or group has become meaningless in Bellavista; in the meanwhile, former squad commander Alberto has taken on a leading role in the patio. In Itagui, low rank paramilitaries have become former commanders' servants and matters seem to be solved by the latter. A hierarchy based on respect also seems to rule the days in prison. While most respondents experience no major problems cohabiting with other paramilitaries, 'Ernesto Baez' complains:

“Almost all boys in here are peasants. I come from a different world, I was teaching at university. This is very difficult to handle. These people miss a lot of qualities I am used to see in people. That's the biggest sadness of prison, our punishment is not losing freedom, not restriction of space; the biggest punishment is the coexistence. Differences are enormous; differences of temperament, of culture, of character, of vocations.”

Yet serious fights are uncommon and among some bloc members even mutual agreements have been made on taking responsibility for crimes in order to not incriminate former companions on the streets. Former relationships seem to persist.

Nevertheless, problems have arisen with other ex-combatants in the Justice and Peace wing in Bellavista who are not interested in the process of Justice and Peace – up to 110 of the 160 prisoners. Some are almost completing their sentence by ordinary law; others are common criminals who managed to enter a collective demobilisation in the search for benefits. As they “lack the same doctrine” (Luis Alberto), these prisoners cause security problems because they fear the reconstruction of the truth, which has led to serious threats to postulated ex-paramilitaries participating in spontaneous declarations<sup>58</sup>. Luis discovered in time that other prisoners in his patio were paid to assassinate him and managed to get transferred before they got their chance to obey the order. Javier, however, deliberately refuses to get transferred to a Justice and Peace wing; he prefers to stay unknown as a paramilitary among the 113 common prisoners in his patio. He says the danger comes above all from the government who wants to silence them instead of recover the truth and for that, Javier keeps a low profile in prison. He recently initiated his spontaneous declarations.

Finally, paramilitaries have found a way to exercise control over prison grounds by a continuing of the negotiations they started already in 2002. Although they currently lack an official platform as in the early days, through disobediences they force official institutions – the INPEC or the government – to enter their grounds and hear them out. Recently, on May 4, the postulated ex-paramilitaries in Itagui’s Justice and Peace wing joined a national disobedience which had started a week before in another prison<sup>59</sup>. This proved the interconnectedness of demobilised paramilitaries in different prisons<sup>60</sup>. The recent withdrawal of their benefits as negotiated with the government was not the only reason for this strike, but this withdrawal was “again an example of the non-fulfilment of the government in this process” (‘Pedro Bonito’). Also, the former commanders in Itagui blamed the government for not getting involved in the international congress on DDR in Cartagena in May, in which they could have exchanged experiences with demobilised combatants from other countries. For nearly a month, almost all postulated ex-paramilitaries refused to talk to any official delegate, including in spontaneous declarations. The Justice and Peace process stagnated. Eventually, the High Commissioner of Peace and INPEC decided on the first of June to return the benefits to ‘those who are collaborating with truth, justice and reparation’, yet with restricted phone and internet access<sup>61</sup>. On June 12 followed another rebellion, this time a small-scale in Bellavista only, as described in the beginning of this chapter.

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<sup>58</sup> As published in *El Colombiano* on June 27, 2009: “Postulados temen confesar”.

<sup>59</sup> As published in *El Colombiano* on May 5, 2009: “Versiones libres están suspendidas”.

<sup>60</sup> I personally observed the interconnectedness of the demobilised paramilitaries in Itagui and Bellavista during my fieldwork. Trying to arrange an interview with former commander José in Itagui, former political commissioner Guillermo in Bellavista offers his help. I give him a paper with my name and phone number and he tells me he will “pass the message” to his former boss. Six days later, being in Itagui myself but not having arranged the interview yet, I meet José. He says he already heard about me, while holding the exact same paper I wrote and handed over in Bellavista in his hands.

<sup>61</sup> As published in *El Tiempo* on June 1, 2009: “Gobierno devolverá beneficio de PC y celular a ‘paras’ que avancen en procesos de Justicia y Paz”.

## The forgotten wing

“To have the right to an alternative sentence, the beneficiary will be required to commit himself or herself to contribute to his or her re-socialisation through work, study or teaching during the time that he or she is deprived of liberty”, states Article 30 of the Justice and Peace Law<sup>62</sup>. Thus, a preparation on the economic reintegration is not only wanted in the prospect of a return to civilian life, it is even an obligatory component of the Justice and Peace Law. Postulated ex-combatants have no choice than to rehabilitate in prison if they want to receive the alternative sentence of five to eight years. This means a win-win situation; postulated ex-combatants win because they serve less prison time and society wins because the postulated ex-combatants will be prepared for their release. Yet in reality everybody seems to be losing.

Carillo Leal (2001) already stated that prisons in Colombia lack rehabilitation programs and opportunities for work and study. In the case of the imprisoned respondents of my sample, this seems to be no different. While Bellavista and Itagui dispose of some opportunities for work and study<sup>63</sup>, these opportunities are (almost) not left for postulated ex-combatants. Also the MAPP/OEA observes a lack of social or psychological programs, education and work opportunities in their regular checks on the prison conditions of postulated ex-paramilitaries. The directors of Bellavista and Itagui are not allowed to relate on the situation of these prisoners, that is, we can only speculate about why INPEC fails to provide the means for this population to fulfil their obligations of re-socialisation. The most obvious explanation from the perspective of INPEC would be the fact that they lack sufficient work and study opportunities for every prisoner. Only the prisoners closest to their date of release are admitted to the few places they have. None of the respondents have even been convicted yet; their date of release is still unknown. Furthermore, the obligation to re-socialise is not imposed on the respondents by the INPEC, but by the government. Seen in this light, it is the government’s responsibility to provide the opportunities as stated in the Justice and Peace Law.

In the Justice and Peace wing in Bellavista, an internal bakery provides the only workplaces for the approximately 150 prisoners. Alejandro, Rafael and Edwin, who have already been convicted by ordinary law for crimes that will not be incorporated by the Justice and Peace Law, are currently lowering this conviction by working daily in this bakery. Three other respondents were studying in the prisons they were held before, yet their arrival at the Justice and Peace wing in Bellavista meant the end of these studies. From the rest of the respondents, complaints about the government “who is

<sup>62</sup> This phrase is taken from the English version of the Justice and Peace Law, in which the article on the alternative sentence is Article 29.

<sup>63</sup> One of the productive projects of Bellavista is a gabion factory which gives employment to approximately 20 prisoners. Also, Bellavista has an agrarian area where farm animals are held and various products are cultivated. Approximately 40 prisoners are living and working in this area (source: own observations during a tour by an employee of Bellavista). In Itagui there are also some agricultural projects at the disposal of prisoners. Besides, a limited number of study opportunities are offered because of agreements with educational institutes. Material is regularly brought to prison and teachers enter prison once a month to give classes (source: interviews with postulated ex-paramilitaries in Itagui).



not living up to its promises” (Alberto) are in abundance.

“There are no workshops here, no education, and no work. Many of us can’t even read!” (Álvaro)

“The only thing a lot of us are prepared for is for war. How can we change from criminal to civilian without help?” (Alberto)

“They [the government] help demobilised combatants on the streets, but they forget about us!” (Armando)

While the respondents in liberty are assisted by Peace and Reconciliation, the imprisoned respondents lost – if they had any – this support at the moment they entered prison.

Itagui’s first Justice and Peace wing, which holds in particular demobilised high rank paramilitaries, also lacks opportunities offered by INPEC. Yet the high rank respondents have been able to use their own finances to receive study materials in prison. They are less deprived than those in Bellavista, as Carillo Leal (2001) describes relating on an unbalanced power distribution. They are also better educated than the respondents in Bellavista. Francisco currently studies business administration. His teacher picks up his work and brings him new materials once a month. Former commander 'Alemán' even studies an on-line master at a Spanish university and mentions that more of his former companions are in this program. According to 'Julian Bolívar', 15 postulated ex-paramilitaries are studying on their own account in this wing of Itagui. Many others find themselves occupied with the reconstruction of the truth.

Yet the respondents in Itagui are also deprived of work opportunities. Only Javier, who refuses his transfer to a Justice and Peace wing and spends time in a ‘normal’ wing, sometimes paints and sells his paintings afterwards. Yet materials are difficult to get in and on a regular basis prison guards destroy his work deliberately. In Bellavista’s Justice and Peace wing, where days are spent by hanging around in the yard, some initiatives have arisen among the postulated ex-paramilitaries. While Luis Alberto is brainstorming on how to invite SENA to start courses in the wing, Alberto prefers to work:

“We have thought of some productive projects. INPEC agrees with our ideas, but we have to find our own sponsors. So now we have to find an organization or a company that wants to finance us.”

Meanwhile, Alberto is playing with a trap attached on a key chain. When the trap snaps shut, Diego sighs and once again confirms that this really is the only thing they are prepared for.

### **Inner reconciliation**

Described in chapter two, a former combatant needs to pass through a process of inner reconciliation and regain confidence. Not only victims suffer from violent experiences, perpetrators can also end up

traumatised. How does the violent past influence the respondents who are currently serving prison time? Are they able to reconcile with their own future, being currently in prison? Is their participation in the Justice and Peace process influencing inner reconciliation?

First of all, these respondents lack guidance in their process of inner reconciliation. As mentioned above, imprisoned ex-combatants lose support of Peace and Reconciliation and no psychological counselling reaches the wings of Justice and Peace.

“We need more help to get back on trail again. We need to change our minds to a pacific one. We need to be civilians, no criminals. There is no changing of minds here at all.” (Alberto)

Felipe adds that he and his companions need psychological counselling to “break the culture of war”. Javier, the only respondent who is not held in a Justice and Peace wing, says to be visited once in a while by an always different psychologist. Yet he refuses to talk much because of a lack of trust in them. 'Ernesto Baez', lawyer and university professor, has taken control in own hands and mentions, while playing the piano:

“I am re-socializing myself and some others here by the way of music and literature. [...] I teach music. But it's hard; these boys don't have the mentality to learn the music I want to teach. They want fast music, pop music. I started with 20, now I have only 6 students left. We also discuss literature [...]. I bring peace to our hearts, to our spirits. Bad thoughts don't go together with my music, classical music. Criminal musicians don't exist, think about it. Musicians never become criminals; only criminals do become musicians.”

Because 'Ernesto Baez' was one of the key players at the peace negotiations, he was in a position to demand a piano as a means to re-socialize. Giovanni, also in Itagui's Justice and Peace wing, plays the guitar to calm himself. He composes his own songs, as well as poems.

Yet most of the respondents stay untouched by re-socialisation initiatives. Nevertheless, the fact of being locked up between four walls works for Armando, Nicolás and Álvaro already as a way of realisation. They constantly get reminded of the consequences of their actions, because “the days are very long in prison” (Nicolás). Now they know they need to act in a responsible way once outside those walls. Others are frequently confronted with their actions by their spontaneous declarations at the National Prosecutorial Unit and find inner peace by confronting their victims.

“It makes me sad, the spontaneous declarations; we did a lot of bad things. It's hard to confess those crimes. But the victims find rest in that, tranquillity, and we finally as well. I find rest in the fact that the victims are hearing us, and asking us questions.” (Felipe)

“I see them as a way of asking forgiveness. It was not right to do so much damage.” (John)

Being consequently *and* officially confronted with committed crimes, then, seems to have a healing effect on a part of the perpetrators. An important contribution to this effect is the actual presence of victims.

However, almost half of the respondents in prison lack feelings of guilt or responsibility as mentioned by Huyse (2007:70-72). While then 14 years old Edwin felt he was acting under threat, Antonio justifies his behaviour by the claim of 'only' having followed orders. Former commander 'Alemán' uses the excuse of a society caught in violence; they found themselves "attacked by the guerrilla and for that, fought back". Javier reflects on 14 years of hitman:

"I was a kid, 9 years old. I grew up in this world of violence, of arms, of war. For me, killing someone became a habit, part of daily life. I didn't know what was right or wrong. The only thing I knew was that problems were to be solved with arms and violence."

Thus, these respondents feel the violence they used was justified, which facilitates inner reconciliation.

Other postulated ex-paramilitaries of my sample justify their participation in human right violations by saying they used what Huyse (2007:72) calls "politically-motivated violence". They – mostly high rank paramilitaries – see themselves as heroes of society who worked "on request of the people" (Luis). They are convinced they fought a legitimate struggle and for that, have "always stayed loyal to our own thoughts" ('Ernesto Baez'). While most former paramilitaries in their declarations are submissive and not at ease, these respondents take self-confident the lead at the National Prosecutorial Unit. However, self-justification does not mean a lack of regrets:

"I am sorry for the victims I made and the damage I caused. But I am certainly not sorry for being an *Autodefensa*. My victims were my enemies; thieves, violators, addicts. I'm not sorry for helping other people solving their problems. Sad is that these enemies also have mothers, fathers, brothers and sisters who are now hurt by what happened." (Guillermo)

'Ernesto Baez', who is still convinced of his ideas, nevertheless realises:

"Being in here, with all uneducated men, I realise that I was foolish, I had an education, I should have known better!"

Yet being firm believers in the justness of their struggle makes them still aiming for their original goal: let the State take its responsibility.

### **"Let us look for peace after 50 years of war"<sup>64</sup>**

Obviously, the respondents in prison are not yet confronted with the communities they eventually will return to. But especially for them, who are officially judged and put in prison for their responsibility in the crimes carried out by paramilitaries, working on reconciliation with their victims is extremely important. Colombia is still far from passing through the first stage of reconciliation (see Huyse 2007), as fear is not yet replaced by non-violent co-existence in society. While this stage is

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<sup>64</sup> Quote of former commander 'Alemán'.

definitely crucial for real reconciliation, some initiatives are already making progress on a small scale<sup>65</sup>.

Unfortunately, until today no reconciliation projects have been carried out among the postulated ex-paramilitaries in prison<sup>66</sup>. The spontaneous declarations of these respondents are in a certain way an approach between perpetrators and victims. Yet Francisco, among others, explains:

“The virtual room of the spontaneous declarations doesn't break all barriers. On both sides there is fear, expressing yourself is more difficult, it's formal, and I always think, are they going to get me on this later on?”

Huysse (2007:75) confirms that reconciliation initiatives are more effective when perpetrators look the victims in the eye. Various prisoners have thought of the execution of own reconciliation projects: inviting victims to prison and talk about what happened; give the victims what they need. The respondents, however, claim that it is not only about direct contact with the victims that they want to set up their own reconciliation projects. By organizing their own meetings, the respondents want to avoid the interference of the government in its manipulative role, as Francisco continues. While some individual meetings with victims have led to a satisfying ending in Itagui prison, in Bellavista the respondents have not yet succeeded in meeting the victims.

What are their ideas on meetings with the victims and why do they think they are necessary?

“We would like to talk to *Madres de la Candelaria* or other organizations of victims. To talk about the war, about the victims, exchange opinions on what to do now and see what we can do get together.” (Alberto, Bellavista)

“We want to put together a *mesa de trabajo* of demobilised combatants and victims, to meet regularly and together find a solution to this conflict. The government is not interested at all in finding peace in this country; they are too much involved in the conflict. We need to analyze our mistakes and the things that are going wrong at the moment. We can't keep fighting outside.” ('Pedro Bonito', Itagui)

Guillermo adds that the municipality is willing to finance the presented projects, but INPEC refuses to give out the necessary permission. Also, the access of victims to the wings of Justice and Peace is currently denied. Two of the meetings that were planned by some of the respondents and representatives of victims in May and June this year, at the last moment had to be cancelled because the latter lacked permission to enter prison grounds. A petition had been sent to the direction of INPEC, who answered not to be authorized to take this decision. INPEC pointed at the head of the National Prosecutorial Unit to take care of this request. Yet the respondents also received a refusal of the latter, as he says only to be authorized to take judicial decisions. The respondents have ended up

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<sup>65</sup> Small-scale satisfying progress is made by reconciliation initiatives such as *Manos por la Paz* and *Asepulpaz* in Medellín.

<sup>66</sup> A reconciliation initiative that is currently being carried out in prison is *Manos Por la Paz*, an initiative of ex-guerrilla members who invite victims to Bellavista prison, where they follow workshops side by side and talk about what happened.

in a juridical limb in which nobody wants to take responsibility.

33 years old Edwin has his doubts on the effectiveness of reconciliation projects. The damage done by fifty years of conflict is too much to be solved by some projects, he claims. While he is most probably right on this point, 'Ernesto Baez' provides an example of how communication can lead to common understanding:

"I like to play chess with my former enemy, commander Olimpo of the ERG<sup>67</sup>, he is also here in Itagui. Who wins? The country! We talk a lot during our games. If we would have had an opportunity to talk before, we wouldn't even have had to fight each other; we have so much in common! We were both an army of poor men, led by rich commanders, fighting for the same cause."

Real and comprehensive peace seems not to be on a short-term planning in the books in Colombia and feelings of hurt and revenge will probably haunt the country for an extended period of time. Yet building confidence and trust and creating empathy between victims and perpetrators by small-scale projects can at least eliminate some of these feelings of revenge and with those, take away justifications for new violence.

### **Family contact**

Are these respondents already in a process of reconciliation with their relatives? Is prison a place where social relationships can be repaired; where feelings of trust, acceptance and forgiving can be developed? First of all the question is, do these respondents even get visited by relatives?

My interviews show that less than half of the respondents has regular physical contact with relatives, that is, by visits. Adult relatives and partners are allowed to visit the postulated ex-paramilitaries in Bellavista once a week; in Itagui one of the benefits the higher rank respondents until recently enjoyed – until early May, after which the postulated ex-paramilitaries started their strike – was an extra day of visits per week. Children are allowed once a month on prison grounds. According to Jorge, in Bellavista there are some rooms the prisoners can rent to receive their visits. But because many lack sufficient means, visits take mostly place in the yard where all prisoners gather. A lack of privacy and an impersonal environment makes a building on confidential relationships at least problematic. As a result, various respondents prefer to maintain phone contact instead of receive visits "in this ugly place" (Antonio).

Remarkable is that among those who receive regular visits are almost all respondents who got arrested a while after the demobilisation. These respondents had the chance to build on their relationships with relatives after they demobilised and until they got arrested – sometimes years later. Because of that, these relationships are not as disrupted as from those who were directly sent to prison. Lynch (2001), indeed, mentions a correlation between time served in prison and the

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<sup>67</sup> ERG stands for the much smaller guerrilla movement Guevarista Revolutionary Army, which was a splinter group of the National Liberation Army and demobilised on August 21, 2008.

disruption of family relations. For this, the maintenance of contact with relatives – even only by phone – can be a considerable contribution to future process of reconciliation. Francisco, for example, does not miss out on any happenings in the lives of his parents and two brothers, as they call him everyday. While in Itagui five cell phones are officially allowed –owned by the former commanders in order to reconstruct the truth – in both prisons, cell phones are no scarce goods.

An important factor contributing to the disruption of family relations is the distance of the respondents to their relatives. Most relatives live in other regions of the country and they lack the means to come to Medellin on a regular basis. Fortunately, three respondents are helped out by the Red Cross, who provides the financial means for the journey of their relatives. Yet Augusto says his wife's tickets have been deactivated lately without further notice. Álvaro is still waiting on a reply on his application. Then, Nicolás lost almost all contact with his relatives, although they reside in Medellin. Nicolás' brother was cruelly assassinated by his former companions and he feels his parents have always blamed him for his brother's death. Augusto has not seen his mother and brother in eight years because they refuse to visit him in prison.

Finally, most of the imprisoned demobilised combatants lack the unknown status many common prisoners have. On the contrary, because of their participation in the Justice and Peace process, they have a national reputation of having participated in massive human right violations and personal data have become public. Consequently, various respondents not only receive personal threats, but also see their relatives threatened in daily life outside prison. John relates:

“My mum gets threatened once in a while; they tell her that they are waiting for me to get out of prison, to kill me. And if they can't get me, they will get my mother, they tell her.”

Armando's wife got threatened once when she left Bellavista; since then, she has not visited him anymore. Others are keeping their relatives deliberately away because of earlier received threats. Edwin's brother and cousin have been assassinated since he is spending prison time. He is not sure if former enemies are responsible for their deaths or that it is related to threats he received concerning his spontaneous declarations. Especially the commanders, who are widely known and regularly show up in the press, feel their family relations affected by security issues.

“My mother and brothers live somewhere hidden where nobody knows who they are. I had to take my nephews out of school; it is too dangerous for them to be in public places. I and my family receive 4 to 5 threatening letters per month. There is no security for my family. It's the State's obligation to make sure that everybody is safe, also my family. But the government does this on purpose; they know that I am not talking about them in my confessions if I know that my family is in danger.” ('Pedro Bonito')

These respondents and their relatives do not only feel threatened by emergent groups or former enemies, but also by the “political game of blaming someone” ('Alemán') that is currently affecting many people in Colombia. Thus, while some respondents are at least maintaining contact with

relatives, there are many obstacles on the road to reconciliation.

## 5.2 REINTEGRATING IN SOCIETY

It is 9.10am in the morning and the sun is already shining. I see Natalia sitting on one of the benches in the Botanical Gardens, a woman and eight men are standing around her. I know that two of them are postulated to the Justice and Peace Law, and I hope to interview them after the workshop. They all greet me friendly and give me full attention while I explain who I am and why I am here.

“Guys, you all know why we are here, right?” Anna asks. Everybody nods. The workshop has just changed from the southern barrio of Itagui to the beautiful Botanical Gardens in the north of Medellín. Not because it is nice place, it is actually far from where the participants are living, but a changed security situation in Itagui has made gatherings and meetings dangerous. Recently, some of the participants have been assassinated in that barrio, and psychologists are not allowed to do their workshops in Itagui anymore; they are both a threat to the lives of the participants and to those of the psychologists. “I am sorry for the inconvenience, but you all know it is necessary, maybe next month we can go back.” Natalia once more reminds me of how quickly things changes in Medellín, especially security situations. “Let’s continue where we left two weeks ago. Who recalls the responsibilities of parents we discussed on?”

*Psychosocial workshop Peace and Reconciliation, Botanical Gardens, Medellín, June 11, 2009*

### Returning to school

Schooling is frequently the primary way through which to start one’s economic reintegration into society, because of the low educational level of demobilised combatants in general. Because of that, the reintegration program of Peace and Reconciliation offers a wide variety of study opportunities to its participants: primary and secondary school, additional courses, university degrees and vocational training. For some of these trainings, Peace and Reconciliation has made arrangements with educational institutions. These institutions, for example SENA and the University of San Buenaventura, save some of their places in educational programs for participants of Peace and Reconciliation in order to facilitate their economic reintegration in society.

How, then, do the respondents experience these educational opportunities? What are their achievements since the demobilisations and what obstacles do they encounter along the way? Only two respondents in the reintegration program of Peace and Reconciliation had made it through secondary school before joining the paramilitaries<sup>68</sup>. Consequently, all of them entered study programs, either in Medellín or in the place where they lived after the demobilisation and before coming to Medellín. Former radio operator Ingrid, coming from a village in the department of Magdalena Medio, explains the advantages of having moved to Medellín:

“In the village they [local reintegration program] couldn't offer us a lot. There were not enough projects, not enough places for participants, the psychologists visited us once a month. While here in the city, they [Peace and Reconciliation] are always there, we can choose out of a lot of programs and projects, and there is an office where we can always go to.”

<sup>68</sup> See figure 1 in appendix 2 on the educational profile of the respondents.

Adriana, coming from the same area, even states that they receive so many opportunities in Medellín that “the one who does not make it out of here, is not really trying, does not want to move on”.

What progress have these ex paramilitaries made since the demobilisations? The thirteen respondents who had only finished primary school before joining the paramilitaries entered secondary school of Peace and Reconciliation. Five have already passed the four years of secondary education, of which three of them are women. This is remarkable, as there are only four women in my sample. 33 years old Pilar and 35 years old Olivia have decided to develop themselves further through respectively SENA courses and a technical career. Three other respondents are about to graduate from secondary school, also Adriana, the fourth female respondent, who at the same time is studying a technical career. 44 years old Héctor hopes to continue with professional education after his graduation from secondary school. Then, four respondents are still in secondary school, but find themselves delayed. Jose Luis suspended his secondary education for a while to follow some courses on construction; the other three are delayed because of security reasons. I will come back on this below. Finally, Jose Antonio dropped secondary school because he says he was never able to study.

The remaining three respondents who did not enter secondary school after the demobilisations are 48 years old Juan Carlos, 33 years old Renaldo and 32 years old Thomás. Juan Carlos had finished some SENA courses in industrial engineering before joining the paramilitaries and is currently trying to get these validated. If he succeeds, he could complete them with a few other courses, yet his age is telling him he should rather look for work instead. Then, Renaldo started a career in technological electronics at university, yet because of the lack of sufficient scholarships for the next semester, he was only able to finish the first. Now he is following some similar courses at a SENA institute, although the validation will not be the same as a university career. Finally, Thomás, who had also graduated secondary school before joining the paramilitaries, started an English course through Peace and Reconciliation, but because of security reasons he saw himself obliged to leave school.

While some respondents entered a school of Peace and Reconciliation in Itagui, most of them are studying at CEPAR<sup>69</sup>, located in the city centre of Medellín. Olivia, who is now studying a technical career, admits that she actually prefers to work, but because she has not found a job yet, she keeps utilizing study opportunities. Oliver, who finished secondary school at CEPAR, relates on why education is important for him:

“We need to be independent from the state, for our own sake, to make something of our lives. For that we need to capacitate ourselves.”

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<sup>69</sup> CEPAR stands for Centro de Educación para la Paz y la Reconciliación [Educational Centre for Peace and Reconciliation], the name of the educational institute of Peace and Reconciliation and the municipality of Medellín.



Nevertheless, a third of this group is affected by threats and has (temporarily) dropped school. Demobilised combatants are a wanted prey for emergent bands in the city and being postulated to the Justice and Peace Law means that personal data is made public by the National Prosecutorial Unit. Fortunately, Leonardo and Marcos, who are studying secondary school in Itagui, arranged to receive tasks and study material at home to continue studying for the moment. However, for the other three, security problems meant the (temporarily) end of their education.

“I started studying English in CEPAR, but the last year three of my companions in school have been killed, just outside of the school. I can't go there any more. Our life is worth nothing. I prefer not to study instead of being killed. We need security! We feel unsafe. [...] That's the danger: gatherings. Places where we study, where we rehabilitate, our enemies know everything about them, they can find us easily. And in CEPAR we are all put together: paramilitaries, *guerrilleros* and victims.” (Former hitman Thomás)

The danger, then, is not only on the streets, but also at places where demobilised combatants are coming together. Because of a lack of protection, many respondents feel threatened and insecure. Already since the demobilisations, security issues have affected the reintegration of ex-combatants into civilian life. Recently, news got out on the specific situation of ex-combatants postulated to the Justice and Peace Law, as their participation in the Justice and Peace process is an additional threat to their lives<sup>70</sup>. Also Zuñiga<sup>71</sup>, who studies the participation of ex-members of one of the paramilitary blocs in the process of Justice and Peace, states that of the 47 assassinated demobilised combatants, 21 were actively carrying out spontaneous declarations.

### **Finding work**

While the respondents seem to be quite successful in their educational development, on a professional level they experience more difficulties because of the stigmatization by entrepreneurs. Recently, though, the program *Banco de Tiempo* of a big multinational in Colombia capacitated the first group of demobilised combatants through the consultancy on their own business plans<sup>72</sup>. Hopefully, the report on the official handing over of the gained certificates in presence of president Uribe will stimulate more parts of the private sector in facilitating the economic reintegration of demobilised combatants. Although a monthly financial assistance is currently helping the respondents in sustaining their families, this help is temporarily and needs to be replaced by an own stable income. Most respondents have no problems with their identification or judicial documents, yet “everybody can find our paramilitary past on the internet or in databases because this

<sup>70</sup> Source: “Los ‘paras’ silenciados”, published on August 13, 2009 by magazine *Semana*.

<sup>71</sup> Source: “Lo que contó el Bloque Resistencia Tayrona”, published in 2008 on the internet page of CNRR, available at [www.cnrr.org.co/bcnrr/numero7/verdad\\_judicial.pdf](http://www.cnrr.org.co/bcnrr/numero7/verdad_judicial.pdf) (consulted in August, 2009)

<sup>72</sup> The complete news article on the handing over of certificates to the beneficiaries of this program, as published on the 13<sup>th</sup> of August this year, is available on the website of ADN, see <http://www.adn.es/politica/20090812/NWS-2162-Urbe-desmovilizados-capacitaron-empresas-creacion.html>

information is publicly available” (Juan Carlos). Renaldo adds that “they [entrepreneurs] always use this information against us”.

In order to facilitate the economic reintegration of its participants, Peace and Reconciliation has made agreements with various enterprises. Pilar, for example, worked as a life guard for one year thanks to the mediation of Peace and Reconciliation. Renaldo found a job in a light bulb factory for a couple of months and also heard of the possibility to become transit police officer. Yet both are currently unemployed, as contracts are temporarily. Ingrid had her own business in selling *arepas de chocolate*, but because of her studies saw herself obliged to suspend her work activities. Juan Carlos is being helped out by his brother. He got the opportunity to assist his brother on a regular basis at his farm. While he receives a payment for his work, he is not legally registered in order to avoid any possible troubles for his brother. On asking for a clarification on the possible troubles he expects, Juan Carlos mumbles and finally says he wants to assure himself of keeping his paramilitary past away from his family.

As we have seen in chapter two, a way of income generation for reintegrating combatants is the provision of loans or grants. Seven of the sixteen respondents of my sample have taken their business proposals to the bank, yet none succeeded in getting a loan. They feel discriminated by banks. Juan Carlos explains his problem:

“They [banks] don't cooperate if they know you are a demobilised combatant. They don't approve a loan; they don't accept business proposals; they don't want me to open an account; they didn't even give me the money of a cheque that was ascribed to me. They don't want to have anything to do with us. That makes it difficult for us to reintegrate, it sometimes makes you want to go back to *el monte*, but I want to stay on the right path.”

Jose Luis found himself and 12 companions in another financial difficulty, when they started a learning project on the cultivation of passion fruit after their demobilisation in Santa Marta. After six months of learning how to cultivate, commercialize and sell the fruit, they had to leave behind their new dream. At the end of the course, namely, they saw their business being turned down by possible sponsors and lacked the funds to continue.

For the ones coming from rural areas, the labour market of Medellín has more to offer them and David enjoys the more individual atmosphere in the city. He feels safer far away from former companions or friends. At the same time, as Olivia explains, the unknown area makes it more difficult to find a job, because of a lack of social relationships. While David prefers not to work, instead of “being on the streets, where all the problems start”, others are engaged in the informal sector again. At least seven of the respondents are adding an irregular income of informal jobs to their monthly financial assistance. Most vary regularly of errant, but Jose Luis sticks to the same business: he buys cheap clothes in Medellín and a companion sells them on the streets in Santa Marta for more money.

Finally, security issues are also affecting the respondents' work opportunities. Leonardo is no

longer helping out his brother in his shop in Itagui, because of his avoidance of being seen in public places. Ivan left his job of maintenance and cleaning in two hospitals because of the unstable situation in Itagui at the moment. Also Thomás finds it difficult to preserve a job, as he changes residence every six months:

“It is a sort of surviving strategy, changing place every time. In this way, the National Prosecutorial Unit, but also new armed groups or anyone who is looking for me, won’t find me.”

Being postulated to the Justice and Peace Law makes the situation of these respondents more difficult; knowing that they are part of the few demobilised combatants on which the National Prosecutorial Unit has information, they fear for having to respond not only for their own actions but also for those of their companions on the streets.

### **Changing minds**

How do participants of Peace and Reconciliation regain their confidence? Being in liberty, do they need to reconcile themselves with their future? Do they use similar ways of self-justification to live with the fact that they have participated in human right violations? José Antonio, former patrolman, relates on the impact the 1,5 years of paramilitary life still has on him:

“I know that we did horrible things. It maybe looked like easy money, but it had a lot of consequences. You have to follow all orders you receive. It was bad, innocent people got killed in the struggle. It marks you for life.”

Instead of reconciliation with the past, Pilar is more focussed on reconciliation with her present and destiny again. As former radio operator, she did not get involved in human right violations. Nevertheless, she blames herself for currently being in a difficult situation and probably having a difficult future as well.

Although various respondents of my sample feel sorry for the harm they caused, at the same time they deny responsibility or put their crimes into perspective by way of self-justification. Thomás, for example, saw his barrio being destroyed by guerrilla violence and for that understands and justifies the violence he used. Adriana explains that the anger she felt towards the guerrilla made her join the paramilitaries:

“I felt no sorry, no regrets. I was so angry, that I felt it was justified what I was doing. Now I know it was not the way to make everything better. Yet I need to move on. I want to decide for myself, live the way I want to live. Never in my life have I done something for myself, now I get the opportunity.”

Apparently, looking at the future and making use of the opportunities the demobilised combatants get offered by Peace and Reconciliation is also a way of dealing with the past. Most former combatants of my sample first relate on the present and possibly on the future before a recounting of

the past. A new found dedication to one's future seems to facilitate inner reconciliation.

Then, psychological counselling can make an important contribution to inner reconciliation and the regain of confidence. Respondents are especially satisfied about the treatment they receive from the psychologists; they are treated with respect and motivated to actively participate. Thomás says to have learned the importance of self-esteem and patience. According to Olivia, the workshops have made her change her way of thinking, of reacting on difficult situations and most importantly, of taking responsibility. Adriana gives an example of the progress she has made because of the psychosocial counselling:

“Two months ago the guerrilla killed one of my other brothers, but I know now that fighting back is not the answer. I have lost my anger against them; we have to find a way to solve this, without fighting and killing. I have learned to deal with these feelings of anger I had inside of me.”

Leonardo and Marcos, then, say to have understood that making part of the conflict will never solve their problems.

Others have found different motivations to forget about what happened and move on. Jose Luis mentions that his belief in God helped him to accept the past and inspires him to “better his life”. For Ivan, as well as for Jose Luis, his family is his motivation to move on. Juan Carlos mentions he regrets his time as a paramilitary and tries to forget about it. Other respondents have also pointed out that they try to look at the present and the future, either justifying or suppressing their past. However, a psychologist of Peace and Reconciliation says that the most important thing of the psychosocial workshops is exactly *not* to forget about the past. She has taken her participants e.g. to an impressive photo exposition on massacres and other human right violations carried out by paramilitaries. Most participants felt uncomfortable and some even could not make themselves finish the exposition. Her objective was not to judge the participants, but to make them realise that decisions always have consequences. Through the revival of the past, her participants are trained to not reproduce violence in a future in which probably many difficulties will present themselves.

### **Reconciliation at the family and community level**

Then, what progress have the respondents of my sample made in the reparation of social relationships and reversion of changed perceptions? Although many respondents were operating in their residential zone, social relationships have surely been disrupted. General perceptions of demobilised paramilitaries are far from positive<sup>73</sup>. Furthermore, because of the ongoing conflict, comprehensive reconciliation initiatives are still destined to fail as fear is not yet replaced by non-

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<sup>73</sup> Own observations during fieldwork in Medellin, while having informal conversations, interviews, as well as through reading newspapers or watching television. Also the MAPP/OEA has noticed a stigmatization of the demobilised population in Colombia, because of the participation of a minority of demobilised combatants in criminal activities (Caramés, 2009:8).

violent coexistence. Yet to what extent have the respondents reconciled themselves with their family and community?

Family relationships are important to reconciliation processes on a larger scale (Freudenberg, 2006). For this, it is an initial and crucial phase, even though we cannot speak of a situation of peace in Colombia. Also in this process, self-justification and a lack of responsibility facilitates reconciliation with relatives, as the past is put into perspective. All respondents claim to be in good contact with their relatives (again) and most receive support of them in way of money or housing. Even Adriana, who had lost contact with her family already before joining the paramilitaries, restored contact:

“My family thought that I was dead; they hadn't seen me since I was 12 and left home. When I demobilised and came to Medellin, I met them again here. I told them everything. They were shocked, but destined to help me. And of course they were happy to see me again. Now we see each other on a regular basis.”

Adriana, though, emphasizes that a feeling of trust has not yet returned. More respondents mention that the regaining of confidence takes more time, yet relatives have at least accepted the paramilitary past. The psychosocial workshops of Peace and Reconciliation aim at this strengthening of feelings of trust and social relationships between participants and their relatives and communities and contribute to communitarian development<sup>74</sup>.

The respondents with children feel fortunate to be with them again, and find a renewed motivation of improving their life in the care for their own family. Renaldo, realising that reconciliation is a long-term process, relates about the reunion with his family:

“It was quite hard to come back to my family and live with them again. I had been gone for six or seven years. But we are all trying and everyday it goes better. They are starting to trust me again. [...] We have to show our children that we are working for our future, and that we want to move on, take opportunities. They have to learn from our mistakes.”

Pilar and Oliver have lost physic contact with their relatives who now live far away, yet they started their own family in Medellin after the demobilisation.

While family relations have survived the disruption because of serving the paramilitaries, some marriages have not. Five respondents are divorced or separated; most are abandoned by their partner they left behind for a couple of years. Only Ivan saw himself forced to leave his wife, because of security reasons. As emergent armed groups were longing for his experience, his wife and children were also threatened. They all decided to leave the neighbourhood, but Ivan looked for another place to live.

“That doesn't only make it hard for me, but also for them to accept what happened, in what I was involved. My wife is mad, of course, she is a noble and honest woman. She never agreed with what I was doing.” (Ivan)

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<sup>74</sup> Source: Intervention Model of Peace and Reconciliation, published online at [http://www.pazyreconciliacion.gov.co/sitio/index.php?sub\\_cat=13](http://www.pazyreconciliacion.gov.co/sitio/index.php?sub_cat=13) (consulted in August, 2009)

Ivan is not the only one whose family relations are threatened by security issues. Leonardo and Marcos, who both live in Itagui, still live with their wife and children but they are afraid they have to leave soon, because armed groups are making the neighbourhood unsafe.

How do communities receive the demobilised paramilitaries? While a lack of guilt and responsibility in the case of inner and family reconciliation facilitates the process, it can be an obstruction to the process of reconciliation with victims and communities. Forgetting about the past ignores the importance of justice and reparation in order to reconcile society (Salazar, 2007:15). Remarkably enough, none of the respondents experience difficulties in their communities – except for those that experience security problems at the moment. Leonardo owes this to the individual atmosphere in the city, in which people know nothing about their neighbours. Ingrid, however, thinks that people accept a paramilitary history, because so many people in the barrios are involved in the conflict. Jose Luis confirms mentions having made new friends in the city, who, as he says, are not surprised anymore to hear that one has been involved in illegal businesses.

Huyse (2007:67) rightly states that reconciliation is meant to include every individual affected by a conflict. Yet in practice, many stay untouched by reconciliation, because an important aspect is one's participation in reconciliation initiatives. In order to involve communities, various reconciliation projects – either on the initiative of Peace and Reconciliation or of demobilised combatants themselves – have been carried out in Medellín. Most activities, in which Jose Antonio and Renaldo also participated, involve the children of the neighbourhood to entertain them and get them off the streets (Salazar, 2007:60). Other activities include sports or cooking to get community members closer to each another. Juan Carlos has visited schools:

“We tell young kids that the money you gain by making war doesn't pay off. Violence seems to attract more Colombian youth better than schools. We have to get rid of those ideas.”

Also, most respondents are consciously or unconsciously participating in a reconciliation initiative, because the earlier discussed CEPAR where many respondents are studying is itself a reconciliation project. Former paramilitaries, namely, study side by side with victims and former guerrilla members.

### **5.3 FUTURE EXPECTATIONS**

#### **“I would shoot song of peace”**

Then, although the speed of the Justice and Peace process predicts no short-term ending, its participants are in the meanwhile thinking about their future. Especially the population in prison has many thoughts on what to do and where to end. Deprived of liberty and without rehabilitation programs, these demobilised paramilitaries have plenty of time to think. How do the postulated ex-combatants of my sample see their future? What do they expect to happen to them after completion

of the process? Is there a road to peace?

Up to a third of the respondents directly mention that in their eyes the only chance they have on a good future will be by leaving the country and start over somewhere else, some because they want to flee from the long-lasting conflict:

“We need an environment with different minds, different people. No war, no Aguilas Negras or other groups that are going to be looking for us. Minors here in the city are growing up in a horrible world.” (Álvaro, 43 years old)

“This is not a good country for kids growing up. A lot of young people today are forced to make a choice between serving an armed group or leave the region, or even worse, die. I don't want to raise my children in a country like this. We will never be safe.” (Armando, 32 years old)

Others want to leave as soon as possible, because of security issues which are already threatening their lives at the moment.

“We need security! So many of our *compañeros* are getting killed these days, by emergent groups, by other *compañeros*, by guerrilla enemies, we need security. How can we walk out of here, after having completed prison time, and be safe on the streets? What future do we have here in Colombia? (Alberto)

Six respondents avoid think about the future; they only know that their future is going to be full of problems. ‘Ernesto Baez’, being 54 years old, says to have more hopes than memories:

“But if I would be able to let go of a lot of feelings of resentment, I would travel around the country singing peace to everybody. You know Jaime Cardona’s “*escopetaria*”? It’s a guitar but at the same time it looks like a weapon. I would go out with the *escopetaria* and sing to the whole country, shooting songs of peace at everybody.”

Finally, six other respondents are making plans on studying again, on getting a job; they foresee a future for them in Colombia, or at least, they hope for a future in their country. As 36 years old Rafeal concludes:

“ I just hope that somebody will give us an opportunity to build up our lives again.”

Especialy those in prison are dreaming about leaving to another country. After serving prison time, without receiving help and only having angry and sad victims waiting for them outside, they prefer to leave. The respondents in liberty are already building on their future and most do not think ahead. They are currently making an effort to start over again, to have a future in Colombia.

What achievements did the respondents make in their reintegration and reconciliation? First of all, the assignment of postulated ex-paramilitaries to Justice and Peace wings considerably improved the situation of this population, yet a preparation on future processes of reintegration and reconciliation is absent. Former hierarchical relationships persist in prison, which leads to an unbalanced power distribution with the former commanders as leaders. Through disobediences these prisoners force

official institutions to hear them out, yet little has changed because of these efforts. While own initiatives have been set up, also for reconciliation projects, external sponsors are necessary to realise these initiatives. Some prisoners have found ways to inner reconciliation, but assistance through psychological counselling is crucial to change their often criminal minds. Nevertheless, being imprisoned and judged seems to guide some in a better self-understanding. Others are convinced of their legitimised struggle and lack feelings of guilt. Less than half of the respondents receive regular visits by relatives and an impersonal environment and lack of privacy makes building on confidential relationships at least problematic. The longer prison time served, more disrupted are family relations. The respondents in liberty have made progress in their educational development, but on a professional level they experience more difficulties because of the stigmatization by entrepreneurs. Many returned to the informal sector and life threats by new armed groups are making their situation more difficult. Although various respondents in liberty feel sorry for the harm they caused, at the same time they justify their crimes by putting them into perspective. Others found different motivations to forget about what happened and move on, for example in the raise of their children. Family relations in general have survived and also in the communities the respondents experience no difficulties. Yet the changing security situation in which emergent bands are looking for demobilised combatants make life uncertain. Especially for those participating in the Justice and Peace process, either in liberty or in prison, because their personal data have become public and various have a national reputation of being involved in massive human right violations.



## Conclusions

The return to civilian life; it has never been and it will never be an easy road to walk. Many obstacles are blocking the way and temptations to wander off this road are persuasive. Nevertheless, the return to civilian life *should* also not been an easy road. Nobody is to forget a violent past, certainly not the perpetrators of violence. Victims have the right to be commemorated in a dignified manner and polarized groups have to be brought together to avoid new outbursts of violence. Because of that, the road to civilian life cannot be easy. Yet the journey on this road has to be facilitated, as demobilised combatants are often ill-equipped to make it on their own strength. What happens if the world around this road is still in conflict? How can success be guaranteed? Unfortunately, guarantees are non-existent, but a continuous analysis of the developments – achievements and failures – of peace efforts can indicate necessary interventions.

The Justice and Peace Law in Colombia is an example of a mechanism that aims at facilitating the return of demobilised combatants into society. Through this demanding judicial framework is decided who to hold responsible for the massively committed crimes against humanity by armed groups and in what way the damage has to be repaired. This is vital to a future return to civilian life, because without justice and reparation there will be no reconciliation; without reconciliation, peace will not be restored and the road to civilian life will be impassable. The Justice and Peace Law grants amnesty to those not involved in crimes against humanity and by that, offers them the first step on the road of reintegration. Furthermore, national and local reintegration programs strengthen these demobilised combatants on their journey through training and psychological assistance. Although the victims definitely cannot be forgotten, this study has focussed on the experiences of perpetrators in this process. These demobilised combatants are currently either still at the beginning of the road in the process of being judged or already walking the road to civilian life in the process of reintegration and reconciliation. In order to address this problem, I formulated the following central research question: *What are the experiences of ex-paramilitaries postulated to the Justice and Peace Law with the judicial proceedings of Justice and Peace and what achievements and difficulties do they encounter in the processes of reintegration and reconciliation?* The division I made into three research questions leads to the following answers.

First of all, who are the demobilised paramilitaries postulated to the Justice and Peace Law? The ex-paramilitaries who joined the armed group in an early phase and thus spent more time in the group, and those with high rank positions are nowadays more likely to be found in prison than those who entered in the early 2000s and fulfilled subaltern positions. Criminal investigations as stated by the Justice and Peace Law have until now been focussed on those considered most responsible for human right abuses. While rank and file experienced unit cohesion with their former companions,

high rank ex-paramilitaries stayed more distant. Yet, not this unit cohesion was decisive in the maintenance of family relationships, but the zone of operating. Those who worked in their residential zone maintained their pre-paramilitary social networks, although insecurities and fears of paramilitary life troubled these relationships. The respondents who worked away from their family saw a combination of factors disrupting relationships, yet they contributed to family life by sending money every month. The majority of the respondents were postulated to the Justice and Peace Law in the demobilisation, either consciously or unconsciously. Others – sooner or later – got arrested after the postulation. A third of my sample was already in prison before the demobilisations and was postulated in prison; two saw themselves obliged because of participating companions, many were triggered by the benefits of the Justice and Peace Law.

Then, what are the experiences of this population with the judicial proceedings of Justice and Peace? The respondents in liberty have few experiences with judicial proceedings of the Justice and Peace process. Because of this, they perceive their postulation as an unnecessary complication and for that, have resigned by letter. While some definitely entered the Justice and Peace process by mistake and are on a legitimate way of return to civilian life, others have avoided a judgement for their actions until today. The imprisoned ex-paramilitaries postulated to the Justice and Peace Law are currently making progress in judicial proceedings, but encounter many obstacles and uncertainties. In the reconstruction of the truth the respondents feel hampered, both by serious security issues because of naming people that are currently on the streets – being other armed actors, state officials or former companions – and by the absence of many perpetrators of the immense amount of crimes. This absence is not only due to the fact that many demobilised paramilitaries are currently untraceable by the National Prosecutorial Unit; a considerable amount of those within sight refuse to collaborate with an unsecure and changing process and an in their eyes unreliable government. Many things are not clear yet, for none of the parties involved, and for that, judicial proceedings take more time than they are supposed to take. Finally, both populations reflect on their paramilitary past in the current context of being publicly judged. The majority mentions their regrets of having joined the paramilitaries now they are publicly criticised. Yet no less than one-third feels that they acted as heroes of society, especially the ones with the highest positions and political roles in the AUC. They justify their struggle with the legitimisation they experienced among the people and also felt supported by the government, which now generates feelings of betrayal.

Finally, what achievements and difficulties do the postulated ex-paramilitaries encounter in the processes of reintegration and reconciliation? The prison population is still at the start of the road to civilian life. Crucial for an effective start of this journey is the preparation to reintegration and reconciliation. Although the assignment of postulated ex-paramilitaries to Justice and Peace wings considerably improved their situation, no progress is made on their preparation on future processes

of reintegration and reconciliation – many are spending already various years in prison. Through disobediences these prisoners force official institutions to hear them out, yet little has changed because of these efforts. While own initiatives have been set up, external sponsors are necessary to realise these initiatives. Some prisoners have found ways to inner reconciliation, but assistance through psychological counselling is crucial to change their often criminal minds. Nevertheless, being imprisoned and judged seems to guide some in a better self-understanding. The impersonal environment of prison grounds and lack of privacy makes building on confidential relationships at least problematic; family relations are disrupted, especially of those spending a relatively long time in prison. The postulated ex-paramilitaries in liberty already initiated the journey of their return to civilian life, guided by the program of Peace and Reconciliation. Many have improved their educational level and some are training their professional skills. Yet despite this progress, a successful entrance to the labour market stays out for most of them. Many returned to the informal sector and life threats by new armed groups are making their situation more difficult. While family relations in general have survived and also the communities impose few difficulties on the respondents, reconciliation with victims has been pushed into the background as none of the respondents have been confronted with their victims. Currently, the changing security situation in which emergent bands are looking for demobilised combatants make life uncertain. Especially for those participating in the Justice and Peace process, either in liberty or in prison, because their personal data have become public and various have a national reputation of being involved in massive human right violations. Furthermore, the possibility of being searched for by the National Prosecutorial Unit makes the future for postulated ex-paramilitaries even more insecure than for demobilised combatants in general.

What do these answers tell us on the interrelated concepts of transitional justice, reintegration and reconciliation? The particular context of this study shows that if the environment in which these initiatives take place is insecure and unstable, their outcomes are heavily threatened. Still warring groups are a serious threat to peace initiatives and if the broader networks in which the ex-combatants operated are not effectively addressed, the reintegration of many of these ex-combatants has little chance on success. In such an environment, the search for truth will end unsatisfactory as it obstructs the exposure of the whole truth. A relative truth is not the same as a manipulated truth, that is, the dismantling of accomplices of the violations from their public and powerful functions is necessary to protect those willing to reveal the truth. Transitional justice mechanisms, then, are more effective in a situation in which a new government takes on the responsibility of this dismantlement, especially when dealing with pro-state armed actors. Reconciliation lacks genuineness when victims are still threatened and perpetrators wish for a future in another country. Finally, the inability of institutions to effectively address the problem not only

threatens outcomes of peace efforts, but also the lives of its participants.

Since the demobilisations of paramilitary groups and the coming into existence of the Justice and Peace Law certain achievements have definitely been made. Yet the participants of the process of Justice and Peace experience many obstacles and uncertainties and for that, discourage others to enter. The reconstruction of the truth alone is not enough to re-establish sustainable peace. Ex-combatants need rehabilitation, also those in prison. Responding for crimes by serving a sentence is a necessary component of justice. Forgetting the past, what seems to happen to a part of the population in liberty, has to be avoided if one wants to walk the road to peace in a sustainable way. Yet the non-fulfilment of earlier made promises is a serious obstacle for the process; if the parties do not stay true to the foundations of the process, how could it lead to a desirable ending? Thus, justice is an effective mechanism for future reconciliation; but a *productive* form of justice is vital for future reintegration. Real peace seems not to be on a short-term planning in Colombia and feelings of hurt and revenge will probably haunt the country for an extended period of time. Yet building confidence and trust and creating empathy between victims and perpetrators by small-scale projects at least eliminates some of these feelings of revenge and with those, takes away justifications for new violence. Exactly this violence, and interrelated fears and insecurities threaten the outcomes of processes of reintegration and reconciliation and transitional justice mechanisms.

The respondents in liberty, and all other postulated ex-paramilitaries should not underestimate the chance of still being summoned to respond for their actions, while they are currently making progress on their road to reintegration. The Justice and Peace process – as any judicial process and even more because of being carried out in a situation of conflict – is a slow and complex process. However, thanks to spontaneous declarations, victims' testimonies and personal dedication, prosecutors are unravelling more pieces of the truth on a daily basis. Because other possible scapegoats for the violence in Colombia are still intangible, every opportunity will be grasped to put those, who are within reach, on the stand. Until today, these demobilised paramilitaries have not compensated their crimes nor have they satisfied their victims. An incomplete process as such will not lead to sustainable peace and for that, will not break through the vicious circle of feelings of revenge and powerlessness which is haunting Colombia for more than 50 years. Hence, a firm, constructive and transparent process is necessary to regain confidence, first, in the process itself as a short-cut on the long road to peace, and secondly, in the functioning of justice in a democratic Colombian society.

## Bibliography

- Bar-Tal, Daniel & Gemma H. Bennink  
2004 'The nature of reconciliation as an outcome and as a process'. In: *From conflict resolution to reconciliation*, Y. Bar-Siman-Tov, Oxford: Oxford University Press.
- Caramés, A.  
2008 Colombia (AUC, 2003-2008). In: A. Caramés & E. Sanz, *DDR 2009: Análisis de los programas de DDR existentes en el mundo durante 2008*. Bellaterra: Escola de Cultura de Pau.
- Carillo Leal, William  
2001 'From My Prison Cell', *Latin American Perspectives*, 116 (28): 149-164.
- Correa, Javier Correa  
2001 'Colombia's war moves to prisons'. In: Barbara J Fraser & Elsa Chanduví Jaña, *The need for prison reform in Latin America, Justice behind bars*. Lima: Latinamerica Press.
- Crandall, Russell  
1999 'The End of Civil Conflict in Colombia: The Military, Paramilitaries, and a New Role for the United States', *SAIS Review*, 19(1): 223-237.
- Cruz Rodriguez, Edwin  
2007 'Los Estudios sobre el Paramilitarismo en Colombia', *Análisis Político* 20(60): 117-134. Online available at [http://www.scielo.org.co/scielo.php?pid=S0121-47052007000200006&script=sci\\_arttext&lng=en](http://www.scielo.org.co/scielo.php?pid=S0121-47052007000200006&script=sci_arttext&lng=en) (consulted in August, 2009)
- De la Calle Lombana, Humberto  
2009 'Castigo y perdón en el proceso de Justicia y Paz con los paramilitares in Colombia'. In: Greiff, Pablo de, et al., *Justicia y Paz, Cual es el precio que debemos que pagar?* Bogotá: Intermedio.
- Del Olmo, Rosa  
1998 'The State of Prison and Prisoners in Four Countries of the Andean Region'. In: Weiss, Robert P. & Nigel South, eds., *Comparing Prison Systems: Toward a Comparative and International Penology*. Amsterdam: Gordon and Breach Publishers.
- Duncan, Gustavo  
2006 *Los Señores de la Guerra*. Bogotá: Planeta Colombiana
- Freudenberg, Nicholas  
2006 'Coming Home from Jail: A Review of Health and Social Problems Facing US Jail Populations and of Opportunities for Reentry Interventions.' Paper submitted on June 27<sup>th</sup> to the *Jail Reentry Roundtable Initiative* of The Urban Institute, Washington DC.
- FSD (Fundación Seguridad y Democracia)  
2007 'Pacto por la Verdad: Colombia y la Experiencia Internacional', Informe Especial, 16:5-10. Available online <http://www.seguridadydemocracia.org/docs/pdf/especiales/informeEspecial16-1.pdf> (consulted in August, 2009)
- 2008 'Sistema Penitenciario y Seguridad Colectiva', *Coyuntura de Seguridad*, 21:24-35.
- Garzón, Juan Carlos  
2004 La Complejidad Paramilitar: Una Aproximación Estratégica. In: *El Poder Paramilitar*, Alfredo Rangel(ed), p47-131.
- Ginifer, Jeremy  
2003 'Reintegration of Ex-combatants'. In: *Sierra Leone: Building the Road to Recovery*, Malan, M. et al., Pretoria: Institute of Security Studies. Online available at: [www.iss.co.za/Pubs/Monographs/No80/Contents.html](http://www.iss.co.za/Pubs/Monographs/No80/Contents.html). (consulted in January, 2009)
- Gutiérrez Sanín, Francisco  
2008 "Telling the difference: Guerrillas and Paramilitaries in the Colombian War", *Politics Society* 36(3):3-34.
- Henriksen, Rune and Anthony Vinci  
2008 'Combat Motivation in Non-State Armed Groups', *Terrorism and Political Violence*, 20(1): 87-109.
- Herbold Green, Reginald & Ismail I Ahmed  
1999 'Rehabilitation, sustainable peace and development: towards reconceptualisation', *Third World Quarterly*, 20 (1): 189-206.
- Hume, Francesca & Derek Summerfield  
1994 'After the war in Nicaragua: A psychosocial study of war wounded ex-combatants', *Medicine, Conflict and Survival*, 10(1):4-25.

- Humphreys, Macartan & Jeremy M. Weinstein  
2005 'Demobilisation and Reintegration', *Journal of Conflict Resolution*, 51(4):531-567.
- Huysse, Luc  
2007 'The Process of Reconciliation'. In: Bloomfield, David et al. (eds), *Reconciliation after Violent Conflict*. Stockholm: IDEA, p. 19-39.  
'Offenders'. In: Bloomfield, David et al. (eds), *Reconciliation after Violent Conflict*. Stockholm: IDEA, p. 67-76.  
'Justice'. In: : Bloomfield, David et al. (eds), *Reconciliation after Violent Conflict*. Stockholm: IDEA, p. 97-121.
- ICC (International Crisis Group)  
2003 'Colombia: Negotiating with the Paramilitaries', Executive summary by the International Crisis Group, published online on September 16, 2003. Available at <http://www.crisisgroup.org/home/index.cfm?id=2302&l=1> (consulted in August, 2009).
- ICTJ (International Center for Transitional Justice)  
2008 'What is Transitional Justice?' Published online in December 2008, available at <http://www.ictj.org/en/tj/> (consulted in August, 2009)
- Jaramillo, Sergio *et al.*  
2007 'Transitional Justice and DDR: The Case of Colombia', Research Brief on the DDR process in Colombia. Published online by the International Center for Transitional Justice, available at [http://www.ictj.org/static/Publications/Giha\\_Torres\\_Jaramillo\\_DDR\\_Colombia\\_ResearchBrief\\_RB\\_2009.pdf](http://www.ictj.org/static/Publications/Giha_Torres_Jaramillo_DDR_Colombia_ResearchBrief_RB_2009.pdf) (consulted in August, 2009)
- Kaldor, Mary  
2001 'Wanted: Global Politics. New types of violence are on the rise, and the only exit route is political', *Nation*, 273(14): 15-18.
- Lake, David A. & Donald Rothchild  
1996 'Containing Fear: The Origins and Management of Ethnic Conflict', *International Security*, 21(2): 41-75.
- Lambourne, Wendy  
2009 "Transitional Justice and Peacebuilding after Mass Violence", *International Journal of Transitional Justice* 3(1):28-48.
- Lynch, James P. & William J. Sabol  
2001 'Prisoner Reentry in Perspective.' *Crime Policy Report*, The Urban Institute, Washington DC.  
MAPP/OEA  
2009 'Twelfth Quarterly Report', published on February 27, 2009, available online at <http://www.mapp-oea.org/node/12> (consulted in August, 2009)
- Mashike, Lephophotho  
2004 'You are a time bomb...' Ex-combatants in post-conflict South Africa', *Society in Transition*, 35(1): 87-104
- McIlwaine, Cathy & Caroline O.N. Moser  
2007 'Living in fear: how the urban poor perceive violence, fear and insecurity.' In: Koonings, Kees & Dirk Kruijt, eds., *Fractured Cities: Social exclusion, urban violence and contested spaces in Latin America*. London: Zed Books.
- Meddings, David R.  
2001 'Civilians and war: A review and historical overview of the involvement of non-combatant populations in conflict situations', *Medicine, Conflict and Survival*, 17(1): 6-16.
- Montville, Joseph V.  
2001 Justice and the Burdens of History. In: Mohammed Abu Nimer (Ed.) *Reconciliation, Coexistence, and Justice in Interethnic Conflict: Theory and Practice*. (Lexington Books, 2001) p.115-128.
- OACP (Oficina Alto Comisionado para la Paz)  
2007 'Esquema Ley 975', online available at [http://www.fiscalia.gov.co/justiciapaz/Documentos/Esquema\\_Ley975\\_Justicia\\_Paz.pdf](http://www.fiscalia.gov.co/justiciapaz/Documentos/Esquema_Ley975_Justicia_Paz.pdf) (consulted in August, 2009)
- OHCHR (Office of the United Nations High Commissioner for Human Rights)  
2005 'Consideraciones sobre la Ley de "Justicia y Paz"', Bogotá. Online available at <http://www.dhcolombia.info/IMG/pdf/leyjp.pdf> (consulted in August, 2009)  
2006 'Rule-of-law tools for Post-Conflict States: Mapping the Justice Sector', New York and Genova. Online available at [http://www.ohchr.org/Documents/Publications/Ruleoflaw\\_Mappingen.pdf](http://www.ohchr.org/Documents/Publications/Ruleoflaw_Mappingen.pdf).
- Ortiz, Román D.  
2006 'La guerrilla mutante.' In Francisco Leal Buitrago (ed), *En la encruzijada. Colombia en el siglo XXI*. Bogotá: Norma.

- Palacios, Marco  
 2006 *Between Legitimacy and Violence: A history of Colombia, 1875-2002*. Durham and London: Duke University Press.
- Ramsbotham, Oliver et al.  
 2005 *Contemporary Conflict Resolution, second edition*. Cambridge: Polity Press.
- Romero, Mauricio  
 2001 *Paramilitares y autodefensas, 1982-2003*. Bogotá: IEPRI.
- Rozema, Ralph  
 2008 'Paramilitaries and criminal networks in Medellín, Colombia', *Journal of Latin American Studies*, 40: 423-452.
- Rolston, Bill  
 2007 "Demobilisation and Reintegration of Ex-Combatants: the Irish Case in International Perspective" *Social & Legal Studies*. 16(2), 259–280
- Salazar Pinzón, Sergio  
 2007 *La Construcción de lo Imposible: El nacimiento del proceso de reconciliación en Medellín*. Medellín: Alcaldía de Medellín.
- SIDDR (Stockholm Initiative of Disarmament, Demobilisation and Reintegration)  
 2006 *Final Report*, Stockholm. Online available at <http://www.sweden.gov.se/sb/d/4890/a/64356> (consulted in August, 2009)
- SIPRI (Stockholm International Peace Research Institute)  
 2008 *SIPRI Yearbook 2008: Armaments, Disarmament and International Security*. Summary online available: <http://yearbook2008.sipri.org/files/SIPRIYB08summary.pdf>
- Theidon, Kimberly  
 2006 'Transitional Subjects: The Disarmament, Demobilisation and Reintegration of Former Combatants in Colombia', *The International Journal of Transitional Justice*, 1: 66–90.
- UNDP (United Nations Development Programme)  
 2003 "El Conflicto, Callejón con Salida", *Informe Nacional de Desarrollo Humano*, online available: [http://indh.pnud.org.co/informe2003\\_.plx?pga=CO3tablaContenido&f=10895004](http://indh.pnud.org.co/informe2003_.plx?pga=CO3tablaContenido&f=10895004)
- Ungar, Mark  
 2003 "Prisons and Politics in Contemporary Latin America", *Human Rights Quarterly* 25(4): 909-912.
- Uprimny, Rodrigo & Maria Paula Saffon  
 2006 'Transitional Justice, Restorative Justice and Reconciliation. Some Insights from the Colombian Case', in web-based working paper series as continuance of the *Interdisciplinary symposium on the Practice, Politics, and Ethics of Transitional Justice*, November 2006, University of Wisconsin. Online available at <http://www.gobal.wisc.edu/reconciliation/>
- Vandeginste, Stef  
 2007 'Reparation'. In: Bloomfield, David et al. (eds), *Reconciliation after Violent Conflict*. Stockholm: IDEA, p. 145-162.





**Appendix 1. Table of characteristics of research population**

**Postulated ex paramilitaries in prison**

Alias*	Age	Sex	Urban/rural	Educational level**	Occupation**	Civil status***	Child ren***	Year of entry	Age of entering	Position in group	Time in group
Jorge	29	M	Urban	Primary	High school student	Married	2	1998	18	Patrolman	5
Alberto	36	M	Rural	Secondary	University student	Single	0	1998	25	Squad commander	6
Juan José	37	M	Rural	Primary	(no job)	Single	0	1995	23	Patrolman	9
Diego	30	M	Rural	Primary	Military	Married	1	1999	20	Patrolman & military instructor	4
Armando	32	M	Rural	Primary	(Discharged) Military	Married	3	1997	20	Military commander	4
Nicolás	30	M	Rural	Primary	Street vendor	Married	5	2000	21	Quota collector	3
Alejandro	23	M	Rural	Primary	(no job)	Single	1	2004	18	Patrolman	0,8
Rafael	36	M	Rural	Primary	Bus driver	Single	1	2002	29	Patrolman & hitman	0,9
Alvaro	43	M	Urban	Secondary	Military	Single	1	1984	18	Security guard & patrolman	18
Luis	26	M	Urban	Primary	Ex-guerrillero as guide for army to find guerrilla	Single	1	2001	18	Patrolman & hitman	1,4
Edwin	33	M	Rural	Primary	(no job)	Married	3	1990	14	Hitman & commander of hitmen	10
Antonio	23	M	Urban	Primary	High school student	Single	0	2001	15	Hitman	4
Guillermo	33	M	Urban	Secondary + SENA courses	Industrial machine operator	Single	0	2001	25	Political commissioner & squad commander	4
Javier***	28	M	Rural	No education finished	Peasant/Farm boy	Married	1	1990	9	Hitman	14
John	28	M	Rural	Primary	High school student	Single	0	1998	17	Hitman & patrolman	5
Fernando	29	M	Urban	Primary	(irregular jobs)&evening high school student	Married	3	2001	21	Patrolman	1,5
Luis Alberto	31	M	Urban	Professional education	Military	Married	2	2001	23	Military commander	4
Ariel	27	M	Urban	No education finished	Member of car thieves' gang	Single	2	2000	18	Hitman & squad commander	4

Augusto	35	M	Rural	Primary	Baker	Single	0	2000	26	Patrolman & financial administrator	2
Pedro Bonito**	43	M	Urban	Primary	Banana entrepreneur	Single	1	1996	30	Commander & political brain	8
Julian Bolívar**	46	M	Urban	Secondary	Head of textile factory	Married	4	1997	34	Commander	8
Alemán**	35	M	Rural	Secondary	Assistant beer truck	Single	1	1996	22	Commander	10
Francisco**	32	M	Urban	Secondary	University student	Separated	1	2000	23	Hitman	6
Jesús**	32	M	Urban	Secondary	Military	Married	2	1995	18	Hitman	10,5
Christian**	29	M	Rural	Secondary	Military	Single	0	1997	17	Hitman	8
Ernesto Baez**	54	M	Rural	University	Lawyer & university professor	Separated	4	1979	24	Political commander	26
Felipe**	32	M	Urban	Primary	(irregular jobs)	Single	1	1999	22	Hitman & commander's security guard	6
Giovanni**	32	M	Rural	Primary	Peasant/ farm boy	Married	2	1995	18	Squad commander	9
<b>AV</b>	<b>33</b>								<b>21</b>		<b>6,9</b>

\*Alias given by me, in order to guarantee anonymity, not related to the alias of their time in paramilitary group, except for 'Pedro Bonito', 'Julian Bolívar', 'Alemán' and 'Ernesto Baez'.

\*\* Imprisoned in Itagüí

### Postulated ex paramilitaries in reintegration program of Peace and Reconciliation

Alias*	Age	Sex	Urban/ rural	Educational level**	Occupation**	Civil status***	Child ren***	Year of entry	Age of entering	Position in group	Time in group
David	43	M	Urban	Primary	(irregular jobs)	Divorced	2	1997	31	Squad commander	9
Jose Luis	33	M	Urban	Primary	Farm help	Married	2	2001	25	Commander's security guard	4
Héctor	44	M	Urban	Primary	Construction	Separated	2	1996	31	Squad commander	10
Ingrid	38	F	Rural	Primary	Nanny	Single	0	2002	31	Radio operator	2
Hernán	28	M	Urban	Primary	(irregular jobs)	Single	0	2000	19	Logistics	3
Ivan	35	M	Urban	Primary	Criminal	Divorced	2	1999	25	Commander of hitmen	4
Adriana	37	F	Rural	Primary	(irregular jobs)	Single	0	1998	26	Radio operator	6
Jose Antonio	42	M	Urban	Primary	Security guard	Single	0	2004	37	Patrolman	1,5
Juan Carlos	48	M	Rural	Primary & SENA courses	Head of textile company	Divorced	1	2004	43	Patrolman	1,5
Leonardo	39	M	Urban	Primary	(irregular jobs)	Married	1	2004	34	Security guard	1,5
Marcos	38	M	Urban	Primary	(irregular jobs)	Married	2	2004	33	Security guard	1,5
Oliver	39	M	Rural	Primary	(irregular jobs)	Married	2	2005	34	Radio operator	0,7
Pilar	33	F	Rural	Primary	(no job)	Married	2	2005	29	Radio operator	0,4
Thomás	32	M	Urban	Secondary	(irregular jobs)	Single	2	2003	26	Hitman	2
Olivia	35	F	Rural	Primary	(no job)	Separated	2	2004	30	Cleaning- and cooking lady	2
Renaldo	33	M	Urban	Secondary	Mechanic	Single	1	2000	24	Reparations/Mechanic	6
<b>AV</b>	<b>37,3</b>								<b>29,8</b>		<b>3,5</b>

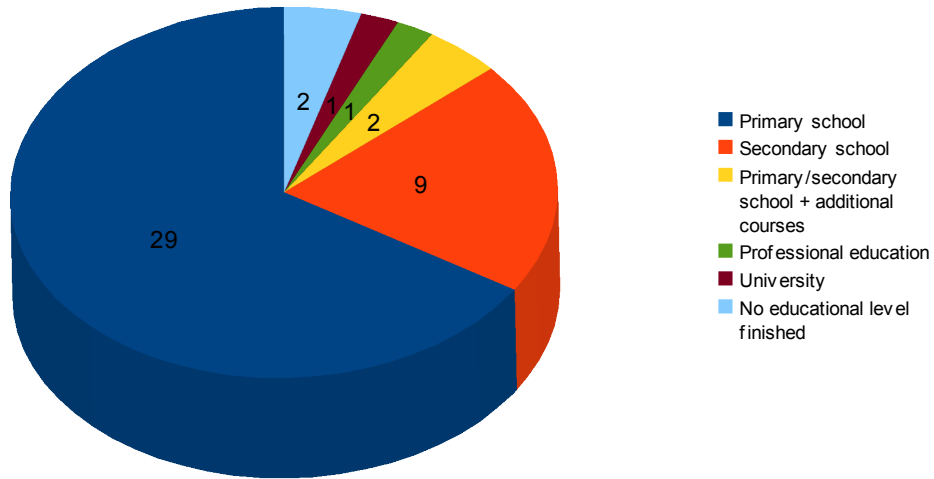
\* Alias given by me, in order to guarantee anonymity, not related to the alias of their time in paramilitary group

\*\* At the time of entering paramilitary group

\*\*\* At the moment of the interview

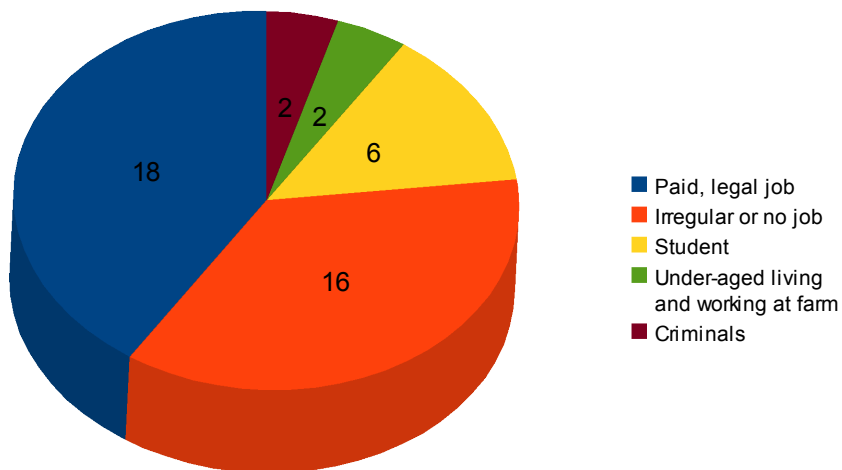
## Appendix 2. Educational and socio-economic profile of respondents

Figure 1. Educational level finished by respondents before joining paramilitary group



Source: interviews

Figure 2. Socio-economic profile of respondents at time of joining paramilitary group



Source: interviews

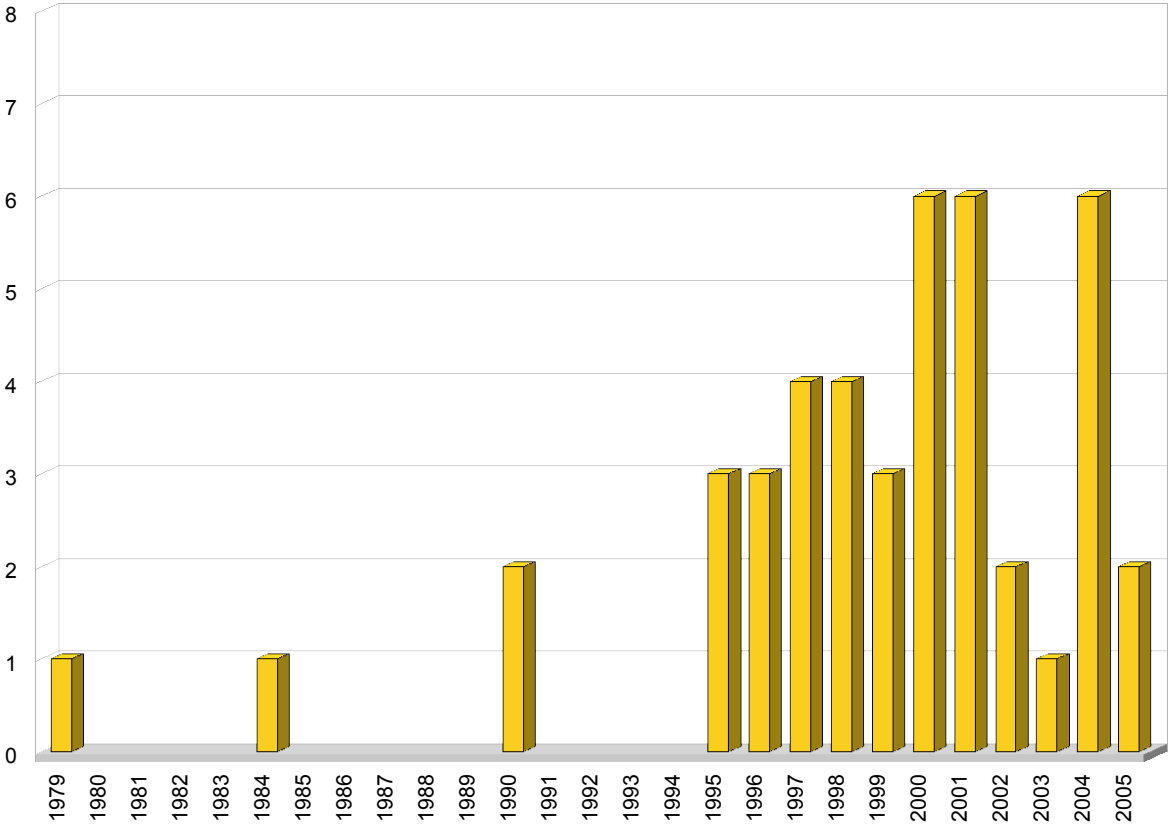
### Appendix 3. Table of reasons for joining paramilitary group

Reasons	Times mentioned	Categories	Times mentioned
Economic necessity/ lack of stable income	18	Economic reasons	19
Wanted more money	1		
Guerrilla killed family and/or friend	10	Vengeance	18
Lost company/job/property to guerrilla	5		
Displaced by guerrilla	2		
Personal vengeance	1		
Protection from guerrilla violence	14	Protection	27
Protection from violence	5		
Personal death threat from guerrilla	4		
Criminal wanting protection	3		
Protection of business	1		
Friend or family member already in group	11	Personal connections	20
Military personnel with connections to paramilitaries	6		
Already working for commander	2		
Child grew up in Castaño family	1		
Ideology/political conviction	8	Political conviction	8

Source: interviews

**Appendix 4. Graphic outline of time of entry to paramilitary group**

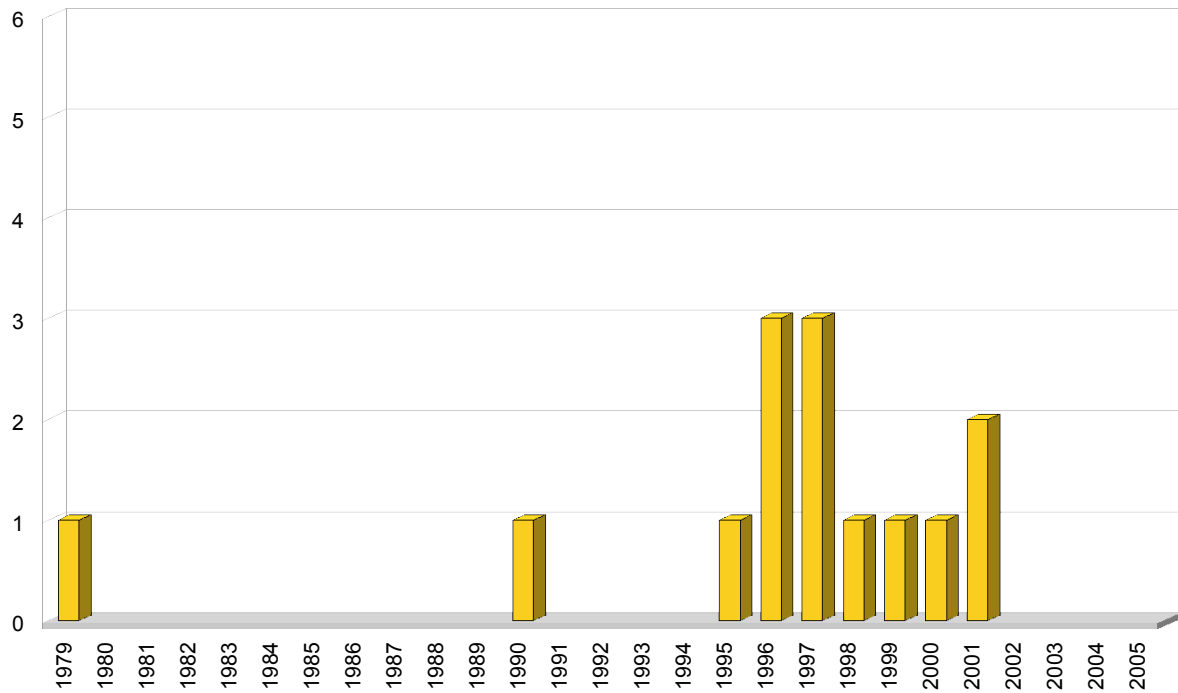
**Figure 1 Year of entry to paramilitary group all respondents**



Source: interviews

### Figure 2 Year of entry to paramilitary group leading positions

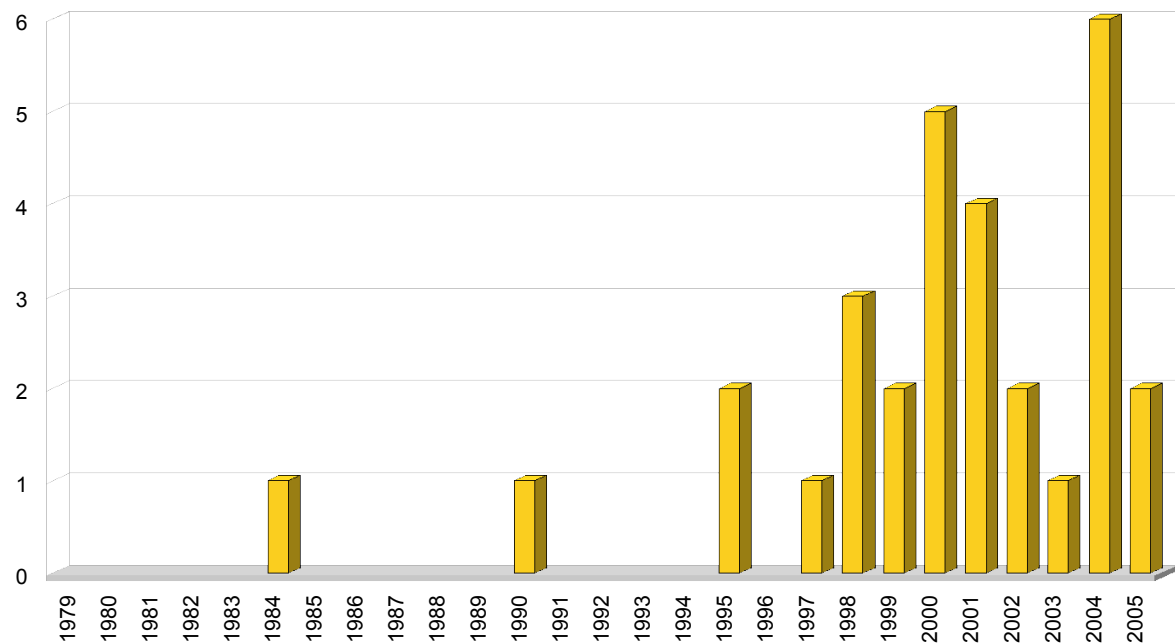
(includes positions: commander, political commander, military commander, squad commander, military instructor, political commissioner, commander of hitmen)



Source: interviews

### Figure 3 Year of entry to paramilitary group led positions

(includes positions: patrolman, hitman, quota collector, mechanic, cleaning lady and cook, security guard, radio operator, financial administrator, commander's security guard)



Source: interviews