
ESOC-Colombia

DDR In Colombia

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21 Oct 2010

Background on DDR in Colombia

A. Institutional Framework

There are two paths to reintegration in Colombia. The first is individual demobilization. Combatants who are members of politically recognized armed groups (i.e., not narco groups or the reconstituted paramilitary groups - the BACRIM) can approach any representative of the state and surrender. Roughly 80% of the time, according to an army colonel, it is the army. The rest is to the police (which is centralized at the national level in Colombia). After a preliminary interview, the goal of which is to ascertain whether or not the surrendered combatant was in fact a member of an illegal armed group, they are typically transferred to the military where they will undergo further interviewing for intelligence-gathering purposes, have the option to volunteer more intelligence in an ongoing relationship, and receive “humanitarian assistance” such as food, housing, and transportation money including family members’ transfer to the city. After three months, ex-combatants are transferred to the reintegration side of the program.

The other path is through collective demobilization, which occurred only with paramilitary blocks between 2003 and 2006. Combatants demobilized when their commanders decided to enter into an agreement with the government.

As a result of these two processes, there is also a distinction by armed group. Only paramilitaries collectively demobilized. (A handful of insurgent groups collectively demobilized in the 1989 and 1991, but they are not participants in this process. In a few cases, they act as advisors.) The overwhelming majority of individually demobilized are from the various insurgent groups. The exceptions are roughly 3,500 paramilitaries who opted to demobilize voluntarily rather than wait for their commanders to surrender.

- Since 1997, roughly 17,500 insurgent combatants have demobilized individually.
- Between 2003 and 2005, roughly 3,500 paramilitaries demobilized individually.
- Between 2003 and 2006, about 31,500 combatants demobilized collectively (it is commonly believed that many ineligible commanders, who were actually pure narcos, demobilized with their foot soldiers, inflating the number of previous paramilitaries).
- The total number of demobilized combatants since 1997 is approximately 53,500.

Regardless of the demobilization path, all former combatants end up in the reintegration program, run by the High Commission for Reintegration (ACR), a bureaucracy within the executive branch directly accountable to the president. There are approximately 30,000 combatants currently registered with the ACR, from what we can tell. Unfortunately, the ACR does not track ex-combatants once they have left the program.

B. Policy Changes over Time

Both the laws and benefits have varied over time. The following is a brief timeline of the legal code, mostly affecting fighters who committed crimes against humanity after 1997. (Again, this is not the first “rehabilitation” or “amnesty” in Colombia - the first was in the early 1960s during La Violencia.)

1. Legal Changes

1997:

Law 418 granted amnesty to all fighters - individual or collective demobilization.

2002:

Law 782 extended Law 418, after the AUC (the paramilitary umbrella organization) called a ceasefire (shortly after Uribe’s inauguration)

2003:

Decree 128 (a regulation of Law 418) elaborated how groups and individuals could apply for the benefits of demobilization. This is what extended social benefits to fighters, in addition to the legal benefits already within Law 418. Benefits included health, security, and economic support.

Fighters who committed “serious human rights abuses” were not able to participate in the programs. (Those included barbarism, terrorism, kidnapping, genocide, and homicide - in Colombia, referred to as crimes against humanity.)

According to the Center for Justice and Accountability (a legal NGO), negotiations with the AUC leaders, after their unilateral cease-fire, were about how to develop legal incentives for the demobilization of the leaders who were excluded from the benefits for Laws 418 and 782, and Decree 128 (an estimated 10%).

July 15: Santa Fe de Ralito agreement signed between the AUC and the govt. It set a timeline for ending demobilizations by 2005, and a framework for negotiations between each AUC sub-group (“bloque”) and the govt. Commanders were supposed to gather all their fighters in one location, and list all combatants and weapons. Govt agencies were supposed to collect and verify everything - determining who qualified for amnesty and who did not in the process.

2005:

July 22: Law 975 signed - the Ley de Justicia y Paz (Justice and Peace) Basically this law supplements, but does not supersede, Law 418. It covers demobilized members of (all) illegal armed groups excluded from amnesty, and “establishes judicial benefits based on their contribution to justice and reparation.” It creates maximum sentences of 5-8 years, even for crimes against humanity, as long as the commanders confessed all of their crimes.

2006:

The Colombian Constitutional Court upheld Justicia y Paz, but declared some elements unconstitutional. The main change that emerged was that the state was obligated to fully investigate the confessions given by armed group leaders, and that if it was determined that they were not telling the whole truth, then they would be excluded from the program and entered into the normal criminal justice system. (I think this has

only happened in a couple of instances at most, with the exception of the 14 leaders extradited to the US on narco-trafficking charges.)

2. Benefits Changes

I am still clarifying the changes in the benefits packages over time, but my understanding is that before 2006 and the creation of the ACR, the “reinsertion” process ended after 2 years.

With the creation of the ACR, the benefits are indefinite. (I return to this below.) Further, ex-combatants whose benefits already ended were allowed to reenter the program from what I can tell.

The ACR offers services in three main areas: psychology (mostly group therapy), vocational training, and education. A fourth area, community reintegration, is voluntarily and started more recently.) Ex-combatants were initially required to attend 80% of the activities per month in order to receive their stipend, and at least one in all three.

Since January 2010, the ACR has started to distinguish among different “levels” of reintegration, from beginning to advanced, and they have different requirements for receiving a stipend depending on their level. In addition, it appears that after meeting with a psychologist, each ex-combatant receives a tailored program to follow.

An important aspect of the program, mentioned above, is that no mechanism currently exists to “graduate” ex-combatants from the program. Different ideas are currently being debated within the ACR about how to best approach the dilemma.