



***Bulletin No 24: Series on the rights of the victims and the application of Law 975\****

**Impunity protects paramilitary leader Raúl Hazbún in the Urabá region**

The recognized paramilitary boss Raúl Emilio Hazbún Mendoza, who has been commander of the Bloque Bananero (Banana Block) in the Urabá (Antioquia) region, was not proposed by the government to be a beneficiary of Law 975 of 2005. He was simply set free, with no judicial investigation, in conformity with Decree 128 of 2003, because there was no previous legal action against him. However, several paramilitary leaders have recognized in their “free-version” hearings that Raúl Hazbún belongs to the “paramilitary leadership.”

Indeed, Salvatore Mancuso and Éver Veloza García, alias “HH,” have mentioned Raúl Hazbún as one of the paramilitary bosses to whom, according to Éver Veloza, should be attributed the crimes committed by these groups in the Urabá region since 1996.<sup>1</sup> According to alias “HH,” Raúl Hazbún, alias “Pedro Bonito” or “Pedro Ponte,” took over as boss of the Banana Block after Éver Veloza, when in 1996 the latter was assigned to take charge of the Calima Block because of his “good performance” in Urabá.<sup>2</sup> From 1996 to the present, thousands of assassinations and disappearances have been committed in the Urabá region, as well as threats and persecution against social leaders and organizations, unlawful misappropriation of the lands of the peasants in the region and forced displacements, among many other crimes.

According to paramilitary boss Salvatore Mancuso, in 1997 a meeting of banana producing entrepreneurs of the Urabá region took place, in which it was decided that Raúl Hazbún<sup>3</sup> would be the intermediary between the businessmen and the paramilitaries; to that end, he would also take charge of the Banana Block of the AUC<sup>4</sup>. Besides being leader of the

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<sup>1</sup> *El Tiempo* daily newspaper, “El jefe ‘para’ que pasó de agache” [The ‘para’ boss who ducked] November 27, 2007, electronic version.

<sup>2</sup> *Semana* news magazine, “Destape de un jefe ‘para’” [The unveiling of a ‘para’ boss], April 8, 2007, n.º 1318.

<sup>3</sup> This paramilitary’s link with the banana sector stem from the businesses that the Hazbún family owns in banana production, which led Raúl Hazbún to become one of the most powerful banana entrepreneurs in the region and to lead some of the organizations of the banana sector.

<sup>4</sup> Natalia Springer, “‘Todas las bananeras nos pagaban’: Mancuso” All banana companies paid us: Mancuso], *El Tiempo* daily newspaper, May 13, 2007, electronic version.



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paramilitary group that has ravaged the Urabá region for more than 10 years, Raúl Hazbún was responsible for channeling the funds that fed into the paramilitary organization thanks to the contributions of the banana entrepreneurs in the region to paramilitarism.

Concretely, according to paramilitary versions, Raúl Hazbún was the creator of the *Convivir*<sup>5</sup> “Papagayo,” through which the multinational company Chiquita Brands, as well as other banana-producing enterprises, financed paramilitarism. The *Convivir* “Papagayo,” was the organization charged with receiving the financial contributions of Chiquita Brands through another banana-producing company, Banadex, and subsequently, of distributing the funds within the paramilitary organization<sup>7</sup>.

Not only did the banana entrepreneurs make contributions to finance paramilitarism; additionally, in compensation, they demanded that the paramilitaries assassinate union members and other social leaders in the region. The existence of a fax connection is known from which the banana entrepreneurs sent the paramilitaries lists with the names of the persons to be eliminated.<sup>8</sup>

In addition to organizing the banana producers’ system of financing the paramilitary groups, Raúl Hazbún is attributed with illegally misappropriating great quantities of land in the Urabá region. Some peasants were obligated to sell their land at ridiculous prices; others were forced by the emissaries to abandon their lands and leave the region.<sup>9</sup> The cases of usurpation of lands led by paramilitaries are abundant in the region. Thus, Raúl Hazbún and the paramilitaries gradually took over the peasants’ land in several municipalities in Urabá, bringing forced displacement and poverty in their wake.

On November 25, 2004, in the hamlet of El Dos, municipality of Turbo (Antioquia), the demobilization ceremony of the Banana Block took place.<sup>10</sup> On the list of “demobilized” members that the paramilitary group handed over to the government appears the name of Raúl Emilio Hazbún, although some of those who attended say that Hazbún was not present at the ceremony.<sup>11</sup>

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<sup>5</sup> The “Convivir,” also known as “rural security cooperatives,” were associations permitted by Decree-Law 356 of 1994 to bear weapons of war. The norm that allowed this (paragraph, Article 39) was declared unconstitutional by the Constitutional Court in November of 1997 (Sentence C-572/07). The “Convivir” were used intensively for the development of paramilitarism.

<sup>7</sup> *Ibíd.*

<sup>8</sup> The fax connection was set up in a building called “Apartacentro,” in the municipality of Apartadó (Antioquia). In this context, see : Agencia de Prensa Instituto Popular de Capacitación (IPC), “Empresario bananero, un paramilitar sin orden de captura” [Banana entrepreneur, a paramilitary without an arrest warrant], November 22, 2007, consulted in : <http://www.ipc.org.co>.

<sup>9</sup> Agencia de Prensa IPC, “Empresario bananero, un paramilitar sin orden de captura” [Banana entrepreneur, a paramilitary without an arrest warrant], November 22, 2007, consulted in : <http://www.ipc.org.co>.

<sup>10</sup> See: <http://www.altocomisionadoparalapaz.gov.co/desmovilizaciones/2004/bananero>.

<sup>11</sup> *El Tiempo* daily newspaper, “El jefe ‘para’ que pasó de agache” [The ‘para’ boss who ducked] November 27, 2007, electronic version.

Several questions arise regarding the supposed demobilization of this paramilitary leader. In the first place, there is no explanation why, being the paramilitary boss of one of the most important blocks in the paramilitary structure of the AUC, Raúl Hazbún is not on the list of those proposed by the government, presented to the General Prosecutor's Office. The explanation may lie in the fact that, at the time of his demobilization, there were no legal actions against this paramilitary; this makes him, according to the legal framework of the negotiation with paramilitaries, deserving of a certificate that indicates that he belongs to a paramilitary group and wishes to leave it and, in consequence, is given access to legal and economic benefits considered in Decree 128 of 2003 - among them a *de facto* amnesty without having to go through the mechanisms contained in Law 975.

The above context reveals two situations. On the one hand, the foretold impunity for thousands of crimes committed by paramilitaries due to the absence of judicial processes against many of them, as in the case of Raúl Hazbún; on the other hand, the lack of diligence on the part of the government, which, fully aware of the place occupied by Raúl Hazbún within the paramilitary structure, did not include him on the list, although it is highly likely that a paramilitary boss like him has committed crimes against humanity, to which Law 975 of 2005 is applicable.

Precisely the most worrisome aspect about the situation of this paramilitary leader is that his is not an exceptional or isolated case. On the contrary, this situation has been copied in cases of several other paramilitary leaders who, in spite of their being members of the hierarchy of the paramilitary organization, were not proposed by the government to obtain the benefits foreseen in Law 975. Such is the case of José María Barrera Ortiz, alias "Chepe Barrera," head of the paramilitary group "Los Chepes," who not only was not postulated by the government but he was even set free after having been captured in an operation by the security forces.<sup>12</sup> On the other hand, there are the cases of nearly 19,000<sup>13</sup> low-ranking paramilitaries who would receive the benefits of Decree 128 without having to submit to the special procedures foreseen in Law 975 since, like Hazbún, they had no legal actions or indictments against them.

Under these circumstances, if Raúl Hazbún has not been included in the list of candidates for Law 975 of 2005, what is going to happen with regard to the crimes committed by him? As things now stand, and as can be inferred from the legal framework created for the negotiations with paramilitary groups, it will no be possible for the victims of Raúl Hazbún to attain justice, since at this moment the legal situation of this paramilitary leader has been resolved because there were no legal actions against him and due to the benefits accorded

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<sup>12</sup> *El Tiempo* daily newspaper, "Gobierno desmoviliza a jefe 'para' capturado" [Government demobilizes captured 'para' boss] February 20, 2005, pages. 1-4.

<sup>13</sup> This is the approximate figure the government has referred to regarding paramilitaries who attended the demobilization ceremonies and who were not proposed to be covered by the benefits of Law 975. According to the government, these paramilitaries find themselves in a "legal limbo" due to the Supreme Court's decision in July of last year, in which it rejected the characterization of political delinquents to paramilitaries.

to him in the framework of Decree 128 of 2003. Hence, Raúl Hazbún will not sit in jail a single day. And the victims cannot hope to know the truth about what happened throughout more than 10 years in the Urabá region, since this paramilitary boss will not have the opportunity to confess the crimes which, in spite of not being taken to court, he committed while he was a member of the AUC. Likewise, the victims will not be awarded reparation directly from Raúl Hazbún, since the goods that he obtained illegally will not be part of the restitution and reparation owed to the victims.

Finally, the situation of this paramilitary leader reveals that there are no guarantees of non repetition of these crimes, since without truth, justice, and reparation the conditions are not met for a genuine peace, especially when the inhabitants of the Urabá region confirm that alias “Pedro Bonito” o “Pedro Ponte,” as Raúl Hazbún is known in the region, is still the boss in Urabá and his paramilitary structures are still intact.

However, in the face of such a grim prospect of impunity, and in the light of national and international human rights norms, the victims are not totally unprotected. A few days ago, the General Prosecutor’s Office decided to open an investigation against Raúl Hazbún. Nevertheless, if this investigation does not lead to the arrest and sentencing of this paramilitary leader, international criminal justice could be set into motion to judge and punish paramilitaries who, like Raúl Hazbún, have committed crimes against humanity.

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