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The responsibility for the El Aro massacre: A truth yet to be unraveled

Francisco Villalba, a former paramilitary who declared that the current President Uribe had links with the massacre, was assassinated on April 23

On November 16, 2008, in a òfree versionö (confession) hearing from the United States, the paramilitary boss Salvatore Mancuso claimed that a helicopter of the Antioquia Governor's Office had been present during the massacre carried out by paramilitary groups jointly with members of the Fourth Brigade of the Colombian national army in the locality of El Aro, municipality of Ituango (Antioquia), in October 1997. This paramilitary boss declared furthermore that Pedro Juan Moreno ó who at the moment of the execution of the massacre was Secretary of Government of the Governor's Office of Antioquia and one the closest friends of the then-Governor and now-President, Álvaro Uribe Vélez ó knew that the massacre was going to be carried out in that locality. According to Mancuso himself, he and Moreno had met on at least ten occasions to plan the creation of the so-called òConvivir.ö¹

In the course of other òfree versionö proceedings, Salvatore Mancuso had already mentioned the presence of a helicopter of the Antioquia Governor's Office at the moment when he was carrying out the massacre. Indeed, on January 15, 2007, at a òfree versionö hearing before the Peace and Justice Unit of the Prosecutor General's Office, Mancuso claimed that during the massacre four helicopters flew over, and were present in, the area. One of them was identified by Salvatore Mancuso as belonging to the Antioquia Governor's Office.²

Many questions arise upon such declarations regarding the role of the Antioquia Governor's Office and of the then-Governor himself in this massacre, since neither the victims nor society as a whole have yet heard explanations about the presence of a helicopter belonging to the Antioquia Governor's Office in the massacre, or about its inaction in the face of the atrocities being committed by paramilitaries and members of the State security forces against the population of that locality, all the more since both civilian and military authorities were aware of the presence of paramilitary groups in the area, and they had also been alerted about the possibility that a massacre was going to take place.

Other testimony involving the President

Such questions are on the rise in the face of other deeds and revelations that also compromised the Antioquia Governor's Office and Álvaro Uribe in the massacre of El Aro. Since the beginning of 2008, a series of accusations have been made against the President of the Republic for his supposed participation in the massacre of El Aro. Those accusations come from Francisco Villalba, alias òCristian Barreto,ö a member of the paramilitaries who was being held at a maximum security

* The present publication has been prepared with the support of the European Union and its content is the sole responsibility of the Colombian Commission of Jurists. In no way should it be thought to reflect the point of view of the European Union.

¹ El Espectador newspaper, òMancuso acusó [Mancuso has accused], November 19, 2008, in: www.elespectador.com.

² òFree versionö hearing of the paramilitary boss Salvatore Mancuso, January 15, 2007.

prison after being condemned for the massacres of El Aro and La Balsita (both of which took place in the province of Antioquia in 1997) until March 30, when he was granted house arrest.

The declarations implicating the President in the massacre of El Aro were revealed on April 23, 2008, when Álvaro Uribe Vélez himself, in a radio interview, declared that a paramilitary had stated that he (Uribe) had congratulated and honored the paramilitaries who participated in the massacre of El Aro, which took place in October 1997, during his tenure as Governor of Antioquia.

Indeed, on February 15 and 20, 2008, the paramilitary Francisco Villalba rendered testimony before the Prosecutor General's Office, declaring that the then-Governor of Antioquia, Álvaro Uribe Vélez, had participated in a meeting that took place just days before the El Aro massacre at a country estate in the locality of La Caucana, municipality of Tarazá (Antioquia), to which, according to Villalba, Carlos Castaño himself had been invited and during which a plan had been agreed upon for the execution of the massacre. According to Villalba, present at the meeting were top-level commanders of the Fourth Brigade of the National Army and Police, some paramilitary leaders such as Carlos Castaño and Salvatore Mancuso, and the brothers Álvaro and Santiago Uribe Vélez. Further, Villalba declared that Santiago Uribe was the head of a paramilitary group called "Los 12 apóstoles" (the Twelve Apostles), which operated in the municipality of Santa Rosa de Osos and which had even lent 20 of its men for another massacre, carried out in the locality of La Balsita, municipality of Dabeiba (Antioquia), by paramilitary groups in November 1997.³

In his declarations, Francisco Villalba said also that the El Aro massacre had been perpetrated in order to rescue eight persons who had been kidnapped by the guerrilla movement Revolutionary Armed Forces of Colombia (FARC in Spanish). According to Villalba, during said meeting, "Álvaro Uribe made recommendations that those kidnapped, that all of them should come out alive and that whatever had to be done, we should do it."⁴ He declared also that after the massacre was executed and at the same country house where it had been planned, Álvaro Uribe Vélez himself had congratulated him and other paramilitaries for carrying it out. According to Villalba, only at that moment did he realize that the person congratulating him was the Governor of Antioquia: "I knew that it was Álvaro Uribe because he introduced himself to us, spoke with us, and said that the operation had been a success, that the hostages had come out safe and sound."⁵

On February 13, 1998, Francisco Villalba decided to turn himself in to the authorities voluntarily because, according to him, paramilitary groups together with members of the State security forces and drug traffickers were planning a series of high-profile assassinations he did not agree with. The testimony rendered by this paramilitary after giving himself up to the Prosecutor's Office was important in order to clear up some aspects of the El Aro massacre. However, as Villalba's declarations were made public, some inconsistencies came to light that diminished the credibility of his testimony. The inconsistencies have to do with the date on which, according to the paramilitary, the massacre was committed: in his declaration Villalba stated that the massacre took place in November 1997, when in fact it happened in October of that year. Another inconsistency concerns Villalba's statement that General Alfonso Manosalva had been present at the meeting that took place days before the massacre was committed. President Álvaro Uribe stated that this was not possible, since the General had died in April of that year. Finally, according to the President, there is another inconsistency in what refers to the participation of his brother Santiago Uribe at the

³ Gonzalo Guillén and Gerardo Reyes, "Detalles del testimonio que involucra a Uribe con masacre" (Details of the testimony that links Uribe with massacre), in: *El Nuevo Herald*, April 26, 2008.

⁴ *Ibid.*

⁵ *Ibid.*

meeting to plan the massacre, since the person Villalba identifies as Alvaro Uribe's brother is a person with the alias of *el Pecosó* (*el Frecklesó*), whereas the person known by that nickname was another one of his brothers, who died in 2001, and not his brother Santiago.⁶

Additionally, after Francisco Villalba's testimony involving the President and his brother, two letters were revealed which called even further into question Villalba's declarations. The first was a letter that came into the President's hands in May of 2008 in which Francisco Villalba recanted what he had said and apologized to the President for *degrading his name*.⁷ The second one is a letter written by the paramilitary Libardo Duarte in which he states that Francisco Villalba had offered him 250 million pesos if he corroborated Villalba's declarations against the President. According to Duarte's letter, Villalba had made him this offer because Senator Gustavo Petro, Senator Piedad Córdoba, and the journalist Daniel Coronell had supposedly paid *him* 500 million pesos to involve the President in the El Aro massacre. In one of its paragraphs, the second letter reads as follows: *This money was offered so that I would go to Congress and say untrue things about the President, and that is why I wish to clear up the truth before the national and international community and whatever media you find appropriate.*⁷

However, in October 2008 it was revealed that the supposed letter of retraction was not written by Francisco Villalba. This paramilitary had stated that at the request of Jesús Amado Sarria, known as *el chucho* Sarria, who was in the same prison as Francisco Villalba, he did sign a sheet of paper. Jesús Amado Sarria had supposedly told Villalba that he could have him moved to a better prison yard, but that in order to do it he would require Villalba's signature. And so it happened that Villalba signed a blank sheet on which the supposed retraction would later be written. Additionally, according to what the journalist Daniel Coronell reported, the other letter, that is, that of Libardo Duarte, appears to have been written in the same handwriting as the letter supposedly written by Villalba; thus everything suggests that this letter too was not written by the person who signed it, and that it was Jesús Amado Sarria who wrote both letters and sent them to the President.⁸

In the face of the inconsistencies in the supposed retraction letters, in an interview given to a national newscast last October, Francisco Villalba denied that he had recanted and, on the contrary, reaffirmed his declarations against the President saying: *He gave me the decorations, I tell you honestly, he gave me the decorations, he congratulated me, and I'm just telling the country simply: just wait and see the video, the photos, I will present those.*⁹ Additionally, on November 12, 2008, before the Accusations Commission of the Chamber of Representatives, he ratified once again his charges against Álvaro Uribe Vélez.

If the video and photographs do exist which, according to Villalba, compromise the responsibility of the President, their release will meet some difficulties since in the afternoon of April 23, 2009, Francisco Villalba was murdered near his home in the La Estrella area of the city of Medellín by paid assassins who fired at him with silencers in front of his wife and four-year old daughter. It seems at least odd that in spite of the heavy sentences weighing on this paramilitary, his important confession on the El Aro massacre, and his accusations against the President, the national prison authorities (INPEC) should not have this paramilitary under custody and surveillance, and that since

⁶ *Semana* news magazine, *Uribe: Yo no me reuní con paramilitares* (Uribe: I did not meet with paramilitaries), April 23, 2008, in: www.semana.com.

⁷ *El Espectador* newspaper, *Petro asegura que testigos manipulados son del narcotráfico* (Petro claims that false witnesses belong to drug trafficking), August 27, 2008, in: www.elespectador.com.

⁸ Daniel Coronell, *El enviado del señor* (The envoy of the master), in: *Semana* news magazine, August 23, 2008.

⁹ *Noticias uno*, *Paramilitar dice tener pruebas de reunión previa a la masacre de El Aro* (Paramilitary claims to have proof of meeting prior to the El Aro massacre), October 6, 2008. Download: www.noticiasuno.com/noticias/entrevista-villalba.html.

he left prison he had been visited at home by the INPEC authorities only four times.¹⁰ In view of this crime, it is essential that investigations be carried out to throw light on the motives of the assassination and to determine the responsibility of those who ordered the death of this paramilitary.

The debate on paramilitarism in Antioquia

It is not the first time that the President of the Republic and his brother have had to face questions regarding their supposed preference for paramilitary groups. In April 2007, Senator Gustavo Petro carried out a debate in Congress on paramilitarism in Antioquia. During the debate, Congressman Petro declared, among other things, that assassinations were carried out and crimes planned in two country estates belonging to the Uribe Vélez family ó the *fincas* La Carolina and Las Guacharacas. In sum, that these country estates were used as headquarters by paramilitary groups. Furthermore, the presumed links between Santiago Uribe and the paramilitary group óThe Twelve Apostlesö were mentioned during the debate, as well as his links with another group called óThe R-15.ö Also, a photograph was shown of Santiago Uribe with the well-known drug trafficker Fabio Ochoa in a very friendly attitude.¹¹

It was also pointed out during the debate that the Antioquia Governor's Office, then headed by Álvaro Uribe Vélez, gave its approval to the so-called óConvivir.ö The Governor himself, without having the faculties to do so,¹² approved the formation of many of these óprivate securityö firms in which paramilitaries participated who were already recognized as members of that structure.¹³ Another one of the serious accusations heard had to do precisely with the El Aro massacre, as reference was made to the declarations of the paramilitary boss Salvatore Mancuso regarding the presence of a helicopter belonging to the Antioquia Governor's Office at the massacre.

More recently, the paramilitary boss Diego Fernando Murillo Toro, alias óDon Berna,ö during his free version hearings from the United States, claimed that paramilitary groups financed Álvaro Uribe Vélez's 2001 presidential campaign. He made this declaration through his lawyer, who claimed that alias óDon Bernaö provided money to finance Álvaro Uribe's first presidential campaign. This, alias óDon Bernaö declared when the judge asked him if he agreed with what his lawyer claimed.¹⁴

The denunciations by Jesús María Valle

But not only is it not the first time that claims are made about the President supposedly favoring paramilitary groups, nor is it the first time that his name is linked to the events of El Aro in 1997.

¹⁰ *El Tiempo* newspaper, ó¿Por qué ¿para? asesinado tenía el beneficio de la detención domiciliaria?ö (Why did a paramilitary who was assassinated enjoy the benefit of house arrest?), April 24, 2009, p. 1-4.

¹¹ Congreso de la República, debate sobre paramilitarismo en Antioquia convocado por el Senador Gustavo Petro, 17 de abril de 2007.

¹² La entidad competente para aprobar el funcionamiento de las Convivir era la Superintendencia de Vigilancia y Seguridad Privada, del Ministerio de Defensa, según el artículo 39 del decreto-ley 356 de 1994, según el cual: óServicio especial de seguridad privada es aquel que en forma expresa, taxativa y transitoria puede autorizar la Superintendencia de Vigilancia y Seguridad Privada, a personas jurídicas de derecho público o privado, con el objeto de proveer su propia seguridad para desarrollar actividades en áreas de alto riesgo o de interés público que requieren un nivel de seguridad de alta capacidadö. Posteriormente, mediante resolución 368 de 1995, la Superintendencia de Vigilancia y Seguridad Privada dispuso: óLos servicios especiales de vigilancia y seguridad privada que se autoricen por esta Superintendencia, a personas jurídicas de derecho público o privado, con el objeto de proveer su propia seguridad, se denominarán Convivirö. Por consiguiente, la autorización de Convivir por parte del Gobernador de Antioquia constituyó un evidente acto de abuso de poder.

¹³ See in that regard Colombian Commission of Jurists, series of bulletins on the Rights of the victims and the application of Law 975 of 2005, óTodas las convivir eran nuestrasö (All the Convivir were ours), Bulletin n.º 27. Download: www.coljuristas.org.

¹⁴ Radio France Internationale, óCadena perpetua para narcotraficante ex paramilitarö (Life in prison for former paramilitary drug trafficker), April 23, 2009, Download: <http://www.rfi.fr/actues/articles>.

Indeed, since 1996 the lawyer and human rights defender Jesús María Valle had denounced that a paramilitary group had appeared in the municipality of Ituango with strong links with the Fourth Brigade of the Army. Likewise, Jesús María Valle had warned various military and civilian authorities about the massacre that was to be perpetrated starting on October 25th, 1997, in El Aro. It was thus that this human rights defender declared the following to the media:

“Beginning last year I asked the Governor, Álvaro Uribe, and the then-Commander of the Fourth Brigade, General Alfonso Manosalva, to protect the civilian population of my town because from September (1996) until today (July 1997), more than 150 people have died.”¹⁵

The constant complaints about the paramilitary group that operated in Ituango and its links with the State security forces were never heeded and, on the contrary, were used by the Army Fourth Brigade to press criminal charges against Jesús María Valle for false accusation. Called to declare in the process against him, Jesús María Valle stated the following:

“I always observed, and I thought about it, that there was a kind of tacit agreement, or a behavior somewhat like an omission, skillfully engineered by the Commander of the Fourth Brigade, the Commander of the Antioquia Police, Dr. Álvaro Uribe Vélez, Dr. Pedro Juan Moreno, and Carlos Castaño. The power of the self-defense groups has consolidated thanks to the support that this group has enjoyed from persons related to the government, the military, and the police, as well as from renowned cattle farmers and bankers from the province of Antioquia and the country.”¹⁶

Regarding the accusation by the members of the State security forces against this human rights defender, the then-Governor of Antioquia declared:

“I have said that the reports by Dr. Jesús María Valle do not coincide with those of the Brigade, nor with those presented by the Police. General Carlos Alberto Ospina Ovalle has given a totally different version. As Governor I must give my support to the State forces, believe in them, except if on the basis of legal proof a judge of the Republic declares otherwise.”¹⁷

Jesús María Valle was assassinated on February 27, 1998, in his office in Medellín, but his accusations were finally heard on July 1st, 2006, when the Inter-American Court of Human Rights sentenced the Colombian State for the massacres of La Granja and El Aro carried out in the municipality of Ituango (Antioquia). In its sentence, that international tribunal recognized that the massacre was committed by paramilitary groups with the collaboration ó not only by omission but also through direct action ó of members of the State security forces attached to the Fourth Brigade of the national Army. Additionally, on November 27, 2008, that same tribunal condemned once again the Colombian State, this time for the death of this outstanding human rights defender in events that were directly related to the denunciations that Jesús María Valle was carrying out regarding the evident links between paramilitary groups and members of the State security forces.

¹⁵ IPC Press Agency, “Connivencia en Antioquia entre Fuerza Pública y paramilitares no fue una ficción” (Connivance in Antioquia between State security forces and paramilitaries was not fiction), February 25, 2008.

¹⁶ Declaration given by the lawyer and human rights defender Jesús María Valle Jaramillo at the Regional Prosecutor’s Office in Medellín, February 6, 1998. Taken from IPC Press Agency, “In memoriam- Jesús María Valle Jaramillo (1943-1998)”, February 27, 2007.

¹⁷ *Ibíd.*

Besides the sentence issued by the Inter-American Court of Human Rights against the Colombian State for the events that took place in La Granja and El Aro in 1996 and 1997 respectively, we now have the testimony of a paramilitary who participated in the second massacre and who was commander of the group of 22 men who carried it out, who declared that the current President is directly responsible for planning the massacre. Also available is the confession of the paramilitary boss Salvatore Mancuso, who declared that a helicopter owned by the Governor's Office flew over the area at the moment when the massacre was taking place, and that the Secretary of Government of the then-Governor of Antioquia knew of the paramilitaries' plan, since he had been present at a meeting in the municipality of Tierralta (Córdoba) with Carlos Castaño, at which he learned what was about to happen in the locality of El Aro and did nothing to prevent it, having strong links with well-known paramilitaries such as Salvatore Mancuso, who led him to promote, together with such groups, the creation of the *Convivir* in the province (department) of Antioquia. According to this paramilitary, Pedro Juan Moreno *was a patriot, convinced of the struggle against subversion, and he gave his support to the Convivir from the beginning.*¹⁸ Also available are this paramilitary's declarations that involve the then-Commander of the Fourth Brigade of the National Army, General Carlos Alberto Ospina; who, according to Salvatore Mancuso, had supposedly given logistical support to Carlos Castaño for the execution of the massacre. As a result, this past February the Justice and Peace Unit of the Prosecutor General's Office requested the Procurator's Office and the Prosecutor General to investigate General Ospina for his alleged participation in the El Aro massacre.¹⁹

The need for a prompt pronouncement by the justice system

President Álvaro Uribe has emphatically denied any link or relation with paramilitary groups and has also questioned the accusations made by Villalba because of their apparent inconsistencies. However, even if Villalba's declarations end up being false or which must be determined by the justice system or many questions remain regarding Álvaro Uribe's actions during the period in which he was Governor of Antioquia, at the moment when the El Aro massacre was perpetrated. In concrete terms, it is necessary that the justice system shed light on whether a helicopter belonging to the Antioquia Governor's Office was present at the moment of the massacre, as Salvatore Mancuso claims; and, if that is the case, it must be explained why a helicopter belonging to the Governor's Office was present without warning the authorities promptly in order to prevent the crimes that the paramilitary groups were committing together with members of the Fourth Brigade of the Army. Likewise, it is necessary to clarify the links that Mancuso claims existed between paramilitary groups and Pedro Juan Moreno, one of the current President's closest friends, who also held the position of Secretary of Government of the Antioquia Governor's Office during the period when Álvaro Uribe was Governor.

All the questions raised above must be resolved by the justice system, just as the veracity or falseness of Villalba's and Mancuso's declarations must be established, since the fact that those who made them are paramilitaries does not necessarily invalidate them. Justice will need to determine this clearly and promptly, so that the truth will be known on what occurred in El Aro and on the political and military support that the paramilitary groups who perpetrated the massacre received. Hence, and given that we are dealing with crimes against humanity that directly compromise the President of the Republic, clearing up such accusations is of interest not only to the

¹⁸ *El Tiempo* newspaper, Unidad de Justicia y Paz pide investigar a General (r) Carlos Alberto Ospina por masacres (Unit of Justice and Peace requests that Retired General Carlos Alberto Ospina be investigated for massacres), February 17, 2009, Electronic version.

¹⁹ *Ibíd.*

victims of the El Aro massacre but to society as a whole. In this sense, shedding light on the truth, even if the responsibility of high State officials is revealed, is of vital importance for the effective dismantling of paramilitary groups and to guarantee that these types of crimes will not be committed again; also, to keep from overlooking the obvious links that the paramilitary groups have always enjoyed with Colombian businessmen, members of the military, and politicians.

Bogotá, April 27, 2009

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