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'Para-politics' Goes Bananas

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In a scandal with wide-ranging implications for US-Colombia ties, Chiquita Brands International, the mega-fruit company, agreed earlier this month to pay \$25 million in fines to the US government for making payments of more than \$1.7 million to a Colombian terrorist paramilitary group.

At the center of the scandal is the United Self-Defense Forces of Colombia (Autodefensas Unidas de Colombia--AUC), a right-wing paramilitary umbrella organization responsible for countless massacres and forced displacements over the last decade. The AUC's operations have often enjoyed the tolerance or collaboration of Colombian security forces, who view the paramilitaries as de facto allies in their decades-old struggle against leftist guerrillas.

Colombia's attorney general has now opened a similar case, and has requested information from the Justice Department. Colombia might also seek the extradition of eight Chiquita officials on charges that the company used one of its own ships to smuggle weapons to the same paramilitary group.

The news about links between bananas and terror comes amid continuing revelations about the depth and breadth of paramilitary influence at all levels of government. "Para-politics" has already taken down the country's foreign minister, a provincial governor and the head of the secret police, among others.

Now the mounting scandal is closing in on one of President Álvaro Uribe's closest allies. Just last weekend, the Los Angeles Times revealed a secret intelligence report that has been circulating recently at the CIA charging that the head of Colombia's Army, Gen. Mario Montoya, planned and executed a 2002 military operation with Medellín-based paramilitaries. Army forces killed at least fourteen people during "Operation Orion," with dozens more reportedly disappeared during the sweep.

Many wonder whether the crisis will be the undoing of President Uribe himself, who is considered Washington's top ally in Latin America.

These recent disclosures and a growing collection of declassified documents are beginning to provide a clearer picture not only of how business is done in Colombia but also of the nexus of paramilitary-corporate-state terror that fuels Colombia's conflict.

Good Faith?

The indictment handed down by US Attorneys in the Chiquita case describes in the most lucid terms the deliberate, methodical nature of the company's relationship with the paramilitaries.

Chiquita's payments to paras began in 1997, the year the AUC was formed, and continued until February 2004. Importantly, the company gave the group at least \$825,000 after it was designated a Foreign Terrorist Organization (FTO) in 2001. US law bars support to any organization on the State Department's FTO list.

Chiquita had been making similar payments to the leftist FARC and ELN guerrillas since returning to Urabá in 1989. Seven years earlier, the company had sold off its holdings in the war-torn region, but was lured back by the promise of expanding international fruit markets.

It is not immediately clear what weighed into Chiquita's decision to switch from the guerrillas to the paras in 1997. One factor may have actually been the law. That year, both the FARC and ELN were added to the FTO list. The AUC was not added until 2001. But it was also clear that the paras had gained the upper hand in Urabá, the country's top banana-growing region, and the center of Chiquita's Colombia operations.

The payments were arranged by Carlos Castaño, the AUC's fugitive (now deceased) leader, in a 1997 meeting with officials from Banadex, a wholly-owned Colombian subsidiary of Chiquita. Castaño and other paramilitary chiefs formed the AUC that same year, coordinating the military and political strategies of previously disparate paramilitary groups.

The indictment suggests that the paramilitary chief used a combination of coercion and enticement. "Castaño sent an unspoken but clear message that failure to make the payments could result in physical harm" to the company and its personnel. On the other hand, he also assured Banadex "that the AUC was about to drive the FARC out of Urabá."

Castaño delivered on his promise. The first payment came just in time to help underwrite a major southward expansion of paramilitary influence in the country. Over the next seven years, Chiquita would make more than 100 separate payments to the AUC, and the AUC would carry out some of its most shocking massacres.

The paramilitary offensive began with the July 1997 killings of at least thirty civilians in Mapiripán, a traditionally guerrilla-controlled hamlet in a remote coca-growing region in southeastern Colombia. Some 200 AUC paramilitaries were flown in from Urabá to carry out the slaughter, their entrance and exit facilitated by local army troops.

Paramilitary killings rose dramatically while the payments continued. The AUC quickly gained a reputation for the shocking brutality of its crimes, and Castaño openly boasted about many of them. The slaughter left a trail of mangled corpses across the country, from the banana farms of Urabá to the coca fields of Putumayo. An overwhelming majority of the victims were civilians.

The indictment states that the payments "were reviewed and approved by senior executives of the corporation," who knew by no later than September 2000 "that the AUC was a violent, paramilitary organization led by Carlos Castaño.

Chiquita insists that it was simply trying to do the right thing. "The payments made by the company were always motivated by our good faith concern for the safety of our employees," Chiquita CEO Fernando Aguirre said in a statement published March 22 in the Chicago Tribune.

The "good faith" payments continued for more than a year even after the company disclosed the relationship to the Justice Department in 2003. At that time, Chiquita's lawyers insisted that the company terminate the arrangement. "Must stop payments," said one note obtained by prosecutors. "You voluntarily put yourself in this position," read another. "Duress defense can wear out through repetition. Buz [business] decision to stay in harm's way. Chiquita should leave Colombia."

Astoundingly, Chiquita made at least nineteen more payments even after the Justice Department told the company that "payments to the AUC were illegal and could not continue."

Mario Iguarán, Colombia's attorney general, says he will seek the extradition of eight Chiquita officials connected to the case. His office is also seeking information about charges that in 2001 a ship unloaded some 3,400 AK-47 rifles and 4 million rounds of ammunition in a Banadex-controlled dock in Colombia destined for the AUC. These charges were first detailed in a 2003 report from the Organization of the American States.

"This was a criminal relationship," said Iguarán, in a recent report published in the Washington Post. "Money and arms and, in exchange, the bloody pacification of Urabá."

The Convivir Connection

The Chiquita indictment also implicates the Colombian state through a program known as Convivir, a network of hundreds of private security cooperatives licensed by the government to patrol rural areas and gather intelligence under the direction of local military commanders.

The Convivir connection is particularly resonant now. President Álvaro Uribe was one of the program's key sponsors while governor of that region in the mid-1990s. As president, he has established similar intelligence and security networks around the country.

The indictment lists dozens of AUC payments that were channeled through "intermediaries" from "various" Convivir groups in Urabá. The AUC used these groups "as fronts to collect money from businesses for use to support its illegal activities."

The fact that the company was obliged to channel its illegal payments through the ledgers of the state-backed security network is especially telling. Clearly the AUC did not expect any interference, and in the end, the Convivir appear to have functioned much as US intelligence predicted they would.

From the start, US military officials had said that the program would "degenerate into uncontrolled paramilitary groups." Ambassador Myles Frechette wrote in 1994 that there had "never been an example in Colombia of a para-statal security group that has not ultimately operated with wanton disregard for human rights or been corrupted by local economic interests."

One Colombian Army colonel told the Embassy in 1997 that there were "serious problems with the legal 'Convivir' movement," and acknowledged the "potential for the convivir's to devolve into full-fledged paramilitaries."

Indeed, the Convivir were linked to the most brutal massacres of the AUC offensive. The president of one Urabá-based Convivir was found at the scene of a 1998 massacre of fourteen peasants near the Colombian capital. One Colombian expert told the US Embassy that, like Mapiripán, these killings "sent a message to the FARC that the paramilitaries can go anywhere and do anything. Not long thereafter, the president of one Urabá-based Convivir was found dead at the scene.

Above all, it was clear that the military was neither prepared nor inclined to challenge Castaño. In 1998 the CIA reported that senior Colombian military officers were "frustrated with the military's dismal performance on the battlefield" and might "increasingly view turning a blind eye--and perhaps even offering tacit support to--the paramilitaries as their best option for striking back at the guerrillas."

Then-Armed Forces Commander Manuel Bonett, like his predecessor, Harold Bedoya, had demonstrated "little inclination to combat paramilitary groups," according to another CIA report.

The information obtained by the Times last week suggests that the CIA also has serious doubts about whether Colombia's current army commander has the

resolve to sever paramilitary ties. The allegations link General Montoya to Diego Murillo, the former leader of a vicious paramilitary group based in Medellín. Murillo currently sits in a Colombian jail, while the government mulls his extradition to the United States on drug charges.

The Cost of Doing Business

"Funding a terrorist organization can never be treated as a cost of doing business," said US Attorney Jeffrey Taylor in a press release about the Chiquita case. But while the Justice Department deserves some credit for pursuing the company's ties to the paras, the result is unlikely to have much impact on the way business is done in Colombia.

With last week's plea, Chiquita has received an even better deal than the AUC is getting under President Uribe's "Justice and Peace" program.

Critics deride "Justice and Peace" as an "amnesty" scheme designed specifically for Colombia's paramilitary armies. The plan calls on the AUC to disarm and demobilize its forces in return for dramatically reduced criminal penalties. Paramilitary leaders who agree to make full confessions and nominal reparations payments to the thousands of victims of the group's ghastly reign of terror are guaranteed light sentences under the program.

But despite the new evidence, the process is unlikely to uncover much about Montoya's paramilitary sympathies, or the military's Convivir networks. The government commission established to adjudicate the truth and reparations process is not specifically authorized to investigate the Colombian state, only "illegal armed groups."

It does seem likely that the CIA disclosure will strain relations with the Colombian military. As head of the Colombian army, General Montoya wields tremendous influence, and the United States needs his support for its counternarcotics programs and other priorities. Montoya's fate may be more closely tied to decisions made by a Democrat-controlled US Congress than by the Colombian justice system.

The Chiquita case provides one additional twist. Lauded in recent years for the unprecedented number of narco-trafficking suspects it has handed over to the United States, the Colombian government has now turned the extradition issue on its head, putting the US government in the delicate position of responding to Colombia's request for the extradition of Chiquita executives. This case will surely be one to watch, as the Colombian government relishes its chance to divert attention away from its own paramilitary problem.

But if history is any guide, the Chiquita execs have little to fear. Impunity is far more frequently the rule than the exception in Colombia. And for the time being

at least, coming to some sort of modus vivendi with paramilitaries is likely to remain the "cost of doing business" in Colombia.