El Espectador: On the trail of the Castaños

The controversy over the collective titles of Jiguamiandó and Curvaradó

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They want to kill Ligia Maria Chaverra, the legal representative of the Curvaradó Community Council in Chocó. Since September 2003 this aging farmer and leader of the resistance against the occupation of lands adjudicated to her people in 2000 under a collective title, has been a moving target in the tense confrontation the chocoan part of Urabá is currently experiencing over oil palm plantations infiltrated by paramilitarism and narcotics.

Manuel Denis Blandón, former legal representative of the Jiguamiandó Community Council in Chocó is also avoiding death for having defended his community and promoted humanitarian zones and biodiversity reserve zones amidst a war to the death waged by the State and the FARC in an area the Inter-American Court of Human Rights was warned about as early as 2003, and where the Attorney General is currently investigating how lands of the chocoan communities were occupied by the long arm of the self-defense groups.

A strategic plan for the theft of agricultural lands in chocoan Urabá was led by Vicente Castaño, Freddy Rendon Henao and other leaders of the self-defense groups, whose objective was to expand the profitable business of oil palm in the municipality of Belén de Bajirá and neighbouring areas. This is the fashionable business of producing biofuels, trumpeted as the fuel for the twenty-first century and loudly promoted by the Government throughout the country, but in the department of Chocó it quickly became the spark for this explosive issue.

Paper trail
There are thirteen companies currently investing in oil palm in the areas of the Jiguamiandó and Curvaradó river basins. Three are incorporated in Barranquilla, Santa Marta and San Jacinto (Bolívar), two in Medellín, one in Apartadó and seven others in the region itself. In an interview with Semana magazine in 2005, the fugitive paramilitary chief Vicente Castaño admitted his own involvement: “I myself recruited the businessmen to invest in these durable and productive projects”. Even a cursory glance at the incorporation documents for these palm companies reveals his hand in their creation, as well as other judicial surprises.

For example, three years after the forced displacement suffered by the Jiguamiandó and Curvaradó communities in 1997, the company Unión de Cultivadores de Palma de Aceite de Urabá (Urapalma) was registered with the Barranquilla Chamber of Commerce. Amongst the shareholders, appearing under his own name and as representative of Construcciones Unidas Ltda. with a capital investment of $225 million Colombian pesos, is the name of the Barranquilla businessman Alberto Zuñiga.
Caballero. In the records of the company Palmas de Urabá (Palmura), incorporated in Santa Marta in 2003, Zuñiga Caballero appears once again as one of the company’s main investors, together with the names of a number of his family members.

With regards to the Zuñiga Caballero family, from the 80s onwards there exists legal documentation linking one of its members, Julio César Zuñiga Caballero, to drug trafficking. In fact, on 24 March 2005, in the course of Operation Homeland (Operación Patria), the Attorney General’s National Unit for the Forfeiture of Assets (Unidad Nacional para la Extinción del Derecho de Dominio) took possession of 56 assets belonging to his family members including landholdings, oil companies and service stations on the Atlantic coast whose incorporation documents include the names of several members of Palmas de Urabá.

Another exemplary case revealing the ambiguous origins of oil palm exploitation in chocoan Urabá is that of the Asociación de Productores Agrícolas de Belén de Bajírã (Asoprobeba), a holding of 1,000 hectares near the township of Caño Manso, located in the Curvaradó river basin, which was granted by the now dissolved Incora to René Palacios in 1992, but that reappeared 10 years later, when it was transformed into a farmer’s union and then almost immediately became the subject of a very peculiar sale transfer completed at offices of the Carepa (Antioquia) Notary (Notaría Única) on 14 December 2002.

That day Hugo Fenel Bernal Molano, originally from Medellín, appeared as the seller of the property which had been bought from René Palacios ten months earlier by Sor Teresa Gómez Álvarez, a resident of nearby Riosucio (Chocó) although originally from Amalfi (Antioquia), who acted as the buyer and legal representative of Asoprobeba. An agreement was struck at $100 million Colombian Pesos, a deal now under scrutiny due to the fact that both buyer and seller are the subject of legal investigations, and because Asoprobeba continues to play an active part in the purchase of lands and the expansion of oil palm crops in the Chocó.

Two key names
The name of Hugo Fenel Bernal Molano has been linked with judicial enquiries since the 90s, when he was retired from the Armed Forces over proven links with the chief of all chiefs, Pablo Escobar Gaviria. He was wanted by a US Federal Court for drug trafficking and money laundering charges for several years, and the court offered a USD$5 million reward for his capture. He returned to the public eye when he became one of the extraditable individuals whose Administrative Security Department (DAS) criminal records were deleted under the orders of that department’s ex-head of information technology and para-politics star witness, Rafael García. On 5 March 2007 he was arrested in the municipality of Valencia (Córdoba).

As for Sor Teresa Gómez Álvarez, her story goes to the heart of paramilitarism. Married to Manuel Gil the half-brother of Fidel, Carlos and Vicente Castaño Gil, and mother in law of alias Monoleche, the paramilitary leader currently detained in Itagüí prison, she first came to the fore in April 1998 when the Attorney General raided the
Padilla parking lot in Medellín and uncovered the intricate web of the self-defense groups’ financial network. Amongst 70 computer discs containing information on 16 bank accounts in Montería and two shell companies making multimillion peso transactions, were the details of the Fundación para la Paz de Córdoba (Funpazcor).

This foundation was created in March 1991 by the Castaño Gil brothers as a non-profit organization to establish contacts with cattle farmers and politicians in the regions to facilitate the handover of lands to peasant farmers. Sor Teresa Gómez Álvarez was named legal representative. According to information published by the US newspaper El Nuevo Herald, in 2001 Funpazcor became a front for acquiring land, trafficking arms and money laundering. Nevertheless, most of the legal investigations into the Funpazcor case ended up shelved during the tenure of former Fiscal General Luis Camilo Osorio.

This is the reason Sor Teresa Gomez Álvarez reappeared in Urabá, and as legal representative for Asoprobeba in 2003 entered into contracts with peasant farmers who would work the lands and become a protective cordon of families to shield the illegal land seizures. By 2001, the Urabá Chamber of Commerce no longer registers Gómez Álvarez as legal representative for the association, but her name has come up again, this time in relation to accusations that she is responsible for the assassination on 31 January 2007 of peasant leader Yolanda Izquierdo, who was bringing a claim for lands appropriated by the Castaño brothers in Córdoba.

The Meetings
In spite of this record, Asoprobeba continues to participate in meetings with the State and its organisms of control to discuss the land problem, displacement and the borders of the legitimate titles. For example, on 8 June 2007 in Santa María, a township located in the municipality of Belén de Bajirá, a meeting was held at the request of settlers installed by Asoprobeba to discuss the ownership of the land and was attended by the regional director for Incoder, the Municipal Human Rights Representative (Personero) of Riosucio, the spokesperson for Codechocó and even the coordinator of the presidential program Acción Social, Luis Mario Gaviria Vélez.

Gaviria Vélez is the brother of presidential advisor José Obdulio Gaviria and became coordinator for Acción Social in Urabá in March 2004, since which he has been busy resolving land disputes, the return and resettlement of displaced peasant farmers, food security and State infrastructure projects. In this managerial position, due to circumstances and social tensions in the region, he has also been required to participate in meetings to mediate between palm companies and farmers reclaiming their lands.

As documented by the Inter-Ecclesiastical Justice and Peace Commission in a letter sent on 12 February 2008 to the Vice-Presidency, the Ministries of Interior and Environment and the heads of the State’s organisms of investigation and control, on 7 February this year, in Bogotá, Luis Mario Gaviria met with palm companies currently under investigation by the Attorney General for the crimes of forced displacement,
conspiracy, and the unlawful occupation of property, in order to come to an agreement for part of the collective territory currently illegally planted with oil palm to be handed over to palm company workers.

The Asoprobeba association, together with the Corporación de Desarrollo y Vida del Darién (Cordesvida) and other NGOs in Urabá, are members of a conglomerate called the Colombia Without Hunger Alliance, an organization based in San Pedro de Urabá that, according to press reports, is the mechanism through which Vicente Castaño and his seconds in command yield influence over the communities of the Bajo Atrato region of Chocó. According to the Justice and Peace Commission, one of its promoters, through Cordesvida, is the former mayor of Chigorodó, Amador Caicedo, currently being prosecuted for illegally appropriating lands.

With this kind of evidence the full meaning behind the comment made by paramilitary leader Carlos Mauricio García, alias Rodrigo Franco or Double Zero, in September 2003 a few months before he was murdered by his own men, becomes clear: “The African palm projects in the south of the banana region of Urabá run with blood, misery and corruption. The way in which the land was acquired and the money supposedly lent by agro-industrial development agencies form a chain for laundering the proceeds of dummy land ownership structures, forced displacement, death and violence”.

The Inter-American Court of Human Rights had warned of this at the time. Two years later, in June 2005, the Human Rights Ombudsman made the same warning. Incoder and Codechocó were always aware of it, but it was not enough to stop the palm companies benefitting from credit financing by the Agrarian Bank and Finagro to the tune of $10 000 million Colombian Pesos. Only once the Council of State clarified in August 2007 that the collective titles could not be replaced with any other kind of land tenure did the Ministry of Agriculture ask for the Attorney General to intervene and denounced the land seizures in Urabá.

In December 2007, the Attorney General ordered the indictment of 23 palm oil company legal representatives, and the investigation of public officials who facilitated the illegal transactions concerning the collective titles of the communities of Curvaradó and Jiguamiandó. Those brought before justice include Jaime Sierra Moreno and Antonio Zúñiga Caballero, two of the palm syndicate representatives who since 2005 have been in dialogues with the state to resolve the conflict over the collective territories in Urabá.

It is reported that on 25 May, during one of these meetings, the presidential adviser Carlos Franco participated on the Government’s behalf and made a detailed report to the Vice-Presidency, the Ministries of Agriculture, Defense and Interior, the management of Incoder, and Military and Police authorities in Urabá to progress the clarification of the collective titles. Paradoxically, according to the document, one of the four representatives of the palm syndicates was Ignacio Guzmán, the Colombian ambassador to Mexico since 10 October 2002.

His resumé is that of an active defender of oil palm plantations, president of the
Asociación de Empresarios Exitosos para la Paz which supported the sowing of oil palm, running mate of former senator Mario Uribe for the 1986-1990 legislature, founder of the Antioquia First project that brought Alvaro Uribe into office as Governor of Antioquia, acting governor on 17 occasions, director in charge of Corpourabá and, since 6 August 2007, Consul in Miami. The diplomat has now distanced himself from the legal problem facing palm growers in Urabá as a result of the Attorney General’s action.

Two of the legal representatives of the palm companies have had their indictment processed: Javier Daza Pretel of Urapalma and Iván Patiño Patiño of Palmas S.A. Next is the turn of the representatives of Palmas de Curvaradó, Palmas de Atrato, Palmura, La Tukeka, Selva Humeda and Inversiones Fregni Ochoa. But until the Attorney General clarifies what happened in Urabá with the collective titles, the palm growers, the paramilitary groups and the drug trafficking, there is an urgent action required, so that the State does not make the same mistake again: protect the life of María Ligia Chaverra and Manuel Denis Blandón, the black leaders of Jiguamiandó and Curvaradó.

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