

REPORT BY ISABELLE DURANT, VICE-PRESIDENT OF EUROPEAN PARLIAMENT

VISIT TO BOGOTA AT INVITATION OF INTERNATIONAL FEDERATION FOR HUMAN RIGHTS

1. Context:

The visit took place from July 11 to 15, 2011 at the invitation of the International Federation for Human Rights (FIDH) in Colombia. The formal invitation came from the Secretary General, Mr Luis Guillermo Perez, member of the Colectivo de Abogados José Alvear Restrepo, in charge of representing the interests of victims in judicial and administrative procedures in the current issue of illegal phone-tapping and threats from the Colombian secret services. This invitation was motivated by the high expectations of victims and those involved in human rights, keen to have both an outside and concerned point of view.

It must be remembered that the Commission on Human Rights of the European Parliament was targeted by the DAS (Columbian Intelligence Agency) in order to discredit the institution itself through the operations “Europa” and “Transmilenio”, as well as pursuing certain Belgian and Spanish NGOs, victims of illegal phone-tapping and who subsequently took legal action. This visit and the attention given to the present administrative, judicial and parliamentary process is a form of positive political guarantee for the defenders of human rights and victims in Colombia.

The EU delegation in Bogota endorsed this visit and facilitated a number of meetings with Colombian officials. A delegation of three Socialist MEPs also visited the country at the same time. They focused on social issues and trade union rights as part of the forthcoming debate in the European Parliament on free trade agreement EU / Colombia.

2. Rationale - the DAS affair:

The DAS (Administrative Security Department), the first national Intelligence Agency, was established in 1960. Its mission was to collect and provide information in relation to the external and internal security of the country. It was under the direct authority and responsibility of the President of the Republic.

In 2006, the “parapolitics” scandal broke, revealing the collusion of certain

politicians with paramilitary leaders. An investigation led to the arrest of Jorge Norguera (the DAS Director from 2002 to 2006), accused of informing paramilitary groups of the army's manoeuvres.

In 2009, the weekly magazine "Semana" published an article revealing that since 2003 the DAS had been engaged in illegal activities (under the guise of a special budget line) against opposition leaders, judges, journalists, NGOs, international institutions, etc. The newspaper wrote of phone-tapping, email interceptions, tracking down people, information theft, burglaries in the homes of people under surveillance and the discrediting of Human Rights activists' work.

An investigation was undertaken and it was revealed that the DAS had developed criminal practices under the authority of President Uribe and the Secretary General of the Presidency, Bernardo Moreno. The head of the DAS Maria Pilar Hurtado fled to Panama, and was granted political asylum.

In April 2010, the new DAS director, Felipe Munoz handed over to the Columbian judicial system documents highlighting clearly defined "missions" with the intent to impede the work of certain individuals, NGOs and international institutions, including the European Parliament's Human Rights Committee.

Since 2010, administrative, disciplinary and judicial investigations have taken place and many have led to the conviction of several former DAS agents and more recently to the order of imprisonment of Bernardo Moreno, right-hand man of former President Uribe.

This case was much more than the occasional use of illegal methods for collecting information to ensure the security of the state. It was about regular practices, organized and planned by the office of the President of the Republic who had direct control over the DAS, against peaceful opponents, politicians, civil society, human rights activists and media campaigners.

To illustrate the magnitude of the DAS affair, the following figures are significant:

- 600 people directly affected by DAS activities
- 8 people murdered in relation to illegal actions of DAS
- 12 people recognized as victims in two current judicial inquiries in Europe (Belgium and Spain)
- 18 people detained in Colombia
- 4 members of the DAS direction accused of malpractices still not charged and a former director exiled in Panama
- 19 people connected to the DAS under investigation
- 5 former DAS employees recognized responsibility and convicted
- 2 former DAS employees in plea negotiation for reduction in sentence in exchange for information
- civil servants dismissed or demoted from public duties

3. Programme:

In order to gain a full picture of the case in question, it was decided to meet with representatives of all parties concerned, namely:

- representatives of victims: the Colectivo de Abogados José Alvear Restrepo, the IFHR
- victims: journalists, elected opposition, magistrates
- judicial officials: Vice-Fiscalia – Attorney, Supreme Court, Administrative Court – Procuraduria
- administrative services: DAS direction, ex-civil servants (under house arrest at the Military Academy)
- political representatives: Vice President of the Republic of Colombia, the United Nations High Representative for Human Rights in Colombia

(full programme attached)

4. Testimonies / information collected:

4.1. The victims:

All victims encountered live permanently in fear. They are regularly subject to threats and most are convinced that emails and phones continue to be tapped. The vast majority are under protection from the State: they move around in armoured vehicles and with bodyguards. Many of them have refused higher security measures offered by the State because they suspect that security officers might play a double role to protect and to provide information on them.

In particular:

Piedra Cordoba: Senator, works for the release of FARC hostages. Shortly after our visit, she left Colombia because she felt threatened and in danger.

Ivan Cepeda Castro: MP, lost his father, murdered during the Union Patriótica genocide. He is now deputy and spokesman for MOVICE (Movement for Victims of State Crime). He fights for human rights and is satisfied with the imprisonment of José Miguel Narváez (DAS ex-director), suspected of his father's murder and of dealings in the DAS case. He regularly receives threats.

Ricardo Calderón Villegas: of "Semana", newspaper which first released information on the DAS scandal. A good investigative journalist, he regularly collects and publishes ongoing information on the DAS case.

Hollman Morris: journalist, founder and director of the TV programme

"Contravia" which monitors all human rights violations in Colombia and in particular, denounces the criminalization of human rights activists. Hollman Morris explained how his programme has been supported by various institutions, including the European Union and Norway, but funding was unexpectedly interrupted several times, apparently under pressure from President Uribe. He told us about the repeated threats he received, about his exile to the United States to protect his family, and about the trauma experienced by his children and especially by his daughter.

Cesar Julio Valencia: now retired, but President of the Supreme Court at the time of DAS activities (microphones placed in the plenary meeting rooms of the Supreme Court, phone-tapping, theft and tampering of penalties, threats, intimidation). These manoeuvres commenced when the same Court was investigating links between politicians and paramilitaries, especially when investigating the cousin of President Uribe, Senator Mario Uribe.

Luis Guillermo Perez: Secretary General of the IFHR, who was forced to seek exile in Belgium in 2002 due to persistent threats. In 2010 he returned to Colombia and joined the Lawyers' Collective José Alvear Restrepo. In 2009 his home in Belgium was burgled.

4.2. Public figures - judicial and political:

Mr Ferero: Deputy Prosecutor (Vice-Fiscalia) and his team, in charge of investigating the DAS case, informed us of the progress of the judicial investigation. Criminal acts and their perpetrators are subject to different procedures because since 2005, Colombia has established an accusatorial judicial system. For acts committed before 2005, victims can file a civil action in criminal proceedings but for acts which occurred after 2005, victims are no longer recognized as such and it is the General Prosecutor who represents them. Nevertheless, they may be represented by a lawyer who is not allowed to question witnesses. However, the majority of victims have been recognised as cases falling under the proceedings prior to 2005. There are some exceptions: mainly journalists, judges and MPs, but this dual procedure complicates and delays prosecutors' work. Furthermore, Mr Ferero and his family live under permanent protection.

Martha Isabel Castañeda: Deputy Attorney (Vice-Procuradora); the Procuraduria is an administrative court in charge of the public interest for the control of civil servants and elected officials. Sanctions (reprimands, suspensions, dismissals) can only be disciplinary. Ms Castaneda informed us of all disciplinary proceedings and subsequent convictions that have been implemented.

Mr Camilo Humberto Gallego and Mr. Tarquino Sigifredo Espinosa Pérez: President and Vice-President of the Supreme Court; they gave a full explanation

of the work of the Supreme Court with regard to the DAS case but also placed it in a wider context and in the context of all the Supreme Court's missions, supervised by each President of the different chambers.

Given the number of files to be processed and the urgent need to conclude the current proceedings (and to avoid periods of prescription for certain procedures) some of the judicial representatives insisted on the importance of providing the necessary number of officials and magistrates (for example, from other departments for a specific period of time).

There is general concern within the Supreme Court of Justice that goes beyond the DAS affair. The constitutional reform currently under discussion in the National Assembly could introduce a component "justice", which would directly or indirectly affect the independence of the judiciary system and magistrates. They consider that it is not urgent at present to reform the judiciary system but rather to deal with the problem of impunity; this can only be done with the proper allocation of resources to the different courts and tribunals in order to guarantee an efficient and independent instruction and judgment. They have also voiced their concern on the question of control particularly with regard to breaching employment laws. The measures already taken in this respect are not sufficient to guarantee a successful battle against all forms of exploitation, and against the violation of employment regulations which include the protection of trade unionists.

Mr Angelino Garzón: Vice-President of Colombia, elected on the same ticket as President Santos, in charge of special rights; he is not a member of the Government.

The interview covered the whole background to the DAS case. The Santos government has been in place for nearly a year, and has undertaken a series of commitments which are being achieved at least legislatively.

The most important issues were discussed, especially the recognition of victims and the restitution of land. The adoption of legislation is a reality, but the early stages of applying the law are a challenge and a real test for President Santos and his government.

The difficulty and resistance to the recognition of dispossessed victims and peasant leaders who initiated the movement for land restitution is evident; but resistance to the actual handing over of land is even more so. Large landowners, paramilitaries and drug traffickers, oppose law enforcement. Moreover, the Government will have to ensure the safety of farmers when land is returned.

Another important case of legislation is the law on intelligence services which will provide a legal framework and regulation of activities and methods used by the intelligence services. In the past DAS operated under no legislative backing and under the direct authority of the Head of State.

Furthermore, the government intends to tackle all forms of corruption and impunity, and to protect human rights defenders and trade unionists.

Mr Juan Carlos Monje: United Nations High Commissioner for Human Rights in Colombia. The meeting with the High Commissioner covered his very interesting public report:
<http://www.hchr.org.co/documentoseinformes/informes/altocomisionado/informes.php3?cod=14&cat=11>).

5. Conclusions and recommendations:

We may conclude that from all our meetings, it is clear that the government and its officials wish to dissociate themselves from the activities of the previous government and restore contacts with neighbouring countries (especially Venezuela and Ecuador) and with the international community and the EU. However, this is a huge endeavour and the realisation of reforms will require much more than legislation and implementing orders. It could take generations for this culture of corruption, impunity and violence to change. From this perspective, first steps and concrete, visible and comprehensible actions are of paramount importance: firm and exemplary sentences in the DAS case, fight against terrorism and security implementation, labour inspection and protection of trade unionists, and finally protection of human rights defenders who, like trade unionists, must become allies of the political class and not suspects of destabilization as they have been in the past.

As for NGOs, journalists and opponents, who have been mistreated in the past and many of whom are under permanent protection, we will take note of these intentions and will take into careful consideration the implementation of different actions and procedures. The DAS case and the tangible procedures taken following the revelations of 2009 will also be indicative of future actions.

Based on these concluding elements, with regard specifically to the DAS case, and having discussed them with the EU representation in Bogota, the following concrete recommendations, and operational in the short term, must be considered:

- monitoring of the Prosecution Committee by the EU delegation in Bogota, and regular reports to the Commission and the EP;
- more coordination between the representatives of Member States and the EU Delegation in relation to work on human rights;
- monitoring and reports on the progress of the proceedings initiated by two Member States, Belgium and Spain, on behalf of NGO victims.

The possibility of a visit by Vice-President, Mr Angelino Garzon to the European Parliament in Brussels in October 2011 was also discussed.



**DELEGATION OF THE EUROPEAN UNION
IN COLOMBIA**

EUROPEAN PARLIAMENT

**VISIT OF THE VICE-PRESIDENT OF THE EUROPEAN PARLIAMENT
ISABELLE DURANT
BOGOTÁ, 11 – 15 JULY 2011**

Delegation:

- **Isabelle DURANT, VP of EP**
- **Mr. Dimitri LEMAIRE, Office of Isabelle Durant**

Monday, 11 July 2011

PARIS / BOGOTÁ

- 14h30** **Arrival to El Dorado Bogotá International Airport**
Flight AF 422
Welcome by the Head of Delegation, Mr. Fernando CARDESA
Transfer to the VIP lounge in the Airport / Vehicles from the Delegation
- Transfer to HOTEL TEQUENDAMA – CROWNE PLAZA HOTEL**
- 16h00** **Briefing with the EU Head of Delegation, Mr. Cardesa and his staff**

Tuesday, 12 July 2011

BOGOTÁ

- 7h00** **Departure from the Hotel**
- 7h30** **Meeting with EU Ambassador CARDESA & Mr. Pérez**
8h15 **Place: Delegation, Calle 116 No. 7-15, Piso 12**
- 9h00** **Meeting with Mr. Juan Carlos FORERO, Deputy General**

- 11h00** **Attorney, Mrs. Marlene BARBOSA, Director of the HR Office**
Place: Fiscalía Diag. 22b No. 52-01
- 14h00** **Meeting with *Colectivo de Abogados José Alvear Restrepo & victims***
- 17h00** **Meeting with Human Rights defender**
Place: Colectivo de Abogados

Wednesday, 13 July 2011

BOGOTÁ

- 9h15** **Departure from the Hotel**
- 10h00** **Meeting with Mr. Camilo Humberto TARQUINO,**
10h45 **President of the Supreme Court**
Place: Calle 12 No. 7-65 Palacio de Justicia – Piso 3
- 14h00** **Meeting with Fernando Tavares y Jorge Lagos**
17h00 **Former agents of the DAS**

Thursday, 14 2011

BOGOTA

- 8h00** **Departure from the Hotel**
- 9h00** **Meeting with Mrs. Martha Isabel CASTAÑEDA, Vice-Procuradora**
10h00 **Place: Procuraduría Cr. 5 No. 15-80, Piso 25**
- 12h00** **Meeting with Mr. Felipe MUÑOZ, Director of State Intelligence**
13h30 **Office (DAS)**
Place: Cr. 28 No. 17a-00
- 15h00** **Meeting with Mr. Angelino GARZON, Vice-president of Colombia**
16h00 **Place: Vice Presidency**
- 16h30** **Meeting with Mr. Hollman Morris, Journalist for Contravia**
19h00 **Place: Hotel Tequendama**
- 20h00** **Dinner with S&D MEP**

7h45 **Departure from the Hotel**

8h30 **Mr. Juan Carlos MONJE**, United Nations High Commissioner for
Human Rights

9h15 Lugar: Calle 113 No. 7-45, Torre B, Oficina 1101. Edificio Teleport

10h30 **Press Conferences**

Contact: Manuel José Rincon, EU delegation Press Officer

Place: EU Delegation – Calle 116 No. 7-15 Piso 12

11h30 **Publicaciones Semana**

José Monsalve
