

Regarding death squads, vigilantes, and paramilitary politics in Colombia

President Uribe leads the cover-up and obfuscation

*Democratic Alternative Pole (PDA)*¹
Bogotá, August 20, 2007

Every Colombian expresses public support for the cessation of violent acts which bloody the nation. There is also apparent consensus that restorative justice must be the foundation to any peace process, that victims should be afforded reparations, and that those involved should tell the whole truth about their acts of violence as a pre-requisite to becoming beneficiaries of society's generosity. Disclosure of the whole truth in particular appears to be the first step towards justice and reparations. All of the ways in which violent groups derive their power must be effectively eradicated so that Colombians may empower themselves to resolve their economic, social and political conflicts without recourse to weapons of war. But it is also true that the seeming consensus has been absent from the beginning of President Uribe's peace process with paramilitary vigilante groups and that the government, as we shall demonstrate below, has not delivered on its promises regarding the importance of discovering the whole truth about the activities of paramilitary squads and their links with a variety of leading political groups. Instead, the government has used its enormous power to cover up the truth and obfuscate.

The magnitude of the horrors

From the outset of Mr. Uribe's peace dealings with paramilitary squads—a process which will benefit them by reducing possible 60 year jail sentences to a maximum of 8 years of detention in special, comfortable facilities—the President and his supporters have refused to recognize paramilitarism as the

¹ The Program of the Democratic Alternative Pole (PDA) reads: "We are opposed to the exercise of violence and war as instruments of political action. We recognize the political character of insurgency in Colombia, but consider that today the road to transformation is by means of a democratic and peaceful mass struggle. We reject all forms of terror and State terrorism, specifically assassination, kidnappings, extortion, armed attacks on the civilian population, which in no way represent legitimate forms of popular struggle, thus our condemnation of any acts of that nature."

worst form of criminality, given that it is, by definition, exercised with the direct participation of State officials or with their backing or complicity. In that sense it violates what is supposed to be the primary function of any state organization, namely, the exclusive control by the state of instruments and organizations of force and weapons under the assumption that such prerogative is subject to precise legal and constitutional rules and regulations. In this case we are dealing with a large scale abuse of the power of the State, which has played a crucial role in the emergence and support of vigilante squads that have displaced nearly three million Colombians from their homes (865,000 between 2002-2005); murdered tens of thousands including three presidential candidates, eight members of Congress, hundreds of mayors, departmental assembly members, and municipal council members; forcefully grabbed between 2.6 and 6.8 million hectares of land from peasants and farmers; developed a gigantic narco-trafficking business and as a result produced enormous fortunes for death squad chieftains. In addition unionists have been systematically persecuted: 1,113 unionists have been murdered, 70 have disappeared and 896 forced into exile or displacement for a total (including other crimes) of 3,388 victims. These numbers reduced labor rights to meaningless words on paper as Colombia descended to become the world's most dangerous country for union activities.

Responding to President Uribe's official explanations, Kenneth Roth, President of Human Rights Watch in his letter to Mr. Uribe (2/May/2007) refutes Colombian government statements about presumed "great strides" in the control of anti-unionist violence and details other aspects of reality that official propaganda claims to have changed:

"You state that only 25 trade unionists were killed in 2006, and that so far this year only one trade unionist has been killed in Colombia. However, the only way to create these artificially low numbers is by excluding unionized teachers from the category of trade unionists. In fact, according to your own government's official numbers, if you include unionized teachers, last year 58 trade unionists were killed, a substantial increase over the 40 killed last year (...) in fact, current rates of killings of trade unionists are similar to those that were common in 1998 and 1999 (...) The number of extrajudicial executions committed by the Army, for example, is skyrocketing—a fact that your own Minister of Defense admitted in meetings with me and other colleagues.

The United Nations has a list of over 150 cases of extrajudicial executions of civilians committed by the Army throughout the country in the last two years.”

The great power of paramilitarism within the Colombian State is also illustrated by the results of investigations –which are only beginning—carried out by the Supreme Court of Justice and the Office of the Attorney General: so far fourteen senators and members of the House of Representatives are either in jail or fugitives from the law, in addition to two governors, six mayors, and fifteen former members of Congress, governors and mayors. Also in jail, facing serious charges of complicity with paramilitary outfits, is Jorge Noguera, who was chief of the DAS, a secret police organization that responds directly to the President of Colombia.

The Arco Iris Foundation concluded, after an investigation funded by the Government of Sweden, that in 2002, in regions where paramilitary squads wielded great influence, 28 Senators were elected; that in local elections in 2003 in the same regions 285 mayors, 6 departmental governors and 3,500 municipal council members were chosen; and that in 2006, a total of 83 Senators and Representatives (of a possible total of 268) were elected from those areas. It is therefore not an exaggeration when Colombians speak of *para-politics* and *para-politicos* to describe relations between these illegal armed bands and many political leaders.

Para-politicos and para-uribistas

A thorough understanding of the phenomenon requires knowledge of the political allegiance of those accused under the law of paramilitary connections. Data shows that thirteen of the fourteen members of Congress who have been detained or remain fugitive are *uribistas*, that is, supporters of President Uribe. The Chief of the President’s secret police is obviously a President’s man. The two jailed governors, the six imprisoned mayors, and almost all of fifteen leading politicians detained in jail are also *uribistas*. 87% of the 83 members of Congress identified by the Arco Iris Foundation as having links with paramilitary groups are militant *uribistas*. These statistics led to the coining of the term *para-uribismo* as the best description of a situation that has also been accurately referred to by U.S. news organizations as the *para-gate* scandal.

Thus, Patrick Leahy (U.S. Democratic Party Senator) was not being arbitrary when he expressed his conviction about the links between paramilitary forces and the Colombian government. His position is one of the reasons why his party has decided to delay the approval in Congress of resources for Plan Colombia and not to ratify the FTA between the two countries until Mr. Uribe's administration can provide reliable proof of a change in attitude toward the murder of Colombian unionists and in the relations between the Colombian state, paramilitary groups and para-politicos. Said Senator Leahy:

"This confirms the concerns that many have had for a long time, that the paramilitaries have infiltrated the economic and political establishment of Colombian society. It should give some pause as to who we are dealing with" (*El Tiempo*, 19/February/2007). "For many years people insisted that the government should take strong action against the *paras*, as it was obvious they would acquire more power and wealth (...) What I have said is that the government is not simply a victim. It also permitted the flourishing of the paramilitaries, sometimes in alliance with them, sometimes providing them with support (...) The arrests are the beginning. But if the government is serious about cutting off its links with paramilitary elements it must devote more resources and personnel to the investigations" (*El Tiempo*, 4/March/2007).

Especially serious has been President Uribe's increasingly brazen attempt to justify paramilitary atrocities and to plead for society's benevolence towards them. In his July 20, 2007, speech to the plenary session of the entire Congress Uribe went so far as to say that:

"It cannot be that guerrillas get a benign reception while paramilitaries are the target of vindictive anger."

The silence of the President

Despite the impressive evidence and the time lapsed, Mr. Uribe has still to explain to Colombians why so many of his close political allies—more than one hundred if we count those detained, fugitives from the law, indicted, or

under investigation—turned out to be *para-politicos*. Or why those who managed to deliver an enormous number of votes to elect him President—who in turn he supported by handing them posts in the national government—turned out to be linked to criminal activities which without doubt, included the coercion of voters for their personal benefit, the benefit of their political parties, and of Mr. Uribe. The votes obtained in the 2006 general election by *uribista* members of Congress currently in detention or fugitives from the law reach the figure of 624,580.

One of the facts insufficiently explained by Mr. Uribe was the considerable backing --during his tenure as Governor of the Department of Antioquia, 1995-97-- which he provided to the *Convivir* groups, organized by rural landowners who played a key role in the justification and organization of what later came to be known as paramilitarism. According to Jorge Humberto Botero, who was Mr. Uribe's Foreign Trade Minister until December 2006:

“No one should be surprised that the paramilitary phenomenon has a political dimension. At its inception, in the nineties, it manifested itself in the form of self-defense groups...these armed groups had, at the time, a legal dimension, as ‘*Convivir*’ units” (*El Espectador.com*, 9/February/2007).

Manipulation from the start

President Uribe and his followers have claimed that due to their initiatives, such as the so-called Law of Justice and Peace –Law 975 of 25/July/2005 which presumably will do away with the paramilitary phenomenon—the relations between politicians and paramilitaries are being uncovered and legally punished. But that is not true as can easily be shown.

First of all, the Supreme Court of Justice, which has carried the burden of investigations and rulings, has not done so at the behest of the Executive branch. In fact, one has to wonder whether from the beginning of the process the government actually respected the principle of separations of power because the President used all of his influence to obtain the designation of Mario Iguarán as the lead counsel in the investigations. The obvious goal was to have in Mr. Iguarán, then-Vice Minister of Justice, a prosecutor friendly to Mr. Uribe. Neither is it exemplary that the previous prosecutor, Luis Camilo

Osorio, who was the target of serious accusations of complicity with --or at least neglect of-- the paramilitary phenomenon during his tenure, is now Colombia's Ambassador to Mexico.

Second, because from the start of the peace process with paramilitary groups, it was known that the office of the Attorney General could not handle the thousands of complex cases it was about to receive. (It has already been charged with handling 2,800 cases, never mind the 28,000 paramilitary cadre that were demobilized who are roaming free and will not have to appear in any court to account for their activities.) Nevertheless, four years after the Santa Fe de Ralito Accord when paramilitary leaders agreed to demobilize their troops, and two years after the passage of a relief law to their benefit, the government has not increased the budget of Attorney General's Office so that it may handle its increased load. According to the chief of the section in charge of processing cases, he only has 23 attorneys and 150 investigators who are supposed to handle at least 2,800 cases. Just two of the paramilitary chieftains involved have announced that they will make statements about 2,567 murders, in addition to other crimes. The risk of the process ending up in a farce (in the sense that the reduction of detention time might be the only part of the law that will be complied with) led to the *El Tiempo* editorial "Collapse Foretold?" of June 24, 2007, which sounded the alarm:

"With the process in danger of collapsing, the government and judicial authorities have been late to grab the bull by the horns and establish emergency measures. It is imperative to assign more attorneys, investigators and a larger budget (...) If this is not done, the country will have to resign itself to knowing only what the paramilitary bosses wish to tell, amidst the mass of contradictions and inconsistencies that have already emerged. In such event, there will be no justice, no disclosure of the truth, no reparations, much less reconciliation, which were precisely the objectives of these controversial negotiations with the AUC (paramilitary squads)."

And third, the law first proposed by the government for the benefit of paramilitary chieftains was quite different than the one approved in the end by Congress, and particularly different than the one authorized by the Constitutional Court. In the first instance the paramilitary elements were not to be punished or made to pay for their crimes in any way, nor were they

required to reveal the whole truth about their barbaric activities in order to receive legal protection and benefits. National and international pressure forced the *uribista* forces in the Senate and Chamber of Representatives – which enjoy a near 70% majority—to add periods of detention as a precondition for paramilitary cadre to enjoy the benefits of the law, although they still won't have to serve their sentences in jail but rather in special facilities.

And if today the detainees can only receive legal protection by telling the truth about the crimes committed, this isn't because the initial government proposal required it, but rather because a Constitutional Court ruling so determined. In the same decision the Court declared illegal the article that defined paramilitary chieftains as 'seditious', which would have turned their behaviors into political crimes, permitting the government to issue amnesty and pardons to them. The government's unhappiness with the Supreme Court's decision to modify the Law of Justice and Peace was expressed by Interior Minister Sabas Pretelt de La Vega, who claimed to be “extremely worried and befuddled”. Later, after grumbling his acquiescence to a government of laws, he added in a resigned tone: “Now we'll have to ask for God's help” (*El Espectador*, 21/May/2006). God's help is sought because the paramilitary chieftains would have to testify to their crimes and could not be protected under the charge of sedition! For his part one of the *uribista* Senators arrested for links with paramilitary squads blurted out: “The law of justice turns out to be worthless.”

One of the things needing clarification is who recruited whom. According to Attorney General Iguarán: “It was not the paramilitary squads that recruited the politicians, but the politicians who recruited the paramilitaries,” a statement that was immediately, and curiously, rejected by Interior Minister Carlos Holguín Sardi, who said: “Those are undue generalizations” (*Caracol Radio*, 15/March/2007).

Even all the boasting by Uribe and his supporters over the “great” success of the Law of Justice and Peace, presumably because --they say-- 30,915 paramilitary cadre were demobilized, serves to hide other aspects of the situation: even though that number appears in the government rolls, only 17,540 weapons were actually handed over; Frank Pearl, the man charged with re-inserting the vigilante combatants into civilian life reported that he has no idea of the whereabouts of 4,731 cadre (*El Tiempo*, 13/February/2007);

there were squads that did not turn themselves in under the relief law; and many of those who committed to stop their activities resumed their violent ways. These facts explain why the OAS calculates that there are 3,200 *new* active paramilitary cadre. For sure it is unlikely that there is a single Colombian convinced that the paramilitary chieftains who obtained cover under the relief law have completely stopped the coercion-related conduct they agreed to give up.

Therefore it did not come as a surprise when the United Nations High Commissioner for Human Rights issued the following statements on March 5, 2007:

“Particularly disturbing is the fact that many middle-level paramilitary cadres did not demobilize, or rearmed, and are now leading the new illegal and armed groups that have been emerging in various parts of the country. These are characterized by close identification with organized crime and drug trafficking. It is a source of concern to the High Commissioner that political and economic structures created by paramilitaries in various areas and sectors of society remain in existence.”

“Complaints were received about cases in which freedom of opinion and expression was affected by the risk involved in the work of those who report or express opinions on issues relating to the process of demobilization of paramilitaries, the actions of public servants involved in acts of violence or corruption, or paramilitarism itself. Cases of this sort occurred in Bogotá, Atlántico, Bolívar, Santander, Sucre, Córdoba, Magdalena, Arauca, Antioquia, Cauca and Valle.”

The lax attitude of the President and all *uribistas*

The lax attitude of President Uribe and all *uribista* political organizations regarding political leaders with links to paramilitary organizations can be documented in many ways. The situation reached such extremes that even the U.S. Embassy exerted pressure to exclude from *uribista* organizations several members of Congress who hoped to be reelected in 2006 and to get President Uribe to request an investigation of one of the groups that supported him. But with the elections over and Mr. Uribe safely reelected, the Minister of the Interior, Sabas Pretelt de la Vega took care to dismantle the farce, as he

himself explained in an interview with the newspaper *El Tiempo* (9/July/2006):

-- What will happen to those individuals expelled from *uribista* parties who were elected to Congress?

-- The government always respected decisions by parties. They have the prerogative to decide who works, or not, in their organizations. Once elected all members of Congress will receive the same respect and treatment by the government.

-- Will the government accept the support of members of Congress that the government sought to investigate?

-- The President did not take sides. When he heard of the accusations, he did what any good democrat would do: ask for an investigation by the Attorney General. If someone has now obtained credentials as a member of Congress, that person merits our respect. As Minister I will work with each and every one of them. If they are in the opposition I will try to reach understandings with them. If they are not, I will try to gain their enthusiastic support for the approval of legislative projects. The support of all members of Congress is welcome” (*El Tiempo*, 9/July/ 2006).

Among the analysts who have denounced Mr. Uribe’s pandering to the maneuvers of para-politicos, is César Gaviria Trujillo, former President of Colombia, Chief of the Liberal Party, and ex-Secretary General of the OAS. His statements on the topic stand out:

“Uribe has been lax with the paramilitaries” (*El Espectador*, 4/February/2007). “The President did not use all the mechanisms at his disposal for finding out about the misdeeds of individuals with a record of possible involvement with the paramilitaries. He did not use them so that his friends could construct their lists [of electoral candidates]” (*El Tiempo*, 19/November/2006). “During the campaign I asked him to declare that he did not want any support from sectors linked to paramilitary activities. I said it many times. Unfortunately, I failed to get an answer...the President should have said explicitly that he did not want paramilitary support...” (*El Tiempo*, 19/November/2006). “The President maintained a passive attitude toward the issue of links between members of congress and *paras*. He cannot be a mere

spectator, much less look the other way” (*Cambio*, 20/November/2006). “The President and the government should declare that the entire investigative power of the government will be involved in the process initiated by the Supreme Court, and that the DAS, the police and military intelligence will participate in it” (*El Tiempo*, 19/November/2006).

The case of the Director of DAS (Colombian Secret Police)

One of the most serious cases concerning paramilitarism and state institutions is the one involving Jorge Noguera, former Chief of the Departamento Administrativo de Seguridad (DAS), a secret police organization that answers directly to the President of Colombia.

For starters, besides Noguera, four other important officers of this intelligence outfit were charged with links to criminal paramilitary organizations leading to their dismissal; DAS internal corruption forced the President, in October of 2005, to speak of closing it down, after a government-appointed ad hoc commission pointed to serious anomalies, in which Noguera was “seriously implicated.” (*El Espectador*, 25/February/2007). Despite these and other subsequent events, President Uribe’s attitude has been to engage in the most shameless backing of Noguera, disregarding in practice the autonomy of the judicial branch from the executive as per the Constitution he’s sworn to uphold.

When the news media protested against President Uribe’s naming of Noguera as Colombia’s Consul in Milan, Italy, after the latter left DAS because of accusations against his conduct as Chief of the organization, the President, on television, verbally abused the editor of *Semana*, a respected political analysis weekly.

The following are among the things an irate Mr. Uribe told the editor to his face: that “we are not playing dolls”; that he was not going to allow a “little Bogotá clique” to cast doubt on his decisions; that the press was “frivolous and comical” and their news reports were undermining “higher national interests” and the “upswell of foreign goodwill” about Colombia; and that “because of some hidden political agenda journalists are creating scandals,

engaging in yellow journalism as well as profiting from it.” The evident tone of intimidation is used habitually by the President against anyone who dares to raise concerns about his decisions regarding paramilitary activities and parapolitics.

To complete a picture of the President’s unrelenting support for Noguera, Mr. Uribe also described him as a “pure and good person.” Said Uribe: “I will continue to believe in Noguera, I know him to be an honest and forthright man...” “I will put my hands in the fire for him” (*Semana*, 12/April/2006; 22/Noviembre/2006). Human Rights Watch also informed that “Mr. Noguera’s lawyer visited the Casa de Nariño [presidential palace] on nine occasions during the last few months—including eight visits in February and March of the past year—to talk about the Noguera case. We also know that at least during some of those visits, Mr. Noguera’s lawyer met personally with His Excellency,” President Uribe. How can the *uribistas* claim that Mr. Uribe respects the doctrine of separation of powers, one of the pillars of democracy as practiced in Colombia, when he so openly supports his protégé with the full force of his office?

Another facet of the cover-up

President Uribe’s first reaction to the detainment measures that the Supreme Court of Justice enacted against *uribista* members of Congress was one of cynicism. At the inauguration of the Sixty Sixth National Congress of Coffee Growers in Bogotá, on November 29, 2006, he declared:

“We cannot allow the political crisis to become a pretext for some to sabotage the legislative agenda. I am asking all congressional members who support us to vote, as long as they are not physically in jail, to vote for the transfers of funds, for the capitalization of Ecopetrol, for tax reform. To make it seem as if it were immoral on my part to ask for these votes is a little trick by the opposition so that they can torpedo our legislative agenda. No way will I let that happen.

In response to public protests by many Colombians against the replacement of Congressional members incarcerated for their links with paramilitary squads by other members of the same parties, even though the spurious methods

utilized to elect those at the head of party electoral lists would obviously benefit the replacements as well, President Uribe shamelessly answered:

“If a congressional member has committed a crime or if there are doubts which force the authorities to detain the individual or something of that nature, let the person be replaced in congress by the next in line in his party’s list of candidates, in order to preserve the institutional order.”(*Caracol Radio*, SNE, 29/November/2006).

It seems inconceivable—three years after one prominent paramilitary leader noted that 35% of Congress was elected with their backing, four years after the beginning of the accord between the government and paramilitary forces, two years after the approval of a law that offers them relief, and eight months after the first para-politicos were put in jail—that no legislation has been enacted protecting against the possibility of coercion by armed squads against voters. Indeed, rules are still in place that allow the replacement of congressional members, convicted of forcing voters to cast votes in their favor, with members of their own party.

The Interior Minister joins in obfuscation

At a time when the future of peace in Colombia depends in good measure on fulfilling the legal obligation of establishing the true facts regarding paramilitary activities and their links with national political leaders, the Minister of the Interior and Justice, Carlos Holguín Sardi, who should be leading this effort, is, next to the Head of State himself, one of the architects of the obfuscation strategy. If the matters at stake were not of such great importance to Colombians, the impudence he has exhibited would lend itself to some good jokes. In one of his opening salvos against the effort to get to the truth about paramilitary violence, he appealed to the pact of silence from fifty years ago, which resulted in no one being held responsible for the death of nearly 400 thousand Colombians during the period referred to as Violence in Colombia. The pact was a monstrous accord which no doubt helps explain the origins of the current violence. Said Holguín:

“I belong to the National Front generation, I can speak with authority: where would we Colombians be if we were still looking for the whole

truth about the violence between Liberals and Conservatives. Where would we still be? What would have happened if it wasn't for the greatness of Laureano Gómez and Alberto Lleras who said the past is past, let's get a new start with the National Front towards a new nation, let us not think again about what we did to each other" (Senate Session, 18/October/2006).

Holguín has gone so far in playing down the gravity of the vigilante and death-squad problem and para-political connections, in his effort to minimize the importance of the need for full disclosure of the facts, that the weekly *Semana* wrote an article about his statements which it titled "Famous Quotations of Holguín" (6/March/2007). Around the time that parties were discussing whether to run people implicated in military activities, and in particular anyone in prison, as congressional candidates, the Minister, who was President of the Conservative Party, the main pillar of *uribismo* in Colombia, offered that "You cannot keep anybody from running as a candidate, even if he were the son of Al Capone" (*Semana*, 6/March/2007). When asked: "Did you know about the meeting of Ordosgoitia with paramilitary elements?" (a high level official of Mr. Uribe's government, who is also in jail because of that meeting) he answered: "I heard him say something, something anecdotal, the kinds of things that you wouldn't pay attention to." He added: "In the past presidential elections, there was no paramilitary infiltration at all;" stating further that "All the guarantees for the October elections are in place." (Ibid.) With regard to the Pact signed in Santa Fe de Ralito between prominent Colombian politicians and the high command of the paramilitary groups, the investigation of which led to the imprisonment of five members of Congress and another fifteen leading politicians by order of the Supreme Court of Justice and the Office of the Attorney General, the Minister of the Interior judged that: "The pact document is a synthesis of the Constitution and from that point of view it's nothing improper (...) I would approve of it."

Under these circumstances, it should not come as a surprise that when it came time to recount events Peace Commissioner Luis Carlos Restrepo, charged with the entire process of negotiations and accords with paramilitary elements, would blurt out: "This is the moment of truth and I'm not sure to what extent the country is prepared to take this step" (*Colprensa*, 3/September/2006; *El Tiempo*, 25/February/2007).

Ominous silence

On March 14, 2007, the 14 main leaders of paramilitary squads who had obtained relief under the Law of Justice and Peace wrote an extensive letter to President Uribe questioning the wisdom of going further toward the disclosure of the whole truth about paramilitary activities because, in their view, this could have negative consequences toward the “ability of the government to function and the credibility of democratic institutions as well as the country’s politicians and leaders.” In response to that letter, Mr. Uribe opened up the possibility that the prisoners could be active politically from their jail cells and failed to reject a notion that implies the dismissal of what the legislation meant to its authors, who had left no doubt as to the purposes of the law. Uribe stated:

“About this business of the truth and its relation to the ability to govern, we should think in terms of what’s reasonable at this moment, and that reasonableness should prevail over questions which cannot be handled merely in moralistic terms, as some wish to make absolute the value of knowing the whole truth, making it into a sort of god that would prevail over everything else.”

Launching attacks to intimidate critics

If one thing defines Mr. Uribe it is his obsession to heap abuse on anyone who dares to question his policies toward vigilantes and death-squad members or who raises doubts about his decisions in cases like the Director of DAS. Without doubt his goal is to intimidate critics into silence and to keep others from joining in to critique the President. His aggressiveness reaches a peak when issues are raised that link either him or his close relatives with paramilitary activities. Then, Mr. Uribe literally takes over the country’s mass media to rile against and insult their opponents, a behavior seriously at odds with democratic norms of conduct.

“I will not allow the status of the Foreign Minister to be affected by cheap political debates,” (*El Tiempo*, 18/November/2006) said Mr. Uribe to millions of Colombians who clamored for the resignation of foreign relations minister María Consuelo de Araújo, after her Senator

brother was called for questioning by the Supreme Court of Justice (which later put him in jail) to respond to accusations of links with paramilitary groups. While there were never any 'reasons of state' to maintain the minister in her post, the President agreed to replace her only when the Colombian Vice-President brought back the bad news that the President's stubbornness did not sit well in Washington, D.C.

Particularly scandalous has been Mr. Uribe's habit of libeling and slandering the leadership of the Democratic Alternative Pole (PDA), the most important opposition force in the country, which it has falsely accused of having links with armed guerrilla outfits. The goal behind Mr. Uribe's slanders is to try to silence his critics using the perverse logic that those who don't support the government are *ipso facto* allies of the terrorists. In order to discredit PDA congressional members, and in particular Senator Gustavo Petro, whose courageous investigations and denunciations played a fundamental role in putting behind bars the first congressional members implicated in parapolitics, Mr. Uribe claimed that the PDA congressional members "had changed from terrorists dressed in camouflage fatigues to terrorists wearing civilian clothes" (*El Tiempo*, 5/February/2007). And in reference to Carlos Gaviria, President of the PDA, ex-President of Colombia's Constitutional Court, who obtained 2.6 million votes in the last presidential elections, Mr. Uribe stated: "What doctor Gaviria needs to tell the country is about his pro-guerrilla bias (...) what is the nature of his friendship with the FARC and the ELN" (*El Tiempo*, 24/February/2007).

President Uribe, in his efforts to persecute the PDA to attempt to silence it and dissuade others who might be willing to challenge him, ordered all Colombian TV channels to broadcast an appearance in which he stated, among other things, that he was maintaining "military and police surveillance" of PDA congressional members, adding for good measure that "they are not as careful as they should be" (19/April/2007). It became known weeks later that the government had wiretapped the phones of hundreds or thousands of Colombians without a court order, a police-state procedure expressly prohibited by Colombian laws, an action for which the Minister of Defense expressed satisfaction before a Congressional plenary.

Cover-up tactics fail once more

Given the increasing number of people implicated in relations between politicians and paramilitary elements as well as the very high percentage of these who are important *uribista* chieftains, events are making the President sweat under an authentic legal and political siege. His situation could deteriorate even more if closer links between his activities and those of *para-uribistas* are uncovered. Many are of the opinion therefore that the irresponsible manner in which Mr. Uribe has handled the freeing of a sizable number of imprisoned FARC guerrillas, a maneuver never satisfactorily explained, is a way to lay the groundwork for introducing a law that will free his incarcerated friends. Such a law would be approved under the guise of being of general application for both guerrillas and paramilitary elements, in order to give them amnesty or pardons, once paramilitary activities are declared acts of sedition. Mr. Uribe's proposal, which was strongly rejected at home and abroad, was couched thus:

“I do believe that in the case of atrocious crimes, if not offering amnesty or pardons, we should be preparing to offer the benefit of release from prison to those who confess the truth” (Casa de Nariño [presidential palace], 22/May/2007).

Weeks later the Supreme Court of Justice denied the application of the charge of sedition to a paramilitary individual seeking relief under the Law of Justice and Peace because “the offense of conspiracy to commit a crime cannot under any pretext be interpreted as an act of sedition.” (*El Tiempo*, 27/July/2007). In response, the vigilante chieftains incarcerated in the Itagüí prison attacked the Court and, as a pressure tactic, announced that they would no longer participate in the process of application of the Law of Peace and Justice. For his part Mr. Uribe cried out for new legislation to “breath life into [the notion of] sedition,” or that can “give us some other way to permit the release from prison” of those implicated in paramilitary activities. Worse, the presidential demand was couched as so much bold-faced pressure on the Supreme Court of Justice that the *plenum* of its full chamber released an official document declaring that:

“The Supreme Court of Justice, while cognizant of the rights of citizens to disagree with its judicial rulings, categorically rejects recent

statements by the national government regarding the manner in which our institution complies with its constitutional duties. Such expressions amount to an undue and unacceptable interference with judicial activity because they become a way of usurping the national court's authority to interpret and apply laws, and of imposing in a veiled manner extraneous criteria that would influence judicial rulings.

Such an attitude ignores that the Republic's Judges are bound only by the juridical order and threatens the independence of judicial procedure, encouraging not only a baseless mistrust of the Supreme Court, but also seeking without reason to de-legitimate proceedings that are carried out with full impartiality and objectivity. It also exposes the Court to grave dangers and threats.

Therefore, the Court emphatically rejects the unfair assessments used against it. There cannot be even the slightest insinuation that the Court is guided by an alleged ideological bias in its rulings which have been based on the juridical order. Neither can the Court be accused of being an obstacle to the peace process: it must not be forgotten that the work of the Judicial Branch of government is essentially the interpretation and application of extant laws, without the power to change or develop them, and without any responsibility for the gaps, deficiencies or weaknesses the laws may contain.”

Even though the Presidential webpage had announced a proposed law that would permit the treatment of paramilitary vigilantes under the rubric of sedition, recent news indicate that Mr. Uribe will not go forward with the idea. Nevertheless what remains clear are the serious implications of this latest attempt to block disclosure of the truth about paramilitary crimes and para-politics.

Conclusions

While more reasons and more facts could be cited, those listed above are sufficient to demonstrate that Mr. Uribe and his close supporters have not complied with their legal and political duties. They have failed to bring the full weight of government in the search for the whole truth about paramilitary activities in Colombia and the ties connecting political leaders and other

segments of society with vigilantism and death squads, knowledge that is a *sine qua non* for the application of the Law of Justice and Peace.

Thus, the contradiction remains between the leaders of the obfuscation and cover-up and the many Colombians that advocate disclosure of the whole truth, not in a spirit of revenge, but as a fundamental element toward the achievement of peace. A peace which also demands justice and reparations, two additional elements which can hopefully open the way for the time when Colombians will cease to use armed force to resolve their economic, political and social differences. The PDA hopes that the above analysis will contribute to further these goals.