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Colombia's Domestic Spying Scandal

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An HTML version of this document is available at <http://www.cipcol.org/?p=1123>*

On February 21, 2009, Colombia's most-circulated newsweekly, *Semana*, [broke an important story](#). It revealed that the Administrative Security Department (DAS), the Colombian Presidency's internal intelligence agency, had been carrying out a campaign of wiretaps and surveillance of human rights defenders, Supreme Court justices, opposition politicians, and journalists. DAS agents also followed their targets' children, wives, and assistants.

New evidence has emerged over the course of 2009. It indicates that the DAS was conducting warrantless wiretapping since at least 2003 through 2008, and possibly this year. The full extent of the illegal spying, and the identity of the individual(s) who ordered the program, remain unknown.

What does the DAS do?

- In 1953, Colombia's only military dictatorship of the 20th century [created](#) a Colombian Intelligence Service (SIC) within the president's office. The SIC became the **DAS** in 1960.
- The agency's roles have since expanded. Its 6,500 members now gather intelligence about domestic threats, handle passports and immigration, guard threatened individuals, and serve as Colombia's main interface with Interpol. The DAS has been a key counterpart for the U.S. Drug Enforcement Administration (DEA).



This is not the Uribe administration's first DAS scandal

- Colombian President Álvaro Uribe's first DAS Director (2002-2005) was **Jorge Noguera**, who directed Uribe's 2002 campaign in the department (province) of Magdalena. In early 2006, Noguera was [revealed](#) to have collaborated closely with some of Colombia's most notorious narcotraffickers and right-wing paramilitary leaders. He allegedly [facilitated](#) drug shipments and gave the paramilitaries lists of human rights defenders and labor leaders to assassinate. Since December 2008, Jorge Noguera has been in prison and facing trial for [aggravated homicide](#).
- In late 2008, the DAS was found to have been ordering [illegal surveillance](#) of opposition Senator Gustavo Petro, a revelation that forced the resignation of DAS Director María de Pilar Hurtado.
- Four appointees and one interim director have led the DAS during Uribe's seven years in office.



Jorge Noguera.

The February 2009 revelations

The “G-3”

- In 2003, then-DAS Director Noguera created the “Special Strategic Intelligence Group,” a unit known as **G-3** which appeared nowhere in the agency’s organization chart. The G-3, whose very existence the DAS denied until March 2009, was created to carry out intelligence operations including, [according](#) to one folder found in the agency’s headquarters, “Surveillance of organizations and people with tendencies to oppose government policy in order to restrict or neutralize their actions.”
- The G-3 was abolished when Noguera left in November 2005. However, many of its functions [passed](#) to another DAS unit, the “National and International Observation Group” (GONI). The G-3’s original coordinator, Jaime Fernando Ovalle, remained in the DAS until November 2008, when he was fired for his role in the illegal surveillance of Senator Petro. The GONI was dissolved in March 2009.

Spying on human rights defenders

The G-3 closely followed members of Colombia’s most prominent human rights groups, as well as some labor leaders and independent journalists. The extent of the surveillance is alarming.

- Prosecutors showed Alirio Uribe of the José Alvear Restrepo Lawyer’s Collective (no relation to President Uribe), a human rights group, some of his DAS files from the 2003-2005 period. [According](#) to the *New York Times*, they “included photos of [Uribe’s] children, transcripts of phone and e-mail conversations, details on his finances [including bank account information] and evidence that DAS agents rented an apartment across from his home to monitor him.”
- Investigative journalist **Hollman Morris**, [reports](#) Inter-Press Service, found a file with “photos and information on his parents, siblings, wife and children, and on his day-to-day movements, with a level of detail that reminded those looking at it of the thorough investigations carried out by hired killers while planning their hit jobs.”
- International human rights workers were targeted by DAS too. Emails from Human Rights Watch ended up in DAS files, and the G-3 [recommended](#) carrying out “offensive intelligence” against the organization’s Americas director, José Miguel Vivanco. The OAS Inter-American Human Rights Commission [protested](#) revelations that the DAS had spied on a June 2005 visit of Special Rapporteur for Women’s Rights Susana Villarán.



Spying on judges

- The G-3 appeared to focus principally on non-governmental activists. The GONI’s targets, however, included **Supreme Court magistrates** who have been investigating dozens of President Uribe’s political allies’ alleged ties to murderous paramilitary groups. (The charges of politicians’ support for paramilitaries, known in Colombia as the “[para-politics](#)” scandal, have put about one-quarter of Colombia’s current Congress [[.doc file](#)], nearly all of them government supporters, under investigation, on trial or in prison.)

- Documents found in a DAS detective's office [contained](#) brief biographies of Supreme Court magistrates, information on their families, and personal information ranging from their political affiliations to intimate details.
- A chief target has been **Iván Velásquez**, the magistrate charged with leading the “para-politics” investigation against President Uribe's political allies. Judge Velásquez “was never left alone for a minute,” [reported](#) *Semana*. During one three-month period in 2008, DAS spies recorded 1,900 of his phone conversations. The DAS also spied on members of Judge Velásquez's investigation team and their families.



Iván Velásquez.

Spying on political figures

- In May 2009, investigators found recordings revealing that all **candidates** running against President Uribe's 2006 re-election bid were wiretapped. Colombia's daily *El Espectador* published a [list](#) of 36 prominent politicians, nearly all from the opposition, and six noted journalists who were under surveillance at the time.
- One DAS detective said he was assigned to monitor people like ex-presidents Ernesto Samper and Andrés Pastrana. This included wiretapping and wearing disguises to meetings and events, as well as [following](#) their children, wives, advisors, and assistants.
- *Semana* columnist Daniel Coronell [noted](#) a series of “inexplicable coincidences” in which DAS agents made a series of searches into the agency's restricted database for information about former president César Gaviria, a critic of President Uribe. Days later, on April 27, 2006, Gaviria's sister was murdered.

August 2009 revelations of new spying

- In its August 30, 2009 issue, *Semana* [reported](#) that, in the wake of the DAS surveillance revelations, “Things not only have not changed, but they have even gotten worse. The wiretaps and surveillance of [Supreme] Court members, journalists, politicians and some lawyers continue. And if that weren't enough, they have extended to some presidential candidates [Colombia has elections in 2010] and, recently, to members of Congress.”
- “Some of the [wiretapping] equipment being used was hidden from the Prosecutor-General [*Fiscalía*] and Inspector-General [*Procuraduría*] during the wiretap investigation,” an anonymous DAS source involved in the operation [told](#) *Semana*. “Two weeks ago, some of the equipment returned to Bogotá to monitor members of Congress, based on the referendum voting.” The “referendum” refers to a bill, passed by Colombia's Congress in September, to schedule a plebiscite on whether to change the country's constitution to allow Álvaro Uribe to run for a third straight term.
- Among the new wiretaps are more recordings of Judge Iván Velásquez, the Supreme Court's chief “para-politics” investigator. One recording ([audio](#)) is of a mid-2009 phone conversation between Velásquez and James Faulkner, a Justice Department official assigned to the U.S. embassy. “It worries me to hear the voice of my judicial attaché in a wiretapped call,” U.S. Ambassador William Brownfield [told](#) reporters.

The extent of the spying, and who ordered it, are unknown

- Security videotapes from the first week of January 2009 show **boxes and computers being removed** from the DAS offices. Colombia's prosecutor-general at the time, Mario Iguarán, [told the Associated Press](#) that when prosecutors first went to the DAS offices to start investigating, they were "given the run-around by DAS personnel, who directed them to the wrong offices or went searching for keys." Much information is probably lost.
- Jorge Lagos, the DAS chief of counterintelligence, [told](#) the Prosecutor-General's Office that he gave information about some Supreme Court justices to President Uribe's general secretary, Bernardo Moreno, and the president's controversial personal advisor, José Obdulio Gaviria.
- Former DAS Director Maria del Pilar Hurtado [said](#) in an interview that the warrantless wiretaps and investigations of Supreme Court magistrates were born out of concerns voiced by President Uribe.



The U.S. government's response

- In February 2009, U.S. Ambassador William Brownfield [recognized](#) that the United States provided eavesdropping equipment to the DAS.
- "[W]e obviously think that the steps that have already been made on issues like extrajudicial killings and illegal surveillance, that it is important that Colombia pursue a path of rule of law and transparency, and I know that that is something that President Uribe is committed to doing." – [President Barack Obama](#), June 29, 2009, hosting President Uribe at the White House.
- "Allegations of illegal domestic wiretapping and surveillance by Colombia's Department of Administrative Security (DAS) are troubling and unacceptable. The importance that the Prosecutor General's Office has placed on prosecuting these crimes is a positive step for Colombia, but media and NGO reports allege that illegal activity continues, so it is even more vital that the Colombian government take steps to ensure that this is not the case, and that the Prosecutor General's Office conduct a rigorous, thorough and independent investigation in order to determine the extent of these abuses and to hold all perpetrators accountable." – September 2009 Department of State [press release](#) announcing that Colombia, in the department's view, meets human rights conditions in U.S. foreign aid law.

The Colombian government's response

- The scandal has led to the [exit](#) of at least 33 DAS employees, including resignations of the deputy directors for counterintelligence, Jorge Alberto Lagos; intelligence, Fernando Tavares; analysis, Gustavo Sierra; and operations, Marta Leal.
- In July 2009, the Prosecutor-General's office [*Fiscalía*], which is a separate branch of government in Colombia, [ordered](#) the arrest of ten DAS officials in connection with the

spying allegations. Those arrested include Lagos, Leal, Tavares, and **José Miguel de Narváez**, who served as the number-two DAS official under Jorge Noguera and is [widely accused](#) of very close ties to paramilitaries. The arrest orders came one day before Prosecutor-General Mario Iguarán left office, at the end of his four-year term. Lagos and Tavares were [released](#) in late September 2009 on claims that prosecutors committed “procedural errors.”



José Miguel de Narváez.

- In mid-September 2009, acting Prosecutor-General Guillermo Mendoza [revealed](#) that two prosecutors in his office – not the DAS – had illegally wiretapped Justice Iván Velásquez, the “para-politics” investigator, in 2009. These recordings included the judge’s conversation with the U.S. embassy official. However, it is not clear why Justice Velásquez’s phone number was among those given to the Prosecutor-General’s office for wiretapping. An unknown party added the judge’s number to a list of numbers to be tapped for a routine extortion case of a [hardware-store owner](#) in a town near Bogotá.
- The Uribe administration has repeatedly [maintained](#) that the spying occurred behind the president’s back. Following the September 2009 revelation that some phone numbers for wiretapping had been passed to the Prosecutor-General’s office, officials began to [advance the theory](#) that the entire scandal was the product of a plot to sabotage the Uribe government. In mid-September 2009, President Uribe spoke of “a criminal plot to discredit the government and affect its international relations.” Vice-President Francisco Santos claimed that the DAS spying and related revelations owed to “a big, well-orchestrated, well-funded defamation campaign.”

How is President Uribe proposing to reform the DAS?

- On September 17, 2009, President Uribe surprised many by [declaring](#), “I’m in favor of eliminating the institution [the DAS] and leaving a small entity lending immigration and intelligence services, which can be managed by the National Police.”
- Functions [proposed](#) to pass from the DAS to the National Police, or to the Prosecutor-General’s Technical Investigations Corps (CTI), include security for threatened individuals, liaison with Interpol ([official](#) as of October 7, 2009), and judicial police powers.
- A September 18, 2009 DAS [communiqué](#) reads, “The DAS will be liquidated to give way to a new civilian intelligence agency. ... The new intelligence agency will have as its only mission to produce the intelligence and counter-intelligence that the country needs.”
- It remains unclear how this new agency will be safeguarded and monitored to avoid a repeat of politically motivated wiretapping and surveillance in the future.



President Uribe makes his September 17 announcement.