

1-23-2004

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Recommended Citation

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Could Arrest of FARC Leader Jeopardize Prisoner Exchange

by LADB Staff

Category/Department: Colombia

Published: 2004-01-23

The arrest of a reputed high-ranking leader of the Fuerzas Armadas Revolucionarias de Colombia (FARC) in Ecuador on Jan. 2 could put at risk a possible exchange of FARC hostages for jailed members of the guerrilla group. The arrest also raised questions in Ecuador about possible human rights and sovereignty violations.

Ecuadoran police arrested Simon Trinidad, whose real name is Juvenal Ovidio Ricardo Palmera Pineda, as he was walking on a street in Quito's Las Amazonas sector. The Colombian government says Palmera is a member of the FARC directorate and commander of the FARC's Bloque Caribe. It said his arrest was a major blow to the FARC and proof that President Alvaro Uribe's efforts to weaken the rebels was working.

Ecuadoran police chief Marco Poveda said Palmera was arrested during a routine operation to check for undocumented immigrants, and his identification was confirmed after checking with Interpol. Palmera was flown back to Colombia Jan. 3 and taken to the attorney general's offices in Bogota.

"The fight continues," Palmera said as he arrived in Bogota. Before joining the FARC in 1987 because of what he saw as society's injustices, the well-spoken Palmera was a banker from a wealthy cattle-ranching family. He had gone to private schools in Colombia and abroad.

Palmera was one of the FARC negotiators during peace talks, which began in January 1999 and broke off in February 2002, during the administration of former President Andres Pastrana (1998-2002). During the peace talks, Palmera said that "peace only is possible in a Colombia without poverty and without social exclusion."

In an interview with Notimex in 2001 in the town of Los Pozos, site of the peace talks, Palmera said that "armed struggle seems to be the only way to defend the rights of Colombians, so damaged by the oligarchy." Palmera faces nearly 60 counts of massacre, kidnapping, forced displacement, terrorism, and rebellion. He is accused of responsibility for the kidnapping and subsequent murder of former cultural minister Consuelo Araujo Noguera in 2001 (see NotiSur, 2001-10-05) and a 2002 attack on the village of Bojaya in which 119 villagers died when their church came under fire from rebels battling right-wing paramilitary groups.

On Jan. 6, Palmera accepted in court the charge of rebellion but denied all other charges, said his lawyer Oscar Emilio Silva. The lawyer, whose brother was kidnapped and is being held by the FARC, said, "Senor Palmera is not a member of the high command of the FARC, he is simply an ideologue who manages finances. He does not direct troops, he does not command fighters, and he was not in the places where the actions [he is accused of] were carried out." Silva said Palmera told the court his work with the FARC was limited to being a political teacher whose task was to educate new recruits and advise the FARC in economic matters.

On Jan. 10, Palmera was taken by helicopter to the Combita maximum-security prison in the department of Boyaca, 200 km northeast of Bogota. Accounts of arrest differ. Uribe said the arrest showed that "terrorism will never be the victor." He called on the guerrillas to "demobilize and integrate into constitutional life, as the 4,294 compatriots [of the right-wing paramilitary group Autodefensas Unidas de Colombia (AUC)] who abandoned the road of terrorism have already done (see NotiSur, 2003-12-19)." He also thanked Ecuadoran President Lucio Gutierrez and the Ecuadoran authorities for their role in the arrest of Palmera.

Gutierrez, speaking to Colombian RCN Radio, said, "This helps improve security between our countries and hopefully it will be one more factor to help our people understand that the only path they can follow is that of dialogue, peace." Although Ecuadoran authorities said Palmera was detained during a routine document check, on Jan. 4, Colombian Defense Ministry officials showed a video of Palmera in Quito being tailed by Colombian intelligence agents.

The Colombian authorities said Colombian agents, working with US intelligence operatives, tracked Palmera for months before he was arrested. "This was not some coincidence, some simple operation against the undocumented," said a Defense Ministry official. "This was the work of military intelligence that was going on for six months."

Although the US role in Palmera's capture was unclear, Defense Minister Jorge Alberto Uribe, no relation to the president, called the US assistance "vital." Colombian authorities said the US might seek Palmera's extradition on drug-trafficking charges. Colombian security sources said that a former FARC rebel was paid US\$800,000 to provide information about Palmera's whereabouts in Ecuador.

Palmera's arrest provided a much needed boost for President Uribe just as the public was beginning to get impatient with the lack of progress toward ending decades of war. Uribe has had additional problems in recent weeks as voters rejected a referendum that would have given him more control over state spending (see NotiSur, 2003-10-31).

Since taking office in August 2002, Uribe, a close US ally known for tough policies aimed at the guerrillas, has put more troops on the ground and reduced the number of kidnappings. Although statistics show that Colombia has become somewhat safer, Uribe, who raised taxes to fund his offensive, had been under pressure to capture a FARC leader.

"The capture of Simon Trinidad is the most important capture made against the FARC in all its history," said Alfredo Rangel, a defense analyst. "It takes pressure off the government in its commitment to capture a rebel leader. For the FARC it is a psychological and political blow." But Rangel warned against triumphalism and said Trinidad would soon be replaced.

Fallout for prisoner-exchange hopes

The FARC had hoped that Palmera would be able to negotiate a prisoner exchange with the government, a move that could free dozens of hostages held by the rebels. But with Palmera now a

prisoner himself topping the list of those the FARC would likely want the government to release in exchange for their captives hopes for a potential deal have dimmed. Observers say that, while the FARC may now be more anxious than ever to push for a swap of prisoners for captives, the hard-line Uribe administration is unlikely to release Palmera.

Political analyst and former interior minister Fernando Cepeda said a possible deal is almost as good as dead. "It's very sad, but the ones who benefit least from the capture of Simon Trinidad are those people who are kidnapped right now," said Cepeda. He warned that the FARC could retaliate for Palmera's capture. "The conflict is definitely going to escalate," he said.

Meanwhile, the ordeal of the hostages and their families continues. In December, families of FARC captives presented a proposal to Uribe after they agreed to call off their occupation of the Bogota cathedral and the main church in Cali. They had occupied the churches to press the government to negotiate an agreement to swap imprisoned guerrillas for the hostages, a request that has strong local and international political support. The proposal was based on the argument that international humanitarian law, as outlined in international agreements signed by Colombia, provides the legal basis for negotiating a humanitarian exchange.

The Geneva Convention stipulates that swaps of prisoners of war can be carried out on humanitarian grounds. While taking civilian hostages is a violation of international humanitarian law, kidnapping for ransom is a common crime. Besides the political prisoners, the FARC also kidnaps hundreds of ordinary Colombians each year to collect ransoms.

The four-decade civil war pits the FARC, which has between 17,000 and 20,000 combatants, and the smaller Ejercito de Liberacion Nacional (ELN) against the Colombian military and the AUC. Each year, the fighting kills an estimated 3,500 people mostly civilians.

The Fundacion Pais Libre holds the groups involved in the armed conflict responsible for 60% of the 1,652 kidnappings reported between January and September. Of that number, 55% were blamed on the FARC, 29% on the ELN, and the rest on the right-wing paramilitary groups. The families were demanding the release of 37 soldiers and police officers captured by the FARC in combat, some of them more than six years ago, as well as 21 politicians, including former independent presidential candidate Ingrid Betancourt, kidnapped in February 2002 (see NotiSur, 2002-03-01), and 12 provincial lawmakers seized nearly two years ago in Cali.

The FARC is also holding three US citizens whose plane, a US Army Southern Command aircraft on an intelligence mission as part of the US-financed Plan Colombia, was downed by the guerrillas in February 2003 (see NotiSur, 2003-02-28).

The families have the support of all living former Colombian presidents except Pastrana, as well as the Catholic Church, political parties, trade unions, academics, and civil-society movements. The relatives are opposed to rescue attempts, which have often ended in tragedy.

The Uribe administration has consistently refused to negotiate a humanitarian swap. In Uribe's view, there is no civil war or armed conflict in Colombia, which means the guerrillas are not

combatants but "terrorists," and no negotiations are possible. That argument is at the center of his administration's "democratic security" policy, criticized as draconian by human rights groups. Uribe says, "The state is willing to seek peace, but on the condition that the terrorists stop kidnapping people, release the hostages, and demobilize."

"To trade means to exchange something for something else equal in value," said Defense Minister Uribe. "But here [the FARC] is trying to trade upstanding citizens...for some mere criminals we have in jail, who are being duly processed and who are certainly enemies of the country."

The FARC's top leader, Manuel Tirofijo Marulanda Velez, has been calling for a humanitarian swap for five years, pointing to the anguish of families on both sides. The FARC carried out such exchanges during the governments of former Presidents Ernesto Samper (1994-1998) and Pastrana. But the FARC has said the hostages will be released only when all imprisoned rebels, about 500, are freed.

"Other options are unviable and unacceptable," said FARC spokesman Raul Reyes to Inter Press Service in November 2003. Palmera's capture could further jeopardize a humanitarian agreement. Alfredo Rangel said the FARC would undoubtedly demand Palmera's release in any deal. He said the rebels could increase their pressure on the government, upping their demands for releasing any captives.

Even before Palmera's capture, Jairo Ramirez, head of the Human Rights Committee, was skeptical about a swap. "There's no chance for an exchange under this government," he said, "because that would mean the administration would have to break with its democratic-security policy." FARC denies Palmera is part of directorate Meanwhile, the FARC denied that the arrest of Palmera was a major blow.

On its Web page, the FARC said Palmera was not a commander but rather was a "distinguished and responsible" combatant in areas assigned to him. "It is not true that Simon is a member of the high command or the secretariat, nor is he the comandante of the Bloque Caribe, nor the head of finances for the organization," said the statement. "He was one of the spokespersons in the past dialogues, and he worked with enthusiasm in the search for peace with social justice for all Colombians."

On Jan. 14, the FARC said Palmera was in Ecuador in an effort to arrange a meeting with UN Secretary General Kofi Annan. The FARC said Palmera was trying to set up meetings with Annan and UN special envoy James Lemoyne to promote a humanitarian accord. "The detention of Simon Trinidad cut short the clandestine mission that the FARC secretariat had assigned him to look for an adequate place in that country for a meeting with UN Secretary General Kofi Annan," said the statement.

Fallout in Ecuador

When the Colombian authorities showed the videos of Palmera being followed in Quito, it caused an uproar within the Ecuadoran government and beyond.

On Jan. 5, Ecuadoran Congress president Guillermo Landazuri said he would call Interior Minister Raul Baca to testify regarding the capture and deportation of Palmera, given the possibility that the intelligence services of other countries were involved. "We have seen the disturbing images coming from Colombia, which showed that the DAS (Colombian Direccion Administrativa de Seguridad) and the CIA (US Central Intelligence Agency) were following [Palmera], which would be evidence that they were acting inside Ecuador," he said. "It disturbs me that this action that might have been appropriate for the national Ecuadoran police, in practice might have been conducted independently by police authorities of other countries."

Palmera's arrest has raised fears in Ecuador that the country might be drawn into the Colombian conflict. Deputy Luis Villacis called on Foreign Minister Patricio Zuquilanda to report to Congress what happened. Lawmaker Mario Touma said the issue should be treated with "good judgment" but said he was concerned that it could pull Ecuador into the Colombian conflict and into Plan Colombia.

Mauricio Gandara, former ambassador to London and former high-ranking official in the Foreign Ministry, warned that a strategy to involve Ecuador in Plan Colombia could be behind the arrest of Palmera. Gandara, a recognized expert in military and diplomatic matters, said in an interview with the Ecuadoran daily Hoy that the operation had left many loose ends, especially regarding the possible participation of Colombian military. Gandara said he was concerned because it seemed that the detention of Palmera "responds to a planned operation about which Ecuador was the last to know." He asked why the Colombian authorities did not arrest Palmera in other circumstances or when he tried to return to his country, if they knew his movements.

Interior Minister Baca insisted that "no authorizations exist" for members of other countries' security forces to operate in Ecuador. He said he did not know who videotaped Palmera in Quito and said if they were ordinary citizens "there would be no problem," but if "they were military or uniformed police, acting without permission, it is a violation" of national sovereignty.

On Jan. 5, former Ecuadoran foreign minister Julio Prado Vallejo, a member of the UN Commission against Torture, said the Ecuadoran government violated Palmera's human rights by deporting him without a court hearing. He said turning the rebel leader over to Colombian authorities violated the Inter-American Human Rights Convention. He said someone who is detained, whether Ecuadoran or foreigner, has the right to be processed according to Ecuadoran laws and therefore Palmera should have been submitted to a judicial process by a "competent, independent, and impartial tribunal."

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