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Colombian Judges, Press Question Ex-President Álvaro Uribe’s Human Rights Record

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Ex-President Álvaro Uribe (2002-2010), whose name has popped up repeatedly through the years in connection with investigations into crimes committed by drug mafias and murderous paramilitary groups, is once again facing pressure, this time because of damaging documents Colombian media outlets divulged starting in September.

The documents in question are a series of declassified emails belonging to former US secretary of state Hillary Clinton and the full text of a recent ruling by the Sala de Justicia y Paz of the Tribunal Supremo in Medellín, the capital of the northwestern department of Antioquia and Colombia’s second-largest city after Bogotá.

Adding to the ex-president’s woes was last month’s request by the Fiscalía General de la Nación (attorney general’s office) that Uribe be investigated for his alleged involvement in the murder of a human rights activist and in a pair of massacres in Antioquia, where Uribe served as governor for a two-year stint in the mid-1990s. Attorney General Eduardo Montealegre filed the petition Oct. 6 before the Corte Suprema de Justicia (CSJ), one of only two bodies that, given Uribe’s privileged status as a former head of state, has any jurisdiction in such cases. The other is the Comisión de Acusación, a lower-house committee in Congress popularly known as The Ineffective" (NotiSur, July 3, 2015).

"Avoid effusive praise"

The series of emails made public by Caracol begins with a note sent to Clinton (via her chief of staff, Cheryl Mills) in early June 2010, just days before the then secretary of state made an official visit to Bogotá. The message, which originated from the office of Rep. Jim McGovern (D-MA), urged Clinton "to avoid effusive praise for President Alvaro Uribe, who leaves office in August." Uribe was replaced by his defense minister, current President Juan Manuel Santos.

The email also advised Clinton not to repeat "the tone of Defense Secretary [Robert] Gates’ April visit, in which he called Uribe a ‘great hero’ and failed even to mention any concerns’ regarding the latter’s human rights record. "These concerns are of critical importance, and while the secretary need not list them all, at least some deserve public acknowledgement," the message went on to say.

The note underscored three specific issues Clinton should keep in mind, the first being a sharp rise under Uribe’s leadership in civilian deaths, many of them "false positives”—noncombatants that the
Army kills but, for the sake of earning financial rewards or promotions, presents as guerrillas killed in combat—(NotiSur, April 27, 2007, and Dec. 14, 2012).

The message cited Philip Alston, the UN special rapporteur on extrajudicial, summary or arbitrary executions, to suggest that Colombian security forces killed at least 1,486 civilians during the first six years of Uribe’s presidency. "Alston notes that the Defense Ministry [under Santos] only began to address the situation after the media broke the story of the false-positives and the subsequent negative publicity and horrified public outcry," the message explained.

Second, the email drew Clinton’s attention to "mounting allegations" that the president’s intelligence service, the Departamento Administrativo de Seguridad (DAS), was put at the service of paramilitary leaders and drug traffickers. Third, it talked about a major scandal known as para-politics (parapolitica in Spanish), which was engulfing Uribe’s political coalition at the time (NotiSur, Sept. 12, 2008, and Feb. 8, 2013). "This coalition has included dozens of political bosses from regions beyond the capital," the message explained. "Many are large landholders with ties to narcotics trafficking, the same local leaders who created and fostered the brutal pro-government paramilitary groups that killed tens of thousands of non-combatants in the 1990s and early 2000s."

Among those involved in the scandal, the email explained, are President Uribe’s cousin Mario Uribe (NotiSur, May 16, 2008); the brother of his former foreign minister; and "individuals whom the president had named to be Colombia's ambassadors to Chile, the Dominican Republic, and Canada."

**Ghosts of Antioquia**

Two weeks after the Clinton messages were revealed, the Sala de Justicia y Paz in Medellin convicted a number of demobilized paramilitary leaders for crimes committed in Antioquia. As part of the decision, handed down in late September but not made public until Oct. 16, Judge Rubén Darío Pinilla and the other members of the Sala de Justicia y Paz called for Uribe to be investigated for his direct responsibility in some of the department’s most painful episodes: the El Aro Massacre (October 1997); the murder (February 1998) of lawyer Jesús María Valle, who was pursuing numerous cases regarding human rights violations; and the Operación Orión killings (October 2002).

In all three cases, which together left some 50 people dead, the accused are paramilitary leaders. Two of those leaders (who are in jail in the US) claim Uribe was directly involved. Judge Pinilla insists that Uribe—who was governor of Antioquia between 1995 and 1997—was the one who pushed for the establishment of the Cooperativas de Vigilancia y Seguridad (CONVIVIR), campesino security cooperatives (NotiSur, May 31, 2002) that "gave rise to the paramilitary commandos."

The Justicia y Paz judges claim that, of the 414 CONVIVIR groups nationwide, 78 operated in Antioquia, including the first such organization, the Cooperativa de Vigilancia y Servicios Comunitarios (CONVIVIR-SS.CC), which had 650 young members and served, according to the ruling, "as a CONVIVIR laboratory." Pinilla and his colleagues blame the group for more than 8,000 murders, as well as 553 disappearances and 224 cases of forced displacement. Their ruling also points to 176 documented cases of houses and other goods being plundered in sectors where the far-right commando groups operated. "After forcing inhabitants to leave, the paramilitaries or third-party individuals authorized by them occupied the houses," the decision reads.
Semana, in its coverage of the ruling, cites the plundering cases "as evidence that forced displacements weren’t just a consequence of the crimes but a strategy of social and territorial control and domination."

The ruling also introduced some new information. In Medellín, as well as in Catatumbo, in the Andean department of Norte de Santander, paramilitaries used cremation ovens to erase all trace of their victims. One such oven was used between 1997 and 2002 in La Catedral in Envigado, one of Antioquia’s most emblematic sites. The fact raises serious questions regarding the relationships such groups may have had with local authorities.

"It’s impossible [to imagine] that an illegal organization would come to control all of the neighborhoods, all of the criminality and illicit earnings, without relying on the complacency of the authorities," the judges stated.

Envigado was controlled by a paramilitary group led by "Don Berna" (Diego Murillo Bejarano), one of the mafia bosses accusing Uribe of having negotiated with him in exchange for election-campaign financing. The area is also home to the infamous Cárcel La Catedral, a luxury prison built by the government of former President César Gaviria Trujillo (1990-1995) to house drug trafficker Pablo Escobar Gaviria following a deal to not extradite the famous Medellín cartel boss to the US. President Gaviria’s term ended the same year Uribe became governor of Antioquia.

Shortly before the Medellín ruling went public, Attorney General Montealegre asked that the CSJ investigate Uribe for the same crimes cited by the Sala de Justicia y Paz judges. His based his request also on testimony provided in August by Don Berna, who is imprisoned in Miami, Florida, and said that "agents of the state, including then governor Uribe, participated" in the El Aro Massacre in the municipality of Ituango (Antioquia). "I’m telling the truth because I have nothing to lose," he said.

President Santos and some of his government officials are trying to protect Uribe by insisting that, as a former president, he enjoys total immunity and cannot be subject to legal proceedings of any kind. But Montealegre, notable legal experts, and two former heads of the CSJ argue that Uribe’s legal privileges only apply to crimes committed during his tenure as president, not for things he may have done previously. And since governors do not enjoy the same kind of limitless protections, Uribe may indeed have cause for concern.