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MEMORANDUM

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To: Foreign Policy aides

From: Adam Isacson, senior associate; Alison Hare, researcher

Re: Colombia's Álvaro Uribe – The first 100 days

Colombia – the site of the Western Hemisphere's worst conflict and the world's number-three U.S. military aid recipient – elected a new president in May 2002. Exhausted by an endless war with two leftist guerrilla groups and rightist paramilitaries, and frustrated by a failed attempt to negotiate peace, Colombians cast their votes for a candidate promising to fight the war in earnest. Álvaro Uribe, the first third-party president in decades, was inaugurated on August 7.



Álvaro Uribe

The new "law and order" president has lived up to his reputation as a workaholic. He and his cabinet have traveled throughout the country, holding dozens of "town meetings" on security issues. Mr. Uribe is viewed as intolerant of corruption, and has been closely managing military efforts to recover territory from the Revolutionary Armed Forces of Colombia (FARC) and National Liberation Army (ELN) guerrillas. As a result, after 100 days in office, his approval ratings exceed 70 percent.

The new president is also very controversial. As recently as 2000 he was viewed as a leader of the country's right-wing fringe, known primarily as an outspoken opponent of peace talks and as the author, while a provincial governor in the mid-1990s, of a disastrous experiment in creating legal civilian self-defense groups. As president, Mr. Uribe immediately invoked legal mechanisms allowing him to rule in part by decree. Several decrees aimed at improving security have alarmed defenders of human rights and civil liberties worldwide, though they enjoy the Bush Administration's enthusiastic support.

For the most part, it is still too early to tell what effect Mr. Uribe's security policies will have. The FARC have carried out few actions since launching inaccurate but deadly mortars in the capital during the inauguration – the guerrillas are in a state of tactical retreat, perhaps preparing a new, likely urban offensive. The paramilitaries have been relatively quiet as well. Because only 100 days have passed, many of the following concerns about Mr. Uribe's new measures are still speculative. However, the policies and strategies discussed below need to be closely monitored, given the growing U.S. involvement in Colombia.

"Internal Commotion"

On August 11, Mr. Uribe declared the strongest state of emergency that Colombia's constitution allows. Under a "state of internal commotion," the president can issue security-related decrees for a 90-day period that may be renewed twice. Mr. Uribe has made clear his preference that the

law be changed to make the “internal commotion” mechanism permanent.

Within the “internal commotion” framework, Mr. Uribe has granted many new powers to Colombia’s military and police. The security forces may now “preventively” arrest civilians for several days without warrants or charges, and in “urgent” cases without any prior judicial authorization. Rules have been eased for raids and searches of homes and offices, again without prior judicial notification if “urgent.” Rules have also been loosened for wiretaps and other telecommunications intercepts. Mr. Uribe has also re-instituted the practice of providing payments to citizens who offer useful information to the security forces.

Some of these measures – particularly those allowing actions without judicial involvement and those blurring the distinction between civilians and combatants – appear to run counter to Colombia’s international human rights and humanitarian law commitments. Many critics worry that in practice, guerrilla groups will not be the main targets of Mr. Uribe’s decrees. The more frequent targets of arrests, searches and wiretaps may be Colombia’s non-violent opposition – the human rights defenders, peace activists, labor leaders, minority political parties, journalists and others who already operate under highly threatening conditions.

Indeed, at 4:45 AM on October 25, 40 members of Colombia’s army and secret police broke windows and forced their way into the offices of the Permanent Assembly of Civil Society for Peace, a pro-negotiation group known for holding annual national meetings attended by thousands. The security forces spent nearly two hours reading through the Assembly’s files and computer hard drives, finding nothing and leaving no explanation for their raid. Colombia’s dozens of other human rights and peace organizations, thoroughly intimidated, wonder if they are next.

Supporters of the “internal commotion” measures argue that these extra executive-branch powers are similar to those invoked by European governments to combat Marxist terrorist groups in the 1970s, or to some elements of the anti-terror policies that the United States is adopting today. A crucial difference, however, is that the U.S. and European governments have strong institutions in place capable of punishing those who abuse this broad power to violate citizens’ basic rights. Such guarantees do not exist in Colombia, where the judicial system is deeply troubled and over 95 percent of crimes go unpunished.

Mr. Uribe’s interior and justice minister, Fernando Londoño, has expressed a desire to go further, restoring the “state of siege,” a mechanism banned by Colombia’s 1991 constitution that would allow the armed forces to interrogate civilians and try them in the military court system.

“Rehabilitation and consolidation zones”

Mr. Uribe’s decree also empowers him to establish a stricter state of emergency in specific areas. In these so-called “zones of rehabilitation and consolidation,” the president names a special military commander, who can impose curfews and restrictions on citizens’ movement (such as roadblocks and transit permits), accumulate personal information about residents, and detain anyone not carrying proper identification. Foreign citizens must give the Colombian government eight days’ notice before visiting one of these zones.

On September 21, President Uribe named two “rehabilitation and consolidation zones.” The first runs through the Montes de María region of Sucre and Bolívar departments in northern Colombia, the site of some of the paramilitaries’ most horrific massacres of recent years.*



Source: The Economist, November 7, 2002

The other zone is in the department of Arauca, where the United States has proposed to spend more than \$100 million to help Colombia’s military protect an oil pipeline subject to frequent guerrilla bombings. The pipeline – of which a U.S. company, Occidental Petroleum, has a 44 percent share – in fact passes through both “rehabilitation and consolidation zones.”

The military has so far detained hundreds of people (most have been released), searched hundreds of homes and businesses, and carried out a census of residents in these zones. In Saravena, Arauca on November 12, about 1,000 people were rounded up off the streets and taken to the stadium for processing; eighty-five were detained on suspicion of collaborating with guerrillas.

Though claims of abuses received so far are difficult to verify, there is great reason for concern that abuses will result when the armed forces – an institution trained to kill an armed enemy with overwhelming force – are in constant contact with the civilian population and given the power to arrest and question them. When violations occur in these zones, will victims be able to denounce them? Will investigators be able to verify them? Will the judicial system be able to try them? Or will the military enjoy near-total impunity? “Since there is a lack of clarity, vague norms, no principle of distinction between combatants and non-combatants, and no judicial control, we believe that there could be a high risk of human rights violations,” warned Américo Incalcaterra, the acting director of the UN High Commissioner for Human Rights’ field office.¹

War tax

In response to the underfunded Colombian government’s constant fiscal crises – as well as U.S. officials’ admonitions that Colombia must contribute more to its own war effort – Mr. Uribe decreed a one-time levy of 1.2 percent of the liquid assets of the wealthiest Colombians. The special tax is expected to raise about \$800 million, nearly 1 percent of Colombia’s annual gross domestic product, all of which will go to the security forces.

The tax is an important step in a country where the wealthy pay little taxes and make few other sacrifices (The World Bank estimates that Colombia collects 10.1 percent of the economy as taxes, half the U.S. figure, and Colombia’s National Association of Financial Institutions

* See, for instance, Scott Wilson’s harrowing account of the 2001 massacre in Chengue, Sucre, in the January 28, 2001 *Washington Post*: <<http://www.washingtonpost.com/ac2/wp-dyn/A56760-2001Jan27>>.

¹ UN High Commissioner for Human Rights Bogotá Field Office, “Preguntas al señor Amerigo Incalcaterra, director (e) de la Oficina en Colombia del Alt Comisionado de las Naciones Unidas,” (Bogotá: October 1, 2002) <<http://www.hchr.org.co/estados/exception/ex0200.html>>.

estimates that only 1.9 percent of the economy went to the armed forces in 2001.²) But it is a small step, and it leaves nothing for the non-military part of the government. The \$800 million – equal to what the United States provides Colombia’s military and police every twenty months – will probably bring improved military capability, though the armed forces will still be too small and too poorly equipped to take on a combined 35,000 guerrillas and paramilitaries. Meanwhile, Mr. Uribe is moving still more money to the military by slashing social spending – a counterproductive move in a country where 64 percent of the population subsists on less than \$2 per day.³

Network of informants

With the military too small and underfunded – and U.S. aid alone unable to fill the gap – President Uribe’s strategy relies instead on cheaper – and much riskier – measures involving civilians. His flagship program is a network of civilian informants that will pass information to the security forces about possible insurgent activities. The first phase involves recruiting volunteers to inform about threats to roads and highways. Informers are receiving payments for information – at first, Colombians were treated to television images of payments being handed out to informants wearing ski masks for anonymity (these public handouts were soon halted).

The main concern about this plan is its obliteration of the line between civilians and combatants, the “principle of distinction” laid out in international humanitarian law. UN High Commissioner for Human Rights Mary Robinson warned in August that it “could contribute, within the context of generalized violence and the conflict’s degradation, to the civilian population’s involvement in military operations or exposed to situations of great risk.”⁴ In the guerrillas’ eyes, all non-combatants are now potential collaborators with a security force that is too small and weak to protect them. An ELN commander in the northern department of Cesar told the *Los Angeles Times* in October that “the guerrillas had already infiltrated police ranks and were developing a list of those participating [in the informant program] to be targeted for assassination.”⁵

While these networks are vulnerable to infiltration by guerrillas and paramilitaries, they are also subject to abuse by people turning in others merely to settle scores. “The system could become an instrument of personal vengeance,” warned Colombian government ombudsman Eduardo Cifuentes in September. At the same time, it is not clear whether the network’s warnings will be heeded. In recent years Colombia’s military – citing a lack of personnel or suspicions that the warning may be a setup for a guerrilla ambush – has repeatedly failed to respond to alerts of imminent massacres. Why, then, would it be better equipped to respond to tips from the informant network?

² The World Bank, “Table 14. Central Government Finances,” World Development Report 2000/2001 (Washington: World Bank Group, 2000): 300 <<http://www.worldbank.org/poverty/wdrpoverty/report/tab14.pdf>>.

Government of Colombia, Ministry of Defense, “Es necesario aumentar el gasto en defensa y seguridad nacional, sostiene Ministro de Defensa,” (Bogotá: SIDEN, March 11, 2002) <http://www.mindefensa.gov.co/politica/intervenciones/pdinterv20020311minbell_radio.html>

³ “Bomba de tiempo,” *Semana* newsweekly (Bogotá: May 6, 2002).

⁴ Letter from High Commissioner Mary Robinson to President Uribe, August 26, 2002 <<http://www.hchr.org.co/estados/excepcion/ex0200.html>>.

⁵ T. Christian Miller, “Tipping the Scales in a War,” *The Los Angeles Times* (Los Angeles: October 31, 2002) <<http://www.latimes.com/news/printedition/la-fg-inform31oct31004449.story>>.

Proposed “peasant soldiers”

Another cheap and potentially dangerous alternative is Mr. Uribe’s plan to recruit 20,000 peasants to perform security duties in zones where the armed forces’ presence is scarce or non-existent. More than 180 of Colombia’s 1,050 counties have no police, due to the FARC’s strategy of attacking small police posts with overwhelming force (including the indiscriminate launching of gas-cylinder mortars).⁶

Unlike police sandbagged into their detachments, the 20,000 “peasant soldiers” would live in their hometowns, returning to their residences when off duty. Though details about this plan have yet to emerge, these recruits could be even more vulnerable than the rural police they are meant to supplement. With the thinly stretched security forces unable to protect them from a concerted guerrilla attack, the “peasant soldiers” may find themselves dangerously exposed – and their weapons and equipment could end up in guerrilla hands.

Operation Orión

On October 15, President Uribe ordered the military to take over Comuna 13, a desperately poor neighborhood of Medellín that had seen Colombia’s first example of urban, house-to-house warfare between guerrillas and paramilitaries. The security forces, accompanied by dozens of hooded civilian informants, detained 243 people, twenty-nine of them identified as leaders of the guerrillas’ urban militias (the rest were released). Oddly, “Operation Orión” ignored some of the illegal armed groups that had been fighting for control of Comuna 13 – the “Bloque Metro” and “Bloque Nutibarra” paramilitary groups, which continue to accumulate power in Medellín’s poor neighborhoods.

No movement on human rights

In general, Mr. Uribe’s anti-guerrilla offensive has not been accompanied by a similar effort to counter the paramilitaries, which accompany the FARC and ELN on the State Department’s list of international terrorist organizations. Meanwhile, as Human Rights Watch documented in a report released November 8, Colombia’s attorney-general’s office has curtailed several investigations of military officers suspected of collaborating with the rightist groups.*

Colombia’s human rights defenders – non-governmental organizations, the attorney-general’s badly weakened human-rights unit, and the government ombudsman’s office – are losing political space. Threats and intimidation continue to force effective activists into exile, and have turned many zones of the country (including zones where U.S. aid is focused) into “black holes” for reporting and documentation of abuses.

Mr. Uribe has proposed to merge the ombudsman’s office (*Defensoría del Pueblo*) – a separate branch of government and an important check on executive power – into the government’s

⁶ Federación de Municipios de Colombia, “Problemática de alcaldes en Colombia,” (Bogotá: Federación de Municipios) <<http://www.rds.org.co/~wwwfcm/SINTESISCRISIS050902.doc>>.

* This report is available online at <<http://hrw.org/reports/2002/colombia/>>.

internal-affairs investigative office (*Procuraduría*), and has sought to eliminate many of the ombudsman's representatives at the county level, known as *personeros*. According to the United Nations, these reforms would leave "wide sectors of Colombian society absolutely defenseless."

Renewed negotiations unlikely

Mr. Uribe deserves praise for inviting the United Nations to play a mediating role in an eventual negotiation with Colombia's armed groups; this is a measure that his predecessor, Andrés Pastrana, did not allow until his peace effort was on the brink of collapse. Some hope can be found in the president's maintenance of contacts, if not full-fledged peace talks, with the ELN.

Peace negotiations are unlikely to take place anytime soon, however. Mr. Uribe has set a tough standard for a renewal of talks: the guerrillas' acquiescence to a cessation of hostilities. A battlefield struggle to force the guerrillas to cease fire, however, could take years and cost untold thousands of lives. It may be necessary to reconsider negotiation before the guns are silenced.

Conclusion

Álvaro Uribe has had an especially busy first 100 days in office. His work ethic, pursuit of solutions, and law-abiding image have won him broad support among the Colombian people, as well as the Bush Administration. On the other hand, many of his security decrees raise very serious questions about the possibility of abuse. Indeed, there is reason for concern that they will in fact leave the country less secure.

Washington's support for Mr. Uribe cannot be unqualified, uncritical, or overly militarized. Vigilance against excesses, vocal denunciation of human-rights abuse, and defense of non-violent reformers must be key priorities of U.S. policy toward Álvaro Uribe's Colombia.