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Statement to the

Tom Lantos Human Rights Commission (TLHRC) hearing

On Colombian human rights defenders

October 20, 2009

I would like to thank Congressman McGovern and Congressman Wolf and the Tom Lantos Human Rights Commission for bringing much needed attention to the situation facing Colombia's human rights defenders.

Every government should create a climate in which human rights defenders can carry out their important work. In general the Colombian government has failed to do this. While they have made a few advances in protecting defenders, which I will highlight in my presentation, these are not sufficient to counteract other government actions which have heightened the insecurity which defenders face.

Our Colombian partners, seasoned human rights defenders, have told us that they feel more at risk than ever before. They have noticed a surge in threats against defenders and their family members, as well as a number of physical attacks and assassinations, and unexplained break-ins of defenders' offices. The vast majority of these cases continue to languish in impunity. Meanwhile, high-ranking members of the Colombian government continue to make public statements discrediting defenders' legitimate work and suggesting links with the guerilla groups. These comments put defenders' lives at risk. Things only became worse this year when it was revealed that the Colombian Presidential intelligence agency – the Administrative Security Department (DAS) - has been illegally and systematically spying on Colombian defenders, with the stated aim of "restricting and neutralizing" their work.

In response to this deteriorating situation human rights organizations from around the world came together to form an international campaign for the protection of Colombia's human rights defenders. The U.S. Office on Colombia, a DC-based NGO which strives to shape a more informed and humane U.S. policy towards Colombia, played a key role in the creation and development of this campaign. The campaign, which is signed by 224 organizations from 24 countries, promotes a set of recommendations for strategic policy change which aim to work towards ending: Impunity for violations against human rights defenders, the misuse of state intelligence, systematic stigmatization, and unfounded criminal proceedings, while also structurally improving the protection program.

The US Congress has played a vital role urging the Colombian government to implement measures to address the systematic practice of extrajudicial executions. We are hoping that the same attention can be given to human rights defenders in order to ensure the kind of strategic policy change needed for lasting improvement. I will discuss just a few ways the US Government can support the Colombian government's efforts to protect human rights defenders.

Firstly, in regards to the Presidential intelligence scandal:

President Uribe's recent announcement that the DAS will be disbanded is a positive step and one that must be encouraged. However, the Uribe Administration has said that the new intelligence agency would continue to be linked to the presidency, which is one of the underlying structural problems that allowed intelligence to become politicized.<sup>1</sup> This must be addressed by removing the capacity of the President and his advisors to order intelligence operations without safeguards or oversight and by strengthening the Colombian Congress's oversight of intelligence operations. The US Government should encourage these reforms and closely monitor their implementation.

Furthermore, the DAS is not the only intelligence agency that has been involved in illegal spying against human rights defenders; Regional Military Intelligence Units (RIME), police intelligence units and District Attorneys based inside military

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<sup>1</sup> El Espectador, "Nuevo organismo de seguridad no hara chuzadas," 30 September 2009, <http://www.elespectador.com/noticias/politica/articulo164211-nuevo-organismo-de-seguridad-no-hara-chuzadas>

brigades, have also conducted similar illegal espionage operations<sup>2</sup>. Many of these units have received US support, training and equipment, thus the possible use of US assistance in illegal intercepts merits thorough investigation.

We welcome the opening of an investigation of the DAS by the former Attorney-General, in which four former DAS directors and around 40 DAS personnel are being investigated. However, a new Attorney-General has yet to be elected and there is a real risk that the investigation into the intelligence scandal will be seriously delayed or hampered in the interim. International attention is needed to ensure the criminal investigations proceeds in an effective and timely manner. At the moment the investigation has focused nearly entirely on the time period from 2005 to 2006, but this needs to be expanded to include more recent illegal surveillance. It has been revealed that apparently illegal wiretapping has continued as recently as August of this year. Amongst the recently disclosed recordings were conversations between a U.S. Department of Justice official and a Supreme Court judge<sup>3</sup>.

The US Government should carefully monitor and encourage the Attorney General's investigation, ensuring it includes activities up to the present and includes both those outside the DAS who ordered the illegal intelligence and those who carried it out.

In general the impunity rate for cases involving human rights defenders is alarmingly high and does not appear to be improving. Threats against defenders, for example, are virtually never investigated. While we are hopeful that the creation of the Humanitarian Affairs Units within the Attorney General's Office to deal specifically with human rights defenders cases may help address this problem, much more is needed. The State must provide additional resources for effectively handling all cases involving human rights defenders and the Attorney-General and Inspector-General's offices should periodically publicize the status of defenders cases to create greater transparency and accountability. As a

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<sup>2</sup> For example, in 2008 it was revealed that 150 email accounts of human rights defenders, including trade union leaders, international human rights organizations, academics and journalists were unlawfully intercepted by the police intelligence agency SIJIN.

<sup>3</sup> Semana magazine, "Increible... siguen 'chuzando,'" 29 August 2009, <http://www.semana.com/noticias-nacion/increible-siguen-chuzando/127960.aspx>

significant supporter of both the Attorney-General and Inspector General's offices the US Government should use its leverage to push for a real improvement in the impunity rate for cases involving human rights defenders.

We were pleased to hear President Uribe publicly state during the Rapporteur's visit, that "the defense of human rights is a necessary and legitimate action for democracy". We hope this will mark a shift away from his numerous other public comments linking defenders to guerilla groups, which puts them in great danger and in many occasions has been followed by threats and attacks. Indeed, the easiest thing for the government to address is its own public remarks about defenders.

To encourage this positive shift, senior US Government officials should continue to send a clear public message of support for human rights defenders, condemning any attempts by the Colombian government to stigmatize them.

These are just some of the many ways in which the US Government can help protect Colombian defenders. After all, they play a vital role in upholding Colombian democracy, promoting human rights, the rule of law and a peaceful resolution to the conflict.

Thank you very much for your time and for facilitating this important hearing.