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## CONTINUITY OF SYSTEMATIC ESPIONAGE AND PERSECUTION AGAINST HUMAN RIGHTS DEFENDERS BY COLOMBIAN MILITARY INTELLIGENCE



### Special Bulletin about Human Rights N° 4

Once again, and as has occurred repeatedly in recent years, the media has brought to light illegal espionage operations carried out by intelligence and counterintelligence battalions and brigades that report directly to the General Command of the Military Forces.<sup>1</sup> On this occasion, at least 130 social leaders, human rights defenders (among them the “José Alvear Restrepo” Lawyer’s Collective), domestic and international journalists, opposition politicians, and even some military officers tied to tasks related to the peace process, were the object of “profiling” and “special jobs.” These involved their being followed; the collection of data on their private communications, telephones, emails, homes, and workplaces; the collection of information on their family members and contacts; and the invasion of their privacy, including interceptions of their communications. Information technology and software tools acquired through resources provided by United States military intelligence assistance were employed to this end.

These information technology monitoring programs, executed on this occasion from February to December 2019, are not isolated events. Rather, they are part of repeated practices carried out continuously since at least 2002, when State authorities at the highest level set into motion a strategy implemented by the former Administrative Security Department (DAS) to persecute and monitor human rights defenders, opposition leaders, journalists, and judges investigating ties between paramilitaries and family members and leaders close to the president at the time.

Following the dismantling of the DAS, the reconfiguration of intelligence agencies, and the approval of Law 1621 of 2013 on Intelligence and Counterintelligence, the Government assured that supervision controls and mechanisms had been established to prevent, prosecute, and punish the illegal use of intelligence and the repetition of these attacks against human rights defenders and those denouncing or investigating grave human rights violations. However, since then there have been repeated reports of new practices to persecute and illegally spy on human rights defenders, journalists, judges, politicians committed to the peace process, and even high-level Government officials committed to the peace negotiations and their implementation.

These include those denounced in recent years carried out from the “Grey Room” at the Army’s Center for Military Intelligence and Counterintelligence,<sup>2</sup> the subsequent espionage carried out from the “Andromeda Room” and other satellite rooms serving as fronts, the espionage later contracted out to hackers such as Andrés Sepúlveda and others,<sup>3</sup>

<sup>1</sup> “Las Carpetas Secretas”. Revista Semana. May 5, 2020. <https://www.semana.com/nacion/articulo/espionaje-del-ejercito-nacional-las-carpetas-secretas-investigacion-semana/667616>

<sup>2</sup> “Caso ‘chuzadas’: el misterio de la ‘sala gris’”. Revista Semana. February 3, 2014. <https://www.semana.com/nacion/articulo/la-sala-desde-donde-se-hacian-las-chuzadas-del-ejercito/376079-3>

<sup>3</sup> “Coletazos del caso Andrómeda y ‘hacker’”. *El nuevo capítulo de las chuzadas*. El Espectador. October 4, 2024. <http://www.elespectador.com/noticias/judicial/el-nuevo-capitulo-de-chuzadas-articulo-520624>

interceptions of the Government’s negotiating team for the peace process,<sup>4</sup> interceptions of President Santos’ communications and those of his family members,<sup>5</sup> espionage and set-ups carried out by the General Command of the Military Forces and reported in 2017,<sup>6</sup> espionage and illegal activities carried out by a front group known as “La Finca” under the control of the Regional Joint Strategic Military Intelligence (RIMEC) assigned to the General Command of the Military Forces (CGFM) and denounced in April 2018,<sup>7</sup> and even the control that members of military intelligence had over interception rooms<sup>8</sup> located within the headquarters of the Office of the Prosecutor General<sup>9</sup> to make evidence against a former president with cases before the Supreme Court of Justice disappear.<sup>10</sup>

Irregular structures have persistently and illegally controlled military intelligence through high-ranking officers and retired personnel.<sup>11</sup> It is they who are responsible for these activities; they do not abide by constitutional norms and the civilian authorities have not been able to dismantle them. It is only when scandals break that they are temporarily removed, but they are later returned to their posts due to the quality of intelligence they possess on high-ranking state authorities. Since they know too much, they are referred to as “ticking time bombs” (*hombres bomba*).<sup>12</sup>

The common characteristic among these continuing illegal intelligence activities against human rights defenders, journalists, judges, and opposition leaders is that investigations have never reached those responsible at the highest level, those who gave the orders and benefitted from the illegal use of this information. In all of these cases, it is the media that has uncovered this illegal activity. In no case have human rights defenders or NGOs been informed that they are the objects of this illegal espionage. In the most recent case, the Office of the Inspector General and the Office of the Prosecutor General only launched their investigations after *Semana* magazine published a story detailing the 130 files on persons that were the object of this illegal espionage. Investigations into high-ranking officers are being conducted by a Supreme Court justice who, incomprehensibly, holds the rank of Major in the National Army and has allegedly been an object of these interceptions. Despite these new illegal activities having begun in February 2019, the national Government only decided to remove some of the implicated military officers from their posts once it learned that the article in *Semana* would be published the weekend of May 3. Eleven officers with rank below the grade of colonel were temporarily removed from their posts and the only general involved was allowed to voluntarily request his resignation from the Army.

The victims in this case are domestic and international journalists (some of whom have reported on illegal activities resulting in extrajudicial executions), attorneys representing the victims of those executions before the Special Jurisdiction for Peace, military officers who were tied to the negotiation and implementation of the Final Peace

<sup>4</sup> “¿Alguien espío a los negociadores de La Habana?”. *Revista Semana*. February 3, 2014. <https://www.semana.com/nacion/articulo/alguien-espio-los-negociadores-de-la-habana/376076-3>

<sup>5</sup> “Confirmado: el presidente Santos fue ‘chuzado’”. *El Tiempo*. February 21, 2014. [http://www.eltiempo.com/justicia/chuzan-al-presidente-juan-manuel-santos\\_13541695-4](http://www.eltiempo.com/justicia/chuzan-al-presidente-juan-manuel-santos_13541695-4)

<sup>6</sup> “Espías y traición en el comando de las Fuerzas Militares”. *Revista Semana*. 9 de diciembre de 2017. <https://www.semana.com/nacion/articulo/espias-dineros-y-traicion/549907>

<sup>7</sup> “Exclusivo: Escándalo en las FFMM, dineros camuflados.” *Revista Semana*. April 14, 2018. <https://www.semana.com/nacion/articulo/desvio-de-dinero-en-comando-de-las-fuerzas-militares/563751>

<sup>8</sup> “Traición en el búnker de la Fiscalía”. *Revista Semana*. July 14, 2010. <https://www.semana.com/nacion/articulo/corrupcion-en-la-fiscalia-semana-revela-escandalo-de-espionaje/623374>

<sup>9</sup> “Las salas fantasmas de la Fiscalía”. *Revista Semana*. August 28, 2019. <https://www.semana.com/nacion/articulo/las-salas-fantasma-nuevos-detalles-sobre-el-escandalo-en-la-fiscalia/625446>

<sup>10</sup> “Agentes del CTI aseguran que Martínez Neira montó en la Fiscalía un aparato de ‘chuzadas’ a periodistas, magistrados y políticos que se extendió a Miami”. *La Nueva Prensa*. May 24, 2019. <http://www.lanuevaprensa.com.co/component/k2/agentes-del-cti-aseguran-que-martinez-neira-monto-en-la-fiscalia-un-aparato-de-chuzadas-a-periodistas-magistrados-y-politicos-que-se-extendio-a-miami>

<sup>11</sup> “Generación 70 serían responsables de supuestas chuzadas: *El Colombiano*”. *Caracol Noticias*. February 5, 2014. <http://www.caracol.com.co/noticias/actualidad/generacion-70-serian-responsables-de-supuestas-chuzadas-el-colombiano/20140205/nota/2071472.aspx>

<sup>12</sup> “Los escándalos de los ‘hombres bomba’ del Ejército Nacional”. *Revista Semana*. May 3, 2020. <https://www.semana.com/nacion/articulo/espionaje-desde-el-ejercito-los-cinco-escandalos-de-hombres-bomba/668769>

Agreement with the FARC, social leaders, and opposition politicians or politicians who have conducted political oversight of the government. These activities fall within the framework of a ferocious extermination campaign against social leaders; since 2016, the year the Final Peace Agreement was signed, social leaders have received thousands of threats and over 780 have been murdered. A great number of these threats are attributed to the so-called *Águilas Negras*, who have been accused in Congress on various occasions of having ties with military intelligence groups. According to the Office of the Human Rights Ombudsman, during the first four months of the year 56 social leaders were murdered, representing an increase of 50% in comparison with the same period the year prior, although human rights organizations have reported between 62 and 84 murdered.

These illegal intelligence activities have been carried out repeatedly, in a generalized manner, and have persistently resulted in impunity. They demonstrate the continuity of a criminal plan to attack human rights defenders, unionists, members of signatory organizations to the Final Peace Agreement, and members of indigenous and Afro-Colombian communities. Furthermore, there are grounds sufficient to believe that these activities were carried out in accordance with a policy adopted by at least certain brigades of the armed forces, and that it constitutes a state policy or that of a political organization that controls these brigades, in violation of the constitution, in order to commit these crimes.

It is imperative to craft legislative reforms with the participation of civil society in order to establish independent civil and judicial limits and controls for monitoring intelligence and counterintelligence activities, the citizenry's right to access information on these activities, accountability regarding statistical data, processes for contracting and logging expenses incurred in the acquisition of new technologies, and the review and declassification of intelligence and counterintelligence files on human rights. As a guarantee of non-repetition, we call for a public debate on reforms to the defense and security sector and its military doctrine, which must be rooted in guaranteeing and respecting human rights.

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**For the aforementioned reasons, the Colombia-Europe-United States Coordination Group, which comprises 281 social organizations and human rights NGOs, requests that:**

- **Judicial bodies tasked with investigating these crimes (Office of the Prosecutor General and the Supreme Court of Justice)** publicly inform the entire list of victims of these illegal espionage activities, and deliver to each of them a copy of the files containing all of the material collected in violation of the constitution as part of this illegal espionage.
- **The Office of the Inspector General, the Office of the Prosecutor General, and the Supreme Court of Justice** move forward with investigations in order to identify, prosecute, and effectively punish all direct perpetrators of these crimes, those who ordered them, the recipients of information illegally obtained, and those who illegally used this information.
- **The Special Jurisdiction for Peace** provide protective measures that allow for a complete gathering of information and determination of which persons have been affected, especially cases in which the victims of espionage are human rights defenders with cases before this jurisdiction, as well as victims' organizations and those accompanying cases heard before the system. Furthermore, the Special Jurisdiction for Peace should prioritize opening a case on those responsible at the highest level for carrying out or ordering these illegal intelligence activities in recent decades.
- **The Truth Commission** include among its activities and in its final report a special strategy regarding criminal activities carried out by military intelligence groups and their involvement in serious crimes against human rights

within the framework of the conflict and political violence perpetrated against different sectors, and that it develops proposals to dismantle these criminal practices and prevent their repetition as part of Colombian society's pursuit of peace.

- **The National Government** take necessary measures without delay so that the National Commission on Security Guarantees can immediately implement plans for dismantling activities and structures within the military intelligence that over the past two decades have criminally persecuted and attacked human rights defenders, social leaders, and those defending peace building in the different regions. These plans should include, at a minimum, guidelines for revising the military doctrine, background checks on members of these groups, vetting military intelligence structures, and declassifying and vetting intelligence files obtained illegally against social leaders, opposition politicians, and those who fight for peace and defend peace building. Furthermore, there should be a public debate on measures for restructuring the Armed Forces, security forces, and military intelligence with the goal of building an Armed Forces for Peace, committed to the recognition of and respect for human rights.
- **The Governments of the United States, the United Kingdom, Germany, and all other Governments that provide military intelligence assistance and collaboration to the Colombian Government** review their military assistance policies with Colombia with the objective of establishing firm guarantees that the military intelligence resources, tools, and capabilities that they share no longer be used for persecuting, spying on, and profiling human rights defenders, opposition politicians, journalists, social leaders, unionists, and Afro-Colombian and indigenous leaders who defend their communities or exercise their right to freedom of expression, organization, and mobilization. Furthermore, that they ensure that these resources and capabilities are limited to what is strictly necessary for specific activities, such as investigating serious crimes as defined by national law, ensuring that before granting assistance, activities carried out with these resources are subject to prior judicial oversight.
- **The Inter-American Commission on Human Rights** take up this serious situation that affects the rights to privacy, personal integrity, life, and the defense of human rights, as well as the conditions necessary for full democracy and achieving and maintain peace. To this end, an **Interdisciplinary Group of Experts** should be established in order to report on the persistence, impact, authorities involved, and state responsibilities stemming from the criminal activities carried out by military intelligence groups that have affected the country since 2002.
- **The International Criminal Court** intervene to further analyze this situation within the framework of its preliminary evaluation of the country in order to ensure the identification, prosecution, and punishment of those responsible at the highest level for these criminal plans attacking human rights defenders and other victimized sectors. Civilian authorities have been incapable or unwilling to conduct oversight of military officers heading intelligence and counterintelligence brigades involved in these persistent and systematic criminal activities over the past two decades, as well as the leaders of political organizations behind them.