Abstract

Arguably Colombia’s journalists have provided the main “intelligence oversight system” during a civil conflict has persisted for almost seven decades. Journalists in particular have suffered at the hands of all armed actors: narcotraffickers, insurgents, paramilitaries and the Colombian state. Despite the precarious nature of reporting, throughout the conflict journalists have risked their lives and persisted with their efforts to report human rights abuses. In recent years, the sectors of the Colombian press have extended their reporting of the murky activities of the Colombian intelligence services. In an era of whistleblowing and Wikileaks this is an important and neglected area of scholarship on the Colombian intelligence services. This paper seeks to explore the nature and texture of the relationship between the Colombian press and the country’s intelligence services through an analysis of recent intelligence scandals and abuse of power in which the press have questioned the very existence of some of the country’s intelligence bodies.

Journalism, Oversight and Intelligence in Latin America

Latin America is inching closer to becoming the most dangerous region in the world for journalists. Impunity remains the norm. In the vast majority of cases involving the murder and assault of journalists, no one is arrested and the weary expectation is that no one ever will. Most troublingly, the culture of impunity and the repression of the press exist alongside democratic rule. Latin America today is known as a region of relative peace. This has not always been the case. Between 1930 and 1990 this was a continent characterised by coups d’état. Bolivia alone suffered four coups in one year and for much of this period, almost the entirety of the continent was ruled by authoritarian

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regimes that readily resorted to armed force.² From Central America to the Southern Cone, military dictatorships declared war on their civilian populations in the name of freedom and Christian values, leading to the systematic killing, torture and incarceration of hundreds of thousands of civilians. The practice of state sponsored terrorism across the region created “societies of fear.”³ Most Latin American states developed intimidating state security apparatuses to counter wide-ranging internal threats from leftist dissenters and insurgents. By 1975, the continent witnessed a connected campaign of political repression and terror. This involved intelligence operations and the assassination of opponents focused on regime security. Known as “Operation Condor”, some estimates suggest that 60,000 deaths resulted across six countries.⁴

Yet remarkably, by the end of the 1980s, many of Latin America’s military dictatorships had crumbled. The region experienced an unprecedented wave of change that has been linked to a wider global phenomenon known as the ‘third wave of democratisation’.⁵ However, there is little evidence to suggest that the democratisation of the intelligence services has taken place, as it did in the USA following the Second World War.⁶ The democratisation of Latin America, together with the demassification of the media, has led to a somewhat porous information regime. Research material is now abundant and the media reporting in Latin America frequently covers inappropriate intelligence activity related to political scandals involving embezzlement of public funds, or cases of alleged collusion between government officials and illegal armed groups or drug traffickers.⁷ Intelligence in Latin America is a fascinating subject for scholars of security and intelligence. In particular, the recent history of the region and current trend in journalistic repression provides an interesting path to consider the Latin American paradox of democracy and violence, and in particular the relationship between the press and intelligence.

Few countries in the world have faced more dangerous internal security threats than Colombia. The country has been in state of war for many decades with insurgents, paramilitaries and drug cartels fighting between themselves as well as against the state in a bid to control significant portions of the country. Over the past seven decades of violence the actors involved have grown and evolved. Groups such as Las Fuerzas Armadas Revolucionarios de Colombia (FARC), Ejército de Liberación Nacional (ELN), Autodefensas Unidas de Colombia (AUC), as well as various drug cartels have presented serious security challenges to the Colombian state. Accordingly, the intelligence services have focused on dealing with internal threats: dissidents, guerrilla sympathisers, illegal armed groups and the drugs trade. Throughout Colombia’s conflict, journalists have suffered at the hands of all the country’s armed actors, including the state.

For journalists in ostensible democracies like Colombia, the biggest threat to freedom of the press is the government. Historically, the Colombian state has often been reluctant to be completely open and honest with the press, and by extension its citizens. The hand of the state – visible or invisible – was often what prevented reporters their job of getting the truth behind Colombia’s bloody civil conflict. Where formal oversight measures have failed, journalists have played the role of a “substitute watchdog” providing critical examination of the abuse of power or human rights by intelligence agencies. Globalisation presents the strongest challenge to state secrecy in the modern age. Intelligence agencies today are confronted with a vast network of global civil society and human rights campaigners that demand high expectations for ethical foreign policy, regulation, transparency and accountability and by extension provide a huge level of international exposure to human rights violations, political scandals and abuses of power in the global South. The monitoring and critical examination of the secret services by NGOs, the press and other Third Sector oversight entities is reflective of how intelligence agencies today are now operating under the spotlight of a globalised media and under the watchful eyes of global civil society.

The Colombian intelligence agency is the archetypal agency of the global South. Whilst the diverse security services of Colombia have made significant improvements in recent years in countering insurgents and paramilitaries the

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county’s premier intelligence agency has faced considerable problems. Scandals, the revolving door of leadership, inter-agency rivalry, a poor ability to share intelligence and a significant lack of oversight mechanisms has significantly hindered the Colombian intelligence services. Under President Álvaro Uribe (2002–2010), the premier civilian intelligence agency, Departamento Administrivo de Seguridad (DAS), made significant strides in improving the country's security. However, during this period of apparent success the Uribe's government and DAS were also embroiled in a scandal that revealed widespread illegal phone tapping of journalists, politicians, members of the Supreme Court and social activists. According to Daniel Coronel, one of Colombia’s most well-known journalists, “it was a scandal interweaving telephone tapping, stalking, intimidation, exile, smearing of individuals of a kind unknown to the press until President Álvaro Uribe’s two terms in office.” For Colombian journalists, the perceived security improvements have come at the cost of press freedom. For the Colombian government, this scandal led to the dissolving of the country’s foremost intelligence agency.

Writing in a Time of War: Uribe’s Colombia, Intelligence and the Press

Álvaro Uribe is widely regarded as the greatest Colombian president in the country’s recent history. On the eve of his unprecedented victory as a third party candidate in 26 May 2002, the Colombian state was at the brink of becoming the next “failed state.” The country was widely known as the “world’s homicide capital.” Annual non-combatant deaths from the internal war were numbered at over 4000 per year. The country had the third highest number of internal refugees in the world after Angola and Sudan. Over 3000 Colombians and foreigners were kidnapped in the country in 2001 alone. Insurgent numbers topped 25,000 combatants and paramilitary cells from around the country had organised on a national basis under the Autodefensas Unidas de Colombia (AUC) who launched ‘guerrilla cleansing’ operations against the civilian population.

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13 Benoît Hervieu et al., Chuzadas: Colombia Media Targeted by Intelligence Services (Paris: Reporters Sans Frontieres, 2010) p. 2  
15 Colombia had a violent death rate of 73.3 per 1000 people annually, compared with 8.2 in the United States.  
Uribe introduced a dynamic style to Colombian security affairs. He launched the military forces into a relentless “war on terror” against the country’s armed groups, including one of the world’s oldest and arguably most powerful insurgent groups, Las Fuerzas Armadas Revolucionarios de Colombia (FARC).18 By the end of the first presidential term, Uribe’s government met its goal of establishing a presence in all of the country’s 1098 municipalities. According to official figures from the Colombian government, homicides were reduced by 57 per cent; kidnapping by 73 per cent and overall terrorist attacks by 33 per cent.19 By the end of his two-term presidency, Uribe achieved a dramatic reduction of the number of irregular combatants in Colombia. According to official figures released by the country’s intelligence services, the Dirección Nacional de Inteligencia (DNI) and the Colombian government, the armed offensive against the FARC saw its numbers cascade from an estimated 20,766 members in 2002 to 7168 by 2013.20 The Ejército de Liberación Nacional (ELN) at its apex commanded an army of close to 5,000.21 Recent estimates suggest that this has been reduced to 1,380.22 Furthermore, Uribe’s Demobilisation and Disarmament Programme, (DDR) led to the demobilisation of over 40,000 combatants with 18,000 weapons surrendered by 2007.23

Uribe transformed the landscape of Colombian security. Along with spectacular military victories, he established a Joint Intelligence Council (JIC) to unify the country’s seven intelligence bodies and put forward the objectives, function and direction of the country’s leading intelligence agency, DAS.24 This consolidated intelligence analysis and provided the President and the Minister of Defense “the necessary information to make decisions; translate the government’s security policies into intelligence requirements; and coordinate the distribution of work, providing for specialisation and avoiding duplication.”25 Under Uribe, the Colombian intelligence services were to play a

24 ibid.
pivotal role in the Defence and Democratic Security Policy (*Política de Defensa y Seguridad Democrática*, DSP). The ambitious policy package offered the Colombian electorate the promise of democracy and security with a strong emphasis on a change from the approach of previous governments that were characterised by an almost non-stop process of failed negotiations and national security approaches, in which unchecked powers led to widespread human rights abuses.

Uribe’s DSP marked a change in the governmental approach to the conflict. The breakdown of negotiations between the Colombian state and the FARC in February 2002 allowed Uribe to redefine the conflict and present the DSP as the single solution to the conflict.\(^{26}\) In order to combat the threat of terrorism against the democratic Colombian state, peace was ‘to be born out of state authority’. For Uribe, “in the fight against terrorism it is not the sovereignty of nations that counts, but the sovereignty of democracy. It is a struggle between the sovereignty of democratic nations against the sovereignty of terrorism.”\(^{27}\) The country’s Defence Minister between 2002 and 2003, Marta Lucía Ramírez, emphasised the idea that the security of the state is jeopardised by vacuums that permit non-state threats to flourish.\(^{28}\)

The DSP called for a strong Colombian state and the active cooperation of the citizenry. From 2002, the Colombian people were invited to join what was deemed a popular war effort against ‘terrorists’. The DSP outlined the role of the Colombian people by specifying that security is “the result of a collective effort by the citizens: it is the responsibility of all”. In this context, “active citizen participation, co-operation in the administration of justice and support for the authorities all play a major part in the strengthening of the justice system and democracy.” These are “constitutional duties which every citizen must strive to fulfil”\(^{29}\) Uribe called for “solidarity between citizens and solidarity with the security forces” and redefined the role of the Colombian state in the conflict. For Uribe, “the Armed Forces and National Police represent the coercive element of the Constitution.”\(^{30}\) The security forces were explicitly excluded from the role in the perpetuation of violence. According to Uribe, “they are not ‘actors’ in a war or conflict and should not be put implicitly on the

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\(^{27}\) *Política de Defensa y Seguridad Democrática*, 2003, p. 6.


\(^{29}\) *Política de Defensa y Seguridad Democrática*, p. 17.

\(^{30}\) *ibid.*, p. 6.
same level as the terrorist organisations which they confront.” The framing of the Colombian conflict as democratic state labouring under the threat of terrorism legitimised the state’s use of military action and extraordinary use of non-democratic measures to achieve ‘peace’. Although the DSP was presented as a significant change from previous approaches to national security, in reality, it was alarmingly similar to previous security strategies in which abuses of power and human rights violations at the hands of the authorities were commonplace.

Intelligence and media relations raise issues for democracy in all countries. However, in the context of a violent conflict it raises further questions about the cost of conflict resolution. Uribe’s presidency and DSP policies created an open conflict between the country’s intelligence services and journalists. The president regularly attacked the critical journalists who he described as “political schemers in the service of terrorism” who “under the banner of human rights give terrorism in Colombia the space that the security forces and its citizen have deprived it of.” Spying of journalists was accompanied by acts if intimidation, sabotage, censorship and misuse of protective measures given to those who had been threatened. In ridding their joint effort to rid the country of insurgency, Uribe and the intelligence services created a culture of self-censorship in the press. By 2010, at the end of Uribe’s two-term presidency Colombia was placed fifth in the world on the Committee to Project Journalists Impunity Index.

Worse than Watergate: Las Chuzadas Scandal

In March 2009, following months of investigative journalism Semana magazine revealed that the DAS had been embroiled in the widespread wiretapping of political opponents, magistrate’s human rights activists and journalists. In particular, journalists who were critical of the government’s heavy-handed military operations were accused of being linked to the country’s insurgents. In February 2010, the Attorney General’s Office directly implicated four senior intelligence officials and the secretary-general of the president’s office. By October 2010, four former directors of the DAS, Jorge Alberto Lagos, Jorge Noguera, Andrés Peñate and María del Pilar Hurtado had been brought to trial and sentenced.

31 ibid.
32 Benoît Hervieu et al., Chuzadas, p. 4.
33 'Getting Away with Murder,' Committee to Project Journalists, April 20, 2010.
34 'Por Chuzadas, Procuraduría Destituye e Inhabilita a Funcionarios del Gobierno Uribe,' Semana, October 4, 2010.
Under Uribe’s leadership, the DAS deepened its link with paramilitaries in order to combat the threat of political opposition, insurgency and social unrest. The AUC emerged the unofficial hit squad of the Colombian intelligence services in which the head of DAS, Jorge Noguera provided the AUC with lists of academics, teachers and trade unionists who were subsequently murdered by paramilitary forces. The DAS scandal, known as the ‘Colombian Watergate’ revealed that under Noguera’s leadership opposition politicians, former presidents, senators, Supreme Court justices, human rights activists, NGO workers and journalists were illegally wiretapped.\textsuperscript{35} Dissent within the DAS under Noguera was also silenced. The former deputy of DAS, José Miguel Narváes begun an investigation after receiving information about the Director of Intelligence, Enrique Ariza and his involvement in the sharing of intelligence with the AUC. However, when Narváes reported this information to the then director of DAS, José Noguera, he was allegedly told to keep the information to himself. Despite the warning and contrary to what he had been ordered, Narváes continued his investigation and eventually obtained a recording between the members of the Special Intelligence Group and Ariza which proved that plans were underway to establish a private agreement of the sharing of information with the AUC. Following the scandal, Norguera resigned as the Director of DAS, and Narváes and Ariza were fired.\textsuperscript{36} This case was one of the most important scandals in recent times that ultimately led to the demise of DAS as an institution. The public nature of the scandal and the collusion between the intelligence community and paramilitaries called into question the legitimacy of the Colombian intelligence services and tarnished the reputation of the Uribe administration that relied heavily on public support on its war against the guerrillas and drug trade. Most importantly, this case illustrates the salience of a well-regulated and accountable intelligence community, especially in the context of a violent conflict.

Most importantly, oversight of the intelligence services in Colombia remains minimal. The executive branch of Colombia provides little guidance to the Colombian intelligence services. Moreover, the legislative branch plays a small oversight role. Instead, scrutiny only followed scandals and intelligence failures. Over the past decade, a number of court cases and investigations have taken place to examine multiple cases of corruption and extra-judicial activity within the DAS.\textsuperscript{37} Between February 2003 and June 2005, a number

\textsuperscript{35} ‘DAS Wiretapping Scandal,’ Colombia Reports, February 24, 2014.


\textsuperscript{37} Lisa Haugaard, Kelly Nicholls, Abigail Poe, Gimena Sánchez-Garzoli, ‘Far Worse than Watergate: Widening Scandal regarding Colombia’s Intelligence Agency’, Latin
of parallel offices were uncovered in Bogotá, Honda and Girardot where DAS personnel hid arms and munitions and held secret meetings with criminals. In 2004, a DAS agent met with the chief assassin of one of the leading drug kingpins of Colombia and leaked information on a rival. In September 2004, a senior DAS official was found to have erased the records of the two of the leading drug traffickers in order to hinder extradition hearings.\(^3\)

The arrest and trial of Noguera is largely a result of the growing importance of civil society. Journalists throughout Colombia have continued to provide details of human rights abuses and the military-paramilitary links. The ‘parapolítica’ scandal following the investigation of Noguera revealed that it was not only the country’s intelligence services that were infiltrated by paramilitaries. An estimated 30 members of Congress and a further 30 lawmakers were implicated in the ‘parapolítica’ scandal, related to links between the Uribe administration and paramilitary death squads.\(^39\) The ‘falso positivos’ affair revealed that an estimated 3,500 innocent Colombians from rural areas were killed by the military forces and presented to the authorities as insurgents belonging to the FARC and ELN in a bid to inflate body counts.\(^40\)

These scandals and the lack of accountability of outside of the executive branch are troubling for a country with such deep internal security threats. In order to achieve security, the Colombian intelligence services need to improve coordination, oversight and accountability across the board. Civilian control of the services and can help ensure that the various agencies part of the country’s security apparatus operate within the rule of law and do not abuse their authority.\(^41\) However, establishing the limits and boundaries of ‘control’ can prove to be a demanding task for two reasons: resistance from the intelligence and military services and the tendency of politicians to disassociate themselves from the intelligence services. Intelligence services are typically resistant to control as they often feel that politicians do not understand their work and similarly as the majority of intelligence services come under the control of the military, militaries want the focus of the intelligence services for the ‘protection and advancement of operational forces in the field.’\(^42\) Politicians are weary of an increasingly vocal civil society.

\(^3\) Boraz, ‘Colombia’.
\(^40\) ‘La Historia Inédita de los Falsos Positivos,’ Semana, July 6, 2013.
\(^41\) Steven Boraz, ‘Establishing democratic control of intelligence in Colombia’, International Journal of Intelligence and Counterintelligence, 19, 2006, p. 84.
\(^42\) ibid., p 89.
Moreover, the legacy of brutality and violence against citizens during the 1960s and 1970s across Latin America have not been erased from the collective memory of the people, leaving politicians with a tendency to steer away from issues relating to intelligence. Colombia prides itself as the region’s longest-standing democracy. Ensuring independent news coverage of governmental activities is an essential part of this democratic tradition and the current peace process. Given the impact of intelligence scandals in the country the question accountability has emerged as a central point of reference for peace.

Conclusion

Uribe’s government policies and its leadership of one of the most important intelligence agencies of the global South reveals much about the inner-workings of the Colombian intelligence services and its relationship with the press. Following the Chuzadas scandal, the DAS was dissolved. This episode revealed the extraordinary levels of corruption and human rights abuses prevalent in Colombia. Critics of military aid to Colombia highlighted how US aid was implicated in egregious abuses of power under the guise of combating drugs and terror. On a domestic level, the case is also important in highlighting how in a country where the tentacles of corruption spread far and wide, civil society and the press play an important role in ensuring some sort of oversight. Colombia’s intelligence services today are under more democratic control than previously. However, there is clearly a trade off between transparency and effectiveness.43 Perhaps the solution here for both the intelligence services and the press are the questions of what needs to transparent; to whom and how much transparency in order to achieve increased levels of democratic control of intelligence.

43 Boraz, ‘Intelligence Reform,’ p. 9.