



**Report to Congress on
Actions Taken by the Government of Colombia to Investigate Unlawful
Surveillance
Section 7019(e) of the Department of State, Foreign Operations, and Related
Programs Appropriations Act, 2021 (Div. K, P.L. 116-260) (FY 2021 SFOAA)
and the Joint Explanatory Statement**

Pursuant to section 7019(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (Div. K, P.L. 116-260) (FY 2021 SFOAA) and the Joint Explanatory Statement, the Department has prepared this report on actions taken by the Government of Colombia to investigate unlawful surveillance of journalists, civil society, opposition politicians, and members of the judiciary by the armed forces and Colombian intelligence officials since the beginning of Plan Colombia and to bring to justice those responsible for ordering, carrying out, or covering up any such crimes.

U.S. Engagement to Promote Human Rights

The Department of State engages closely with the Colombian government, civil society, journalists, and others to promote respect for human rights in Colombia. Over the past two decades, Colombia has made progress on a broad range of human rights issues, including through its efforts to implement the historic 2016 peace accord with the FARC.

During this period, the United States has also worked closely with the Colombian security forces to support their professionalization. As an integral part of this engagement, U.S. officials consistently emphasize they expect our Colombian partners to meet the highest standards of conduct. Our security assistance in Colombia helps support institutional strengthening that focuses on human rights, rule of law, and respect for civilian control of the military.

The Department recognizes that in a democratic society, it is imperative for security institutions to maintain the trust of their citizens. In cases where allegations of unlawful surveillance by Colombian entities have come to light, U.S.

officials have conveyed to senior Colombian leaders the importance of preserving that trust by investigating such allegations and bringing those responsible to justice.

Senior U.S. officials including the U.S. Ambassador to Colombia have also publicly affirmed our commitment to press freedom, human rights, and accountability in these cases, including by meeting with journalists and civil society groups that were allegedly targeted. The Department will continue to prioritize this issue as part of our broader human rights engagement with Colombia.

Colombian Legal Framework

The Government of Colombia reports that the legal framework for intelligence and counterintelligence activities in Colombia is regulated by Law 1621 of 2013. In response to U.S. inquiries, Colombia provided the following summary of the law as it relates to this report: “Under no circumstances can the intelligence and counterintelligence activities be undertaken for reasons pertaining to political positions, membership in a certain social organization or union, or to affect the rights and guarantees of opposition parties, among other prohibited reasons. The law also proscribes any intelligence activities targeting the legitimate exercise of a protected activity, such as journalism.”

Recent Investigations of Illegal Surveillance

Since taking office in August 2018, President Iván Duque has sought to reorganize and increase oversight and professionalization of Colombia’s military intelligence capabilities. In December 2019, he ordered then-Minister of Defense Carlos Holmes Trujillo to review all intelligence processes and protocols going back 10 years to ensure compliance with all relevant laws and respect for human rights. The same month, Duque removed General Nicasio Martínez Espinel as the commander of the army, without referencing any potential misconduct by Martínez.

In January 2020, Colombian news magazine *Semana* reported that Martínez’s departure was linked to illegal wiretapping conducted by members of the Colombian military and targeting judges, politicians, and journalists. Colombian authorities began investigations immediately, with the Ministry of Defense launching its own review while simultaneously referring the matter to two other institutions: the attorney general’s office (*Fiscalía General de la Nación*) and the inspector general’s office (*Procuraduría*). The *Fiscalía* investigates and prosecutes crimes. The *Procuraduría* is responsible for supervising the conduct of

public officials and carrying out disciplinary actions where appropriate. At the time, Duque also commented on the media reports of wrongdoing, saying that he had “zero tolerance” for illegal activities by military members and had ordered “exemplary sanctions” against anyone found responsible.

On May 1, 2020, a more detailed follow-up report from *Semana* alleged that members of Colombia’s military intelligence units, including the army cyberintelligence unit, had inappropriately used intelligence resources to develop dossiers on 130 politicians, judges, former members of the military, and journalists (including U.S. citizens and activists). The same day, the Colombian government announced the dismissal of 11 members of the Colombian army for inappropriate surveillance of private Colombian and foreign citizens. Two of the Colombian generals dismissed were the former heads of the Colombian intelligence directorate and counterintelligence directorate. Duque stated on May 2, 2020, that he would “not tolerate those who dishonor the uniform or carry out practices contrary to the law,” adding that those responsible must be thoroughly investigated and sanctioned.

Duque’s minister of defense at the time, the late Carlos Holmes Trujillo, also addressed the subject publicly. Trujillo affirmed that the Ministry of Defense had again referred the matter to both the *Fiscalía* and the *Procuraduría*. The minister also explained that he had strengthened oversight of intelligence functions as a result of the review Duque had ordered in December 2019 and had replaced the commanders of a number of intelligence units.

Colombian press outlets reported that as a result of the surveillance scandal, Army Intelligence Chief Gonzalo García Luna requested and was granted voluntary retirement from active duty. The military dismissed General Eduardo Quirós, together with Colonels Milton Eugenio Rozo Regado, Hugo Armando Díaz Hernández, Juan Pablo Prado Torres, Julio Tobías López Cuadros, and Helmon René Ramos Naranjo. The army majors who were also dismissed include Eduardo de la Torres Díaz, Hernán Rolando Villamil Ortégón, and Mauricio Quintero Árias. There was also disciplinary action against Mayor Juan Guillermo Hernández Fuentes and General Gonzalo Ernesto García Luna.

Colombian officials have not publicly commented on any potential wrongdoing by Martínez Espinel. Upon recent inquiry, the Colombian government relayed that the Office of the Delegate Prosecutor before the Supreme Court of Justice is in the preliminary stage of an investigation involving the former army commander.

Historical Investigations of Illegal Surveillance

In response to the requirement to include investigations “since the beginning of Plan Colombia,” the Department has undertaken a review of its Country Reports on Human Rights Practices beginning in the year 1999 and continuing through the most recent report covering calendar year 2019 (published in March 2020). We assess that these provide the most comprehensive U.S. government record of the investigations that Colombia conducted over this timeframe.

In January, the Department also asked the Government of Colombia to provide any available information on these or any other cases in order to supplement this U.S. government reporting. Colombia’s Ministry of Foreign Affairs subsequently transmitted separate reports from the *Fiscalía* and the *Procuraduría*.

Based on these U.S. and Colombian government records, we provide the following summary of investigations and their results. Some details about active cases and ongoing investigations could not be divulged by Colombian authorities per law. The information from the attorney general’s office is detailed below. The information from the inspector general’s office indicated that in the aggregate it has information on disciplinary actions in 82 relevant cases, some of which cover multiple individuals. Sixty-eight of these cases were listed as “inactive,” of which six had resulted in a finding of responsibility with penalties. (Those six cases also cover multiple individuals.) A further 14 cases are “active” but protected from disclosure under Colombian law.

Administrative Department of Security (DAS): Colombia’s DAS was responsible for a variety of internal security and counterintelligence functions. In 1999, the attorney general opened a formal investigation into the DAS for alleged illegal wiretapping in Bogotá over the course of the past several years. Eight DAS officers were taken into custody, and another officer was sought. The Department’s 2001 report stated that six DAS members were cleared.

The 2009 report cited an investigation of the DAS by the Colombian Technical Investigation unit (CTI) for the surveillance of high court magistrates, journalists, human rights organizations and activists, and opposition leaders. The attorney general’s office launched a separate investigation into the wiretapping scandal, and 34 DAS employees were under investigation, 10 of whom, including four directors, were detained. The 2010 report cited numerous investigations of DAS employees during the reporting period and reported that four convictions were made.

In 2011, then-President Juan Manuel Santos issued a decree dismantling the DAS and creating the National Intelligence Directorate. The 2011 report cites that during the reporting period, the attorney general's office continued to investigate numerous DAS employees and achieved several convictions by year's end.

The 2017 report cites the notable conviction of Jorge Aurelio Noguera, the former DAS director, who was sentenced to seven years in prison.

The attorney general's office reported in January that there are several ongoing investigations into former members of the DAS. The attorney general's office also reported that there have been a number of additional convictions of former DAS employees including: María del Pilar Hurtado Afanador, Luz Marina Rodríguez Cárdenas, Fernando Alonso Tabares Molina, Jorge Alberto Iagos León, Gustavo Sierra Prieto, Enrique Alberto Ariza Rivas, Jorge Armando Rubiano Jiménez, Hugo Daney Ortiz García, Jackeline Sandoval Salazar, Martha Inés Leal Llanos, and José Alexander Velásquez Sánchez, José Miguel Narváez, Mario Orlando Ortiz Mena, Ignacio Moreno Tamayo, Rodolfo Medina Alemán, Gian Carlo Auque De Silvestri and Eduardo Aya Castro, Fabio Duarte Traslaviña, Germán Enrique Villalba Chaves, and Carlos Alberto Arzayús Guerrero.

GAULA Anti-Kidnapping Unit of Medellín: The 2001 Human Rights Report cites the beginning of an investigation by the attorney general of extensive illegal wiretapping by the Medellín GAULA (a combined police-army anti-kidnapping unit). The GAULA reportedly accessed 2,500 phone lines without proper authorization, including lines belonging to human rights organizations and labor unions. The 2003 report discusses charges of five members of the unit for illegal wiretapping between 1997 and 2000. The commander of the GAULA was subsequently dismissed from duty. The attorney general's office confirmed in January that officials convicted in this case include Arley de Jesús Durango, Luis Carlos Álvarez Jiménez, Bermin de Jesús Patiño Holguín, and José Emiliano Piza Reyes.

National Police Intelligence Directorate (DIPOL): The 2007 Human Rights Report cites that the inspector general's office sanctioned six senior members of DIPOL, including its director, for illegally wiretapping paramilitary members incarcerated in Itagüí prison and several citizens, among them congressmen, civil employees, journalists, and international members of NGOs who made contact with the prisoners or participants in the peace process. Generals Jorge Daniel Castro and Guillermo Chávez, then-director of the National Police and head of

DIPOL, respectively, were asked to resign; 10 other officials of that rank sought retirement. The attorney general's office did not address this case in its January report.

Alleged Wiretapping Targeting Senator Iván Cepeda: The 2012 Human Rights Report cites that Iván Cepeda, currently a senator and at the time a member of the Chamber of Representatives, claimed there was a national police order to intercept his communications due to his accusations against high-level police and military officers who he alleged had been involved in paramilitary activity. The attorney general's office did not address this case in its January report.

Operación Adrómeda (Colombian Army Intelligence Unit): The 2014 Human Rights Report cites an investigation begun by the attorney general's office of the unit known by its code name "Adrómeda" for the illegal wiretap of the personal telephones of peace negotiators belonging to both the government and FARC negotiating teams. The investigation resulted in several arrests and disciplinary action. The 2015 report cites the notable arrest of Andrés Fernando Sepúlveda and his sentencing to 10 years in prison. The attorney general's office reported in January that investigations into the actions of two individuals are ongoing: General Mauricio Ricardo Zúñiga Campo (former chief of intelligence of the National Army) and General Jorge Andrés Zuluaga López (former director of the Technical Central of the National Army).

Alleged Surveillance Targeting Journalist Vicky Dávila: The 2016 Human Rights Report notes the opening of an investigation by the inspector general into journalist Vicky Davila's accusations that police had been monitoring her communications, including trailing and wiretapping her and her reporting team, since 2014. The attorney general's office confirmed in January that the investigation is ongoing.

Alleged Wiretapping Network Uncovered in 2016: The attorney general's office indicated in January that investigations initiated in 2016 and related to an alleged army intelligence wiretapping network were continuing. No further information on this case is available.

Alleged Wiretapping Network Uncovered in 2018: The attorney general's office indicated in January that investigations related to an alleged army intelligence wiretapping network uncovered in 2018 were continuing. Alleged leaders Carlos Andrés Pérez Cardona, Jorge Humberto Salinas Muñoz, Luis Mesías Quiroga Cubillos, and María Alicia Pinzón Montenegro were arrested in August 2018. Press reporting from the time indicates that they are accused of "illegally obtaining

confidential information from politicians, companies, members of the public force, couples, judicial officials, and the attorney general's office, to sell it to interested third parties."