

December 19, 2008

US Ambassador William Brownfield  
US Embassy Bogotá  
Colombia

Dear Ambassador Brownfield,

We write to express our concern about the interception by Colombian government agencies of more than 150 email accounts of human rights defenders, trade union leaders, labor organizations, academics and journalists. We appreciate the steps taken by both the U.S. government and the Colombian Attorney General to address this issue. However, we urge you to meet with senior Colombian government officials to call for a wider investigation into the intercepts and the deletion of any data collected.

We understand that the intercepts were first ordered on December 19, 2006 in response to a request made by the police intelligence agency, SIJIN.<sup>1</sup> SIJIN issued identical email intercept requests in September 2007 and November 2008, all granted by the 12<sup>th</sup> Anti-Terrorism Specialized Prosecutor and assigned to be carried out by the SIJIN-MEBOG. Human rights institutions reportedly monitored included the office of the UN High Commissioner for Human Rights, the Movement for Victims of States Crimes (MOVICE), the Colombian Network for Action on Free Trade, the Alvear Restrepo Lawyers Collective, the Yira Castro human rights organization, and the US-based interfaith peace organization, Fellowship of Reconciliation (FOR).

Intercepting communications of human rights organizations and others without due cause violates the right to privacy of email account holders. It also seriously places at risk the work and security of members of affected organizations. The fear that such interception engenders may also promote self-censorship by human rights defenders and therefore impact their right to freedom of expression. Finally, it may be a harbinger of worse to come for the affected individuals, such as unfounded criminal prosecutions based on the data collected.

We applaud Attorney General Mario Iguarán's announcement of a criminal investigation of prosecutors involved in ordering the intercept orders, as well as the dismissal of one of them, Jorge Iván Piedrahita Montoya. Recently, Piedrahita ordered the disproportionate inspection of all databases and books of five universities from 1992-2008, allegedly to find evidence of students and teachers connected to subversive groups, leading to a number of arrests, which the Attorney General labeled "absurd and criminal." We are concerned however, that the Deputy Attorney General publicly supported this order, and that Piedrahita was not dismissed earlier.

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<sup>1</sup> 560 SIJIN-MEBOG Report December 18, 2006.

As part of the investigation into five universities, SIJIN agents have targeted legitimate activities such as community and student organizing, environmental activism, and art work. As a result of this attitude and email intercepts, environmental activist Edison Javier Reyes Roa was detained on November 15, 2008 and is being prosecuted for carrying out community organizing around issues such as the death of children in a Bogota brick factory. Prosecutors perceived such activity as “aimed at undermining the prestige of the [Colombian] police,” according to a report by SIJIN. Human rights organizations, such as CINEP, have documented serious violations to the due process of students and community organizers detained in the process, including Reyes, William Javier Díaz Ramírez of the District University; Hugo Giovanni Hilarión, member of university group CORPOCRISTAL; María Antonia Espitia; and National University student Reyes López Ipayú.

We are also concerned that the Defense Ministry established policies that offered incentives for obtaining sensitive information about victims of the armed conflict from humanitarian groups. According to Defense Ministry Directive 29/2005, signed by then-Defense Minister Camilo Ospina Bernal in November 2005, the ministry offered 1.5 million pesos for each hard drive, laptop and CPU “with information of interest to state intelligence” agencies. In June 2007, FOR, Corporación Yira Castro and Justapaz were the victims of break-ins and robbery of computers containing files from those organizations’ work with victims of political violence, as the human rights organization CODHES had been earlier. Despite repeated requests that these break-ins be investigated by the Attorney General’s Human Rights unit, this was not done. The investigations have stalled, and no one has been charged for those attacks.

Police and military agencies consistently treat legitimate civil society activity as evidence of insurgent activity, and government authorities fail to constrain or punish such treatment. Statements by senior government officials accusing human rights defenders and opposition politicians of collaboration with the FARC create a climate that supports this treatment. For example, in March and May 2008 President Uribe and his adviser José Obdulio Gaviria both publicly suggested that MOVICE Spokesperson Iván Cepeda was linked to the FARC and that he encouraged human rights violations. Cepeda was one of the individuals whose email account was intercepted.

The United States bears significant responsibility in this matter, given that the agencies involved in these actions - National Police, Defense Ministry and Attorney General’s office - are recipients of extensive U.S. assistance. In 2006, the State Department awarded a \$5 million contract to provide SIJIN with “internet surveillance software.” As a result, U.S. taxpayers were apparently paying for Colombian agencies to spy on legitimate U.S. and Colombian humanitarian organizations.

We urge you to meet personally with Defense Minister Santos, Attorney General Iguarán and Inspector General Maya Villazon to communicate the critical importance to the United States that they:

- Investigate, discipline, and prosecute all public officials involved in ordering the email intercepts;
- Investigate whether the judicial police continue to carry out wiretapping of legitimate civil society activities;
- Conduct a transparent investigation into the intercepts, with results shared with those affected, to reveal what information was intercepted, who ordered the intercepts, a complete list of who was intercepted, where this information currently resides and for what it has been used. Furthermore, ensure that data collected about human rights organizations is erased from any database;
- Clearly and publicly instruct police and military intelligence to cease persecution of legitimate activities such as human rights, labor, trade and environmental activism.

We would like to take this opportunity to express our appreciation for your visit to the offices of CODHES as a demonstration of US concern for human rights defenders. Thank you for your attention to this serious issue. We look forward to your response.

Sincerely,

Andrew Hudson, Senior Associate  
Human Rights Defenders Program  
**Human Rights First**

Lisa Haugaard, Executive Director  
**Latin America Working Group**

Kelly Nicholls, Executive Director  
**US Office on Colombia**

Renata Rendon , Advocacy Director for the Americas  
**Amnesty International USA**

Mark Johnson, Executive Director  
**Fellowship of Reconciliation-USA**

Gimena Sanchez, Senior Associate  
**Washington Office on Latin America (WOLA)**

Melinda St. Louis, Executive Director  
**Witness for Peace**

Jim Stormes SJ  
Secretary for Social and Intl Ministries  
**Jesuit Conference**

Barbara Gerlach, Colombia Liaison  
Justice and Witness Ministries  
**United Church of Christ**

Jim Vondracek, Managing Director  
**Chicago Religious Leadership Network on Latin America**

Kirsten Moller, Executive Director  
**Global Exchange**

**School of the Americas Watch**

Philip McManus, President  
**Forging Alliances South and North (ForAL)**

Ruth Goring, Codirector  
**Across the Americas, Chicago**

Adam Isacson, Director of Programs  
**Center for International Policy**

Cc Thomas A. Shannon, Jr., Assistant Secretary of State for Western Hemisphere Affairs

David J. Kramer, Assistant Secretary of State for Democracy, Human Rights and Labor

Margaret Sekaggya, United Nations Special Rapporteur on the situation of human rights defenders