

UNCLASSIFIED

**Colombia: Report on U.S. Support to  
the Departamento Administrativo de Seguridad (DAS)**

The Joint Explanatory Statement accompanying the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, P.L. 112-74) [H.Rpt. 112-331] called for the Department of State to “submit a report to the Committees on Appropriations detailing any United States funding, assistance or other support for the Departamento Administrativo de Seguridad, its officials, employees, affiliates and contractors during the period 2002 through 2010, including but not limited to training, equipment, information sharing, technical assistance and facilities construction.”

During 2009, serious allegations of illicit activities by the DAS emerged, including illegal wiretapping and surveillance of judges, reporters, and human rights activists. The U.S. government insisted, both publicly and directly to senior Colombian authorities, that these alleged activities were unacceptable and must be thoroughly investigated, with appropriate judicial consequences. The Department of State strongly advocated for a rigorous, thorough, and prompt investigation by the Colombian government to determine the extent of reported abuses and to hold any person accused of wrongdoing accountable. Colombian authorities have undertaken this process, which is on-going.

To date, the prosecutor general’s office estimates the DAS illegally kept under surveillance or wiretapped at least 330 people, including members of the Supreme Court and political opponents of former Colombian President Uribe. As of December 2010, the government had held 900 internal disciplinary hearings and dismissed over 150 former DAS officials. Of those dismissed, four were arrested and sentenced, and nine others were sanctioned. Two former DAS directors have been barred from holding public office for 20 years. More than 20 current and former DAS officials have been jailed or are pending trial.

During 2011, the prosecutor general’s office continued to investigate numerous DAS employees and achieved several additional convictions, including a request to Colombia’s Supreme Court to impose the maximum sentence, 12 years, on six former senior and mid-level DAS employees charged with aggravated conspiracy, illegal violation of communications, improper authorization of transmission equipment, and abuse of authority. Three other former DAS officials were sentenced to prison for terms of six to eight years for their role in illegal wiretapping in August. On September 15, a judge sentenced former DAS director Jorge Noguera (2002-2005) to 25 years in prison for his ties to paramilitary groups

UNCLASSIFIED

UNCLASSIFIED

- 2 -

and his role in creating the intelligence unit that illegally collected information on NGOs, opposition politicians, and journalists. Former DAS Director Maria del Pilar Hurtado (2007-2008) was granted political asylum in Panama while the prosecutor general was in the process of filing illegal wiretapping charges against her. In May 2011, a Colombian judge issued an arrest warrant against Hurtado, and the prosecutor general's office requested that Interpol issue a Red Notice for Hurtado's arrest. The Panamanian government stated it would not extradite Hurtado, but in December the Colombian government formally requested Hurtado's extradition (the request is pending). On February 1, 2012, the Inspector General announced administrative sanctions against seven DAS employees.

In another development in July 2011, a Bogota superior tribunal judge ordered the preventive detention of Bernardo Moreno, former secretary to former President Uribe, following a petition by the victims and supported by the prosecutor general's office, that alleged Moreno attempted to interfere with the investigation of the presidency's alleged role in the wiretapping scandal. On August 18, an investigative commission in the House of Representatives conducted a public hearing as part of its investigation into former president Uribe's role in the illegal wiretapping; to date, the congressional panel has not announced a decision to proceed with a formal probe into Uribe's alleged wrongdoing.

As a result of the 2009 allegations, the Department of State made clear the United States would sever all ties with those elements of the DAS that had reportedly engaged in illegal activities, and took a series of concrete actions with respect to the DAS more generally.

First, then-Ambassador Brownfield directed that all assistance to the DAS be terminated as quickly as possible. We redirected cooperation and support to other law enforcement agencies of the Colombia government whenever it was possible. Some legacy investigations continued out of necessity for U.S. law enforcement interests, but these did not involve any foreign assistance funding. This is consistent with the Santos administration's later commitment to dismantle the DAS; transfer its police, law enforcement, immigration, and border control functions to other government agencies; and to replace the DAS with a new organization, a reform that was completed by late 2011.

Second, the embassy looked into whether U.S. assistance could have played a role in the alleged illegal activities. The U.S. government supplied surveillance equipment to the DAS for its legitimate law enforcement and counternarcotics activities to advance investigations important to the United States and that

UNCLASSIFIED

UNCLASSIFIED

- 3 -

advanced U.S. interests. On the basis of thorough inquiries ordered in 2009 by then-Ambassador Brownfield, we concluded no U.S. funding, nor U.S. personnel, nor U.S.-supported vetted units within the DAS, were implicated in the alleged illegal surveillance or other activities. Since that time, no information has been found to contradict this finding.

Third, consistent with new legislative restrictions, beginning in FY 2010, no funds appropriated by the Department of State, Foreign Operations and Related Programs Act (SFOAA) have gone to support the DAS. Until it was dismantled last year, the DAS had responsibility for immigration, customs and border patrol, and counterfeiting issues. Since the beginning of U.S. support to Plan Colombia in FY 2000, about \$7.2 million in SFOAA funds—less than .01 percent of total Plan Colombia program expenditures—has been provided to the DAS in support of these activities. The largest expense was \$4.9 million in International Narcotics Control and Law Enforcement funding to launch a Drug Enforcement Administration project in 1999, which predates the information requested for this report but which we believe should be noted. A number of other capacity-building activities, primarily training, in support of U.S. policy goals were funded through FY 2009:

- \$95,000 in training for DAS and prosecutor general office (*Fiscalia*) investigators;
- \$942,000 in training and equipment (office supplies, computers, furniture, etc.) for 3,615 DAS judicial police in support of responsibilities under the accusatory justice system supported by our Justice Sector Reform Program;
- \$285,000 in dignitary protection training programs for 89 DAS agents, plus 20 metal firearm targets were donated as part of the course;
- \$496,000 in training for VIP protection, fraudulent document detection, and anti-kidnapping training;
- \$55,000 in training for a vetted unit to conduct investigations on the production of false documents, including U.S. visas and passports;
- \$237,000 for training in investigating money laundering, financial investigative techniques, and forensic computing through the IRS to several law enforcement agencies, including DAS;
- \$25,000 for international visitor grants to four DAS officials to travel to the United States, funded by the Department's Bureau of Education and Cultural Affairs; and,
- \$169,000 in training for DAS officials at various U.S. law enforcement agency training programs.

UNCLASSIFIED

UNCLASSIFIED

- 4 -

Based on U.S. national interests, including the need to investigate transnational criminal organizations that operate in the United States and to pursue ongoing cases, as well as our conclusion that our assistance has not been diverted to illicit activities, we continued some cooperation with the DAS, in key law enforcement areas and in accordance with U.S. standards, until it ceased to exist.

In May 2011, President Santos signed a law giving him broad authority to reorganize the executive branch of the Colombian government within six months. One of the priority goals of this reorganization was dismantling the DAS and establishing a successor organization. On October 31, 2011, some 58 years after its creation, President Santos approved a decree that dismantled the DAS and called for transfer of the majority of its 6,500 employees to the prosecutor general's office, the foreign and interior ministries, and the Colombian National Police by December 31, 2011.

To replace the DAS intelligence functions, the Colombian National Intelligence Directorate was created on November 3, 2011, by executive decree 4180. Former Navy Commander Admiral Alvaro Echandia was named to head the new Directorate, which is responsible for intelligence alone and does not have judicial arrest authority. Embassy Bogota has provided technical assistance to the Santos administration in designing a new intelligence infrastructure that respects human rights and maintains democratic controls over the use of information.

UNCLASSIFIED