

# Colombian narco-government works with NGOs against the military

by José Restrepo

"To judge General Velandia Hurtado is symbolically to judge the Armed Forces, from whom more and more is demanded each day, and yet who are given less and less, even to the point of denying us the sacred right to defense, which constitutes the pillar of human rights and the centerpiece of the Colombian Constitution," says a letter sent to the Colombian media by Gen. Alvaro Hernán Velandia, the commander of the Third Army Brigade in Cali, just purged from his command on the initiative of the Attorney General's office.

General Velandia has been one of Colombia's most effective counterinsurgency military officers. But, over the past ten years, the international human rights mafia has claimed more military casualties than have the bullets of the narco-terrorists themselves.

The Attorney General's office is the entity in charge of disciplining state officials who fail to carry out their duties, or who commit abuses and irregularities. As of 1980, the international human rights mafia, headed by British intelligence's Amnesty International, persuaded consecutive governments to convert the Attorney General's office into a local branch of that mafia, allowing it to bypass military penal justice and discharge military personnel at will.

Now that military personnel are defined as mere "public employees," military legal jurisdiction in Colombia has virtually ceased to exist. In the majority of the cases the Attorney General's office has undertaken against Armed Forces personnel, one can find some member of a terrorist group as the complainant or "witness." Such is the case with General Velandia.

The case goes back to 1986. Nidia Erika Bautista de Arellano, according to evidence offered by General Velandia, was arrested by the police on May 25, 1985 in Cali. The woman confessed to being a member of the narco-terrorist group M-19, and decided to collaborate with Army investigations and to provide information which ultimately led to several strikes against the M-19. In 1987, she disappeared. On July 26, 1990, after the authorities discovered a mass grave, Bautista de Arellano's relatives declared that one of the bodies found was hers.

Later, a sergeant belonging to the Charry Solano intelligence battalion and who, as part of his intelligence duties, had infiltrated the FARC and M-19 terrorist groups, went to the Attorney General's office to claim participation in the

disappearance of Bautista de Arellano and of other "activists" of those groups. The sergeant claimed that the commander of the battalion, at the time General Velandia, probably knew that his unit was "disappearing" terrorists. The sergeant, most likely a double agent paid by the terrorists, thus became the Attorney General's star witness and entered into a kind of witness protection program.

In self-defense, General Velandia requested that some 15 legal procedures be carried out, including scientific verification that the body in question was that of Bautista de Arellano. He also asked for a face-to-face meeting between the prosecutor's witness and several of his former companions in the battalion, and verification of information that Bautista de Arellano's information had actually obstructed several terrorist actions the M-19 had been planning.

Human rights prosecutor Hernando Valencia Villa refused to carry out any of these procedures. Further, because he realized that Colombian law requires the invalidation of any judicial investigation that goes beyond five years without evidence to warrant it, Valencia ordered General Velandia's discharge from the Army on July 19, 1995. Two days later, he illegally presented the discharge as confirmed and final, despite the law specifying a ten-day waiting period to notify Velandia of the decision. Had he waited the ten days, the law would have invalidated the entire investigation as of July 26.

General Velandia was not fired on charges that he had "disappeared" a terrorist, but rather that he had done anything to prevent his subordinates from "disappearing" Bautista de Arellano. In the eyes of the national and international press, however, the blame rested squarely with him.

General Velandia won an injunction against the decision, due to irregularities committed by Valencia, and the highest administrative court in the land, the State Council, called for an investigation of Prosecutor Valencia's professional behavior. The result? On Aug. 31, 1995, Valencia announced that he was going into exile. He resigned his post, got a visa from the Spanish embassy, and left with his family, alleging that the military was persecuting him. Valencia's action triggered an international mobilization by the United Nations's human rights NGOs (non-governmental organizations), to demand that the government carry out the discharge of Velandia, come what may.

Narco-President Ernesto Samper Pizano immediately ordered the prosecutor's demand carried out and, it appears, pressured the judiciary to reject a second motion for stay of sentence requested by General Velandia. On Sept. 8, Defense Minister Juan Carlos Esguerra Portocarrero (a civilian) and Interior Minister Horacio Serpa Uribe told the international human rights mafia that the order would be carried out.

On Sept. 11, General Velandia was cashiered by presidential decree. This makes him the second general discharged by the Attorney General's office; the other was Gen. Jesús Armando Arias Cabrales. In that case as well, with just two days remaining before that investigation would have been invalidated because of the time lapsed, the Attorney General ordered Arias Cabrales discharged for having ordered the retaking of the Justice Palace on Nov. 7, 1985, after an M-19 commando squad had bloodily seized and occupied it.

Today, the M-19 terrorists are amnestied, some are mayors, and others enjoy high-level diplomatic posts abroad. It is the military which is now presented as murderous, brutal, and as human rights violators.

One final thought. Isn't it a little strange that the Attorney General's office appears to have become the seedbed for the drug traffickers' defense lawyers? For example, former Attorney General Carlos Jiménez Gómez is a lawyer for the Ochoa brothers, kingpins of the largely dismantled Medellín Cartel, while Hernando Villa Alzate, former prosecutor for the National Police, is the lawyer for Miguel Rodríguez Orejuela, one of the leading figures of the Cali Cartel.

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## Documentation

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### 'I ask for justice'

*Here is the text of the letter sent by Gen. Alvaro Hernán Velandia Hurtado to the media:*

Before Colombian society, I, Alvaro Hernán Velandia Hurtado, declare my innocence of the charge of "omission" of which the Attorney General's office has accused me. As a general of the Colombian Army, I represent the military public servant, committed to the defense of legitimately constituted institutions, to which I have dedicated 30 years of my life, despite the difficult circumstances in which it has nearly always been immersed, conditions which are endured when someone, such as myself, has a clear vocation to serve the Fatherland and the military mystique.

To judge General Velandia Hurtado is symbolically to judge the Armed Forces, from whom more and more is de-

manded each day, and yet who are given less and less, even to the point of denying us the sacred right to defense, which constitutes the pillar of human rights and the centerpiece of the Colombian Constitution, which emphasizes that no discrimination should exist.

Under circumstances in which the military forces are being so criticized from the standpoint of human rights, it would be silly for the Armed Forces to try to pressure the authorities, to get out of trials, as the ex-prosecutor Valencia Villa has been trying to assert, in a very astute move which seeks clear political dividends.

By making himself a "victim" through self-exile in order to avoid a legal confrontation, former prosecutor Valencia Villa has won backing from the human rights organizations, to be able to orchestrate from abroad the discharge of a Colombian general and to automatically turn himself into a human rights hero, at a moment when Colombia is in the eye of a continental hurricane, accused of corruption and in need of scapegoats.

It is noteworthy that the human rights organizations, which strangely only defend positions of the left, operate as an organized and systematized network of "salon" intellectuals who carry out excellent lobbying for their cause. Meanwhile, the Armed Forces, immersed in their immense responsibilities, are left to their own fate, with clearly unequal resources. No one talks about the anti-personnel mines, which have mutilated the civilian population and soldiers alike; about the personal and social cost, the quota of pain and sacrifice, that the soldier and his family pay in serving the Fatherland.

I ask for justice, since in my particular case I have been judged neither for corruption, illicit enrichment, nor massacres. I am charged with the crime of "omission" in the face of the alleged disappearance of an M-19 militant, attributed to a subordinate, without their providing any proof, not even scientific evidence identifying the victim.

I ask for justice, since it is arbitrary to subject my case to a single hearing, and before a single judge who, like Valencia Villa, is clearly prejudiced against the military, the result of his training and activism, which does not make him the most objective of judges, but does make him the author of a play in search of a main character.

With my head held high before society, I will continue in this country in defense of my honor, loyal to the Armed Forces which educated me, in the hope that human rights are a two-way street, which will also allow the servants of the Fatherland to be recognized for their efforts when they take up arms against kidnapping, extortion, or in defense of legitimately constituted institutions. I will fight to restore the dignity of the soldier who I represent, in search not only of legal recognition but also of moral victory, to which I have the right.

Sincerely,

Alvaro Hernán Velandia Hurtado, Brigadier General