RELEASE IN PART B5

From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Sunday, June 6, 2010 4:21 PM
To: H; Mills, Cheryl D
Cc: Huma Abedin
Subject: Re: Brief memo for Cheryl Mills on Colombia - for Secretary Clinton

We are planning to find a careful but effective way to address progress on human rights issues and continuing challenges in your press avail. We will explain it to the Colombians and highlight it for Cindy. We can also read out your meetings to her.

----- Original Message -----
From: H <HDR22@clintonemail.com>
To: Mills, Cheryl D
Cc: Sullivan, Jacob J; Huma Abedin <Huma@clintonemail.com>
Sent: Sun Jun 06 16:15:37 2010
Subject: Re: Brief memo for Cheryl Mills on Colombia - for Secretary Clinton

B5

----- Original Message -----
From: Mills, Cheryl D <MillsCD@state.gov>
To: H
Sent: Thu Jun 03 13:48:20 2010
Subject: FW: Brief memo for Cheryl Mills on Colombia - for Secretary Clinton

fyi

From: Brownfield, William R
Sent: Thursday, June 03, 2010 10:41 AM
To: Mills, Cheryl D
Subject: RE: Brief memo for Cheryl Mills on Colombia - for Secretary Clinton

Cheryl

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Feel free to share if you wish.

WRB

From: Mills, Cheryl D
Sent: Thursday, June 03, 2010 7:33 AM
To: Sullivan, Jacob J; Posner, Michael H
Cc: Abedin, Huma; Kelly, Craig A; Brownfield, William R; Fuchs, Michael H; Baer, Daniel B; Reines, Philippe I
Subject: FW: Brief memo for Cheryl Mills on Colombia - for Secretary Clinton

See b/l re travel to columbia

From: Buhl, Cindy [mailto:Cindy.Buhl@mail.house.gov]
Sent: Wednesday, June 02, 2010 3:49 PM
To: Mills, Cheryl D
Cc: Buhl, Cindy
Subject: Brief memo for Cheryl Mills on Colombia - for Secretary Clinton

Dear Cheryl --

In my last email (Friday, 5/28), I attached the letter from the bipartisan Co-Chairs and Executive Committee members of the Tom Lantos Human Rights Commission sent to Assistant Secretary Mike Posner expressing grave concern about the recent rise in death threats, attacks and murders of Colombian human rights defenders, religious, community and other NGO leaders. Congressman McGovern also strongly encouraged the Secretary to meet with representatives of those organizations and individuals being threatened, with a particularly effort to reach out to and invite the Bishops of Tumaco (Nariño), Barrancabermeja/Medio Magdalena (Santander), and we would now add Putumayo, since the Colombian Catholic Church just advised us yesterday of increased death threats against religious workers there. In addition, we recommended inviting Monseñor Hector Fabio Henao, director of Pastoral Social, at the Archdiocese in

Bogotá, who represents all the pastoral work of the Church throughout the country, as well as representatives from the Mennonite and Lutheran churches, in particular.

While in Colombia, the most important thing the Secretary can do is avoid effusive praise for President Álvaro Uribe, who leaves office in August. Inside Colombia, the visit by the Secretary is being described as focusing solely on the free trade agreement and continuing support of the counterdrug strategy/Plan Colombia. Without changes in the human rights situation and the culture of impunity, it is unlikely that anything the Secretary might say or do will alter the equation on Capitol Hill regarding the trade agreement. It should be noted that the October 2008 GAO report on the counter-drug operations in Colombia concluded that U.S. assistance was successful in increasing security in parts of the country, but a failure in the areas of counter-narcotics (GAO-09-71) , and a subsequent April 2009 USAID evaluation on U.S. aid for Plan Colombia for illegal crop reduction and Colombian counternarcotics policies actually contribute to increased coca production.

The Colombian president has been a solid backer of U.S. policy and U.S. interests in the region, and has achieved some important improvements in the country's security situation. It is important to recognize that, but to do so without repeating the tone of Defense Secretary Gates' April visit, in which he called Uribe a "great hero" <http://www.defense.gov/news/newsarticle.aspx?id=58754> and failed even to mention any concerns.

These concerns are of critical importance, and while the Secretary need not list them all, at least some deserve public acknowledgement – some recognition that it is important to the United States that Colombia, including the current government and its successor, show the necessary political will to deal with them:

- A sharp rise in alleged military killings of civilians. In many cases, these are so-called "false positives": non-combatants murdered and later presented as members of armed groups killed in combat. These, notes <http://www.extrajudicialexecutions.org/colombia> UN Special Rapporter for Extrajudicial Executions Philip Alston, "began occurring with a disturbing frequency across Colombia from 2004." Citing prosecutors' and NGOs' reports, Alston indicates that Colombia's security forces may have killed 1,486 civilians during the first six years of Álvaro Uribe's presidency. Alston notes that the Defense Ministry only began to address the situation after the media broke the story of the false-positives and the subsequent negative publicity and horrified public outcry.

The prosecution of "false positives" is moving with excruciating slowness. In perhaps the most notorious case – the murders of about twenty young men from the poor Bogotá suburb of Soacha – nearly all of the accused soldiers and officers have been released from prison <http://www.ipsnews.net/news.asp?idnews=49968> , pending trial, as deadlines for timely prosecution have run out. Since their arrest in late 2008, their case has been prolonged by numerous delaying tactics by the defense, including attempts to have their cases tried in the military court system as "acts of service." Alston reports that the impunity rate on these extrajudicial murders by security forces may be as high as 98.5 percent.

- Mounting allegations that the President's intelligence service, the DAS, was put at the service <http://www.cipcol.org/?p=1123> of paramilitary leaders and narcotraffickers; used to spy on and intimidate <http://www.cipcol.org/?p=752> Supreme Court justices, opposition politicians, journalists and human rights defenders; and employed in a campaign of sabotage and smears <http://www.cipcol.org/?p=1467> against political opponents.

Prosecutors are alleging that the orders to have the DAS carry out wiretaps, surveillance and "political warfare" came from high up in the Colombian presidency <http://www.caracoltv.com/noticias/justicia/articulo168592-tres-asesores-de-uribe-son-investigados-chuzadas-ilegales> , though the question of "what President Uribe knew, and when he knew it" remains unanswered. Meanwhile efforts to reform or dissolve the DAS are stalled in Colombia's Congress.

- President Uribe's political coalition has also been hit by a scandal known in Colombia as "para-politics." This coalition has included dozens of political bosses from regions beyond the capital. Many are large landholders with ties to narcotrafficking, the same local leaders who created and fostered the brutal pro-government paramilitary groups that killed tens of thousands of non-combatants in the 1990s and early 2000s.

Evidence, much of it from former paramilitary leaders, has brought about 300 criminal investigations against legislators, governors, mayors and other local officials, nearly all of them Álvaro Uribe's political supporters, who made common cause with the far-right warlords. To date, of the 278 congresspeople and senators elected in 2006, 68 <http://www.nuevoarcoiris.org.co/sac/?q=node/64> are under official investigation, on trial, or convicted for paramilitary ties. Those embroiled in parapolitics include the President's cousin, Mario Uribe; the brother of his former foreign minister; and individuals whom the President had named to be Colombia's ambassadors to Chile, the Dominican Republic, and Canada.

The Colombian prosecutors, investigators, witnesses and non-governmental organizations trying to uncover the truth about these abuses are working under conditions of great personal risk. They, too, are heroes and would benefit greatly from a public expression of concern about the cases they are investigating, and a reminder that their work is legitimate and important to U.S. interests in Colombia.

At the same time, it is important to avoid appearing to endorse any candidate in the June 20 runoff elections. Between the first and second rounds of a country's presidential election is a politically awkward time for a high-level official visit. Though President Uribe's former defense minister, Juan Manuel Santos, is the overwhelming favorite given his margin of success in the May 30th first round of balloting over former Bogotá mayor Antanas Mockus, it is necessary at this stage to convey a sense of balance and a willingness to work closely with whoever wins. As a result, any kind words for one candidate should be balanced by praise for the other.

Finally, it would be helpful to remind the Colombian people that the United States supports a peaceful resolution of Bogotá's worsening differences with Venezuela. While President Chávez's behavior is a significant concern, it would be most unhelpful to be perceived on this trip as fanning the flames of conflict with Colombia – or playing into the Chavez rhetoric that the U.S. and Colombia have military aspirations in the region.

Hope this memo, along with last week's copy of the TLHRC letter to Assistant Secretary Posner, are helpful and useful materials for the Secretary as she plans her trip.

Very best wishes –

On behalf of Cong. Jim McGovern

Staff Contact: Cindy Buhl (202-225-6101 or cindy.buhl@mail.house.gov <mailto:cindy.buhl@mail.house.gov>)