By María Teresa Roneros

Whenever Iván Velásquez, a Supreme Court auxiliary justice, walks around downtown Bogotá, two security agents and a police officer always accompany him as bodyguards. This simple, soft-spoken 53-year-old judge has had to face danger in some of the most difficult episodes in recent Colombian history.

In the early 1990s, Velásquez was regional attorney (procurador regional) at the time that drug kingpin Pablo Escobar was putting a price on policemen’s heads in Medellín; he next became regional prosecutor (director regional de fiscalas) and investigated several massacres committed by paramilitary squadrons in Antioquia. In 1998, many of his colleagues were assassinated after his office unmasked Funpazcor, a front organization created to finance a paramilitary organization responsible for thousands of deaths.

Para-Politics

Velásquez now faces another formidable and dangerous new challenge. In late 2005, the Colombian Supreme Court of Justice decided to open an investigation regarding a possible joint criminal conspiracy involving Congressional representatives and paramilitary bosses. The crimes targeted included the rigging of elections, theft of government funds, giving illegal businesses free rein to operate, and many other offenses. The ensuing scandal, which has been rocking the Colombia public arena for the last three years, has been given the name “para-politics” (para-política), a term that refers to links between politicians and the illegal armed groups known as paramilitaries.

The justices appointed Velásquez as chief investigator of the para-política cases. Most suspects belong to the political parties that formed the current government coalition headed by Colombia’s president Álvaro Uribe Vélez, who was first in May 2002.

A dramatic turning point in the investigation came following a Court decision on July 12, 2007 to begin investigating the career of Senator Mario Uribe, the president’s second cousin and his closest political ally. Uribe had proposed a government law that regulated the demobilization of the Self-Defenses of Colombia (AUC—Autodefensas Unidas de Colombia). The AUC was the paramilitary umbrella organization with which President Uribe had negotiated a peace agreement soon after he took power in 2002.
The decision to investigate Mario Uribe for possible links to paramilitary groups brought to wide public attention the biggest corruption scandal to take place in Colombia in the last year. In its attempts to stop the independent judicial investigation of Senator Uribe, the presidential administration has tried to undermine the Court’s authority and, in particular, the authority of Justice Iván Velásquez, by using all sorts of maneuvers.

Deals behind Closed Doors

These maneuvers began with a simple phone call. On Sept. 26, 2007, as the Court summoned Senator Uribe for an official interrogation (indagatoria). President Uribe Vélez called Supreme Court President Cesar Julio Valencia. According to Valencia, Uribe Vélez called to protest the Court’s decision to investigate his cousin. The president denied making the call. After Valencia made his conversation with the president public in a January 2008 interview, Uribe Vélez sued him for libel. According to Colombia’s Constitution, the House of Representatives Accusations Committee (Comisión de Acusaciones de la Cámara de Representantes) is in charge of investigating allegations against both the justices and the president. However, this Committee has no teeth and is currently dominated by political allies of President Uribe Vélez. (As of November 2008, the suit has not yet been settled.)

Then, on Oct. 5, 2007, while Justice Velásquez was meeting with several ex-paramilitary members to hear them confess to their crimes and name their accomplices, Senator Mario Uribe resigned from his seat in Congress. Uribe took this action in order to comply with the Peace and Justice Law (the same law that provided a legal framework for the demobilization of paramilitaries, a policy introduced in Congress by Senator Uribe.) The resignation meant that the Court could no longer pass judgment on his case, and so ex-Senator Uribe’s case was then transferred to the General Attorney’s Office (Fiscalía General de la Nación).

While Justice Velásquez was preparing Uribe’s files for transfer to the Attorney’s Office, the presidential administration issued an official statement that President Uribe Vélez had received a letter from a small-time paramilitary member with the nickname “Tasmania.” The letter claimed that Justice Velásquez attempted to talk Tasmania into implicating Uribe Vélez in a murder case in exchange for leniency in his own case. Justice Velásquez denied the accusation and the president officially asked the Attorney General’s office to investigate.
Eight months later, on June 18, 2008, Tasmania retracted his accusations and confessed that his lawyer had persuaded him to sign the letter accusing Velásquez. Tasmania’s lawyer was the same one who was defending confessed narco-trafficker and ex-paramilitary member “Tuso” Sierra. (Sierra had bought Mario Uribe’s farm in 2000.) The lawyer was also a friend and neighbor to the president’s brother, Santiago Uribe. While the Attorney General closed the case for lack of evidence, it still took Velásquez a year to clear his name in the matter.

Ramiro Marín, a well-respected professor and long-time judge, was the prosecutor (fiscal delegado ante la Corte Suprema) in charge of investigating Mario Uribe’s case for the Attorney General. In December 2007, it was Marín’s turn to summon Senator Uribe for an official interrogation. After questioning Uribe, Marín ordered his arrest. Marín found that the results of the 2002 congressional elections implicated Senator Uribe in having conspired with paramilitary boss Salvatore Macuso to rig the election results in certain regions. Uribe attempted to seek political asylum at the Costa Rican Embassy, but the Costa Rican government rejected his request. Uribe ended up in jail, but did not stay for long.

The para-politics investigation continued. As of March 2008, 28 Congressmen, three governors, and 25 mayors, among others, were under investigation by the Supreme Court. Seven of them had already been convicted by then. Colombia Democrática, Senator Uribe’s party, saw three of its four Congressmen jailed.

A few months later, in response to Uribe’s request for a review, the deputy Attorney General (Vice-Fiscal General) reversed prosecutor Marín’s decision and ruled that there was not enough evidence to keep Uribe in jail. Marín responded with a public interview in which he defended his decision. Despite his public claim that he had not been pressured by the government, he also said, “Curiously, during my last year as prosecutor, they started to attack me when I received the Mario Uribe case. I have never been in such a situation before. I have the impression that they are following me from every side to see what weaknesses they can find. As a human being, I have many flaws. However, I think they gave up on looking as far as crime and corruption go, because they would not have found any flaws.”

The government’s efforts to find evidence that could weaken the Court’s prestige continued. An August 2008 article published by Semana magazine revealed secretly recorded conversations between two demobilized paramilitary members. One of them, “Job,” identified by
intelligence officials as the undercover head of a local mafia in Medellín, revealed he had met with presidential press and legal secretaries at the presidential palace. During the meeting, he promised government officials that the mafia had evidence of supposedly illegal maneuvers by Justice Velásquez against the president.

Later, it was revealed that two other important individuals attended this meeting: a Colombian ambassador to the Dominican Republic, Juan José Chaux, and Oscar Iván Palacio, a former public official and former employee of Intercontinental de Aviación, a company listed by U.S. authorities as involved in money laundering. President Uribe Vélez openly admitted that the ex-paramilitary men had been at the presidential palace and that he would support any denunciation of the Court Justices because he was convinced that the Court had been infiltrated by both guerrillas and narco-traffickers.

What the public currently knows about this scandal is only the tip of the iceberg. Videos and phone conversations between diverse characters associated with paramilitaries or narco-traffickers have revealed several attempts by crime bosses to obtain information that incriminated either the justices or the president.

As of Oct. 1, 2008, 506 public servants were under investigation by the Colombian judiciary for their involvement in the para-politics scandal. Of those, 60 are current and former members of Congress. The Mario Uribe case is still open and the Attorney General's office will soon decide whether to charge him with conspiracy to commit a crime (concierto para delinquir).

The upside of this year's corruption story in Colombia is that the judicial branch of the government has proven to be well-run and independent in the face of strong pressure from the presidential palace. The downside is, of course, the depths to which President Uribe's government has sunk in order to protect their political allies.

Meanwhile, Justice Iván Velásquez continues his investigations despite the huge risks involved. He will certainly not be surprised if his adversaries hatch another Machiavellian plan to stop him.