

**Compañeros de Armas (“Friends in Arms”):
Chavez, FARC & South America
Counterterrorism Foundation
March 19, 2008**

Andrew Cochran: Good afternoon and welcome to this panel on Chavez, FARC, and South America. I am Andrew Cochran, Co-Chairman of the Counterterrorism Foundation and Founder & Site Editor of the Counterterrorism Blog, and I am the moderator for today’s panel. The Counterterrorism Blog (at Counterterrorismblog.Org) was the first multi-expert website dedicated solely to terrorism events and counterterrorism policies. I want to thank Don MacDonald, staff director of the House Foreign Affairs Terrorism & Nonproliferation Subcommittee, for sponsoring the use of this room today. I also want to thank my colleagues at GAGE International, the consulting firm where I make my living representing and assisting clients with homeland security, high-tech, and counterterrorism interests.

Now, the standard disclaimer: None of the presentations here today represent the official views of the organizations represented; they are purely the personal views of the individuals making the presentations. So if you don’t like what you hear, blame the speaker, not the group.

Our panelists today are the co-editors, Douglas Farah, Jonathan Winer, and Steven Monblatt. Each will have 15-20 minutes to discuss a particular angle, and then we’ll go to questions.

In addition to his role as an investigative consultant with the NEFA Foundation, Doug is a consultant and freelance writer on terror finance and national security issues. He is one of the original Contributing Experts to the Counterterrorism Blog, shares the Site Editor duties there with me, and is a director of the Counterterrorism Foundation. Doug grew up in South America and covered the drug wars and seismic political developments there for years as an award-winning foreign correspondent for the Washington Post and other publications. In March 2000, Doug was named West Africa bureau chief for the Washington Post, and in November 2001 broke the story of al Qaeda's ties to diamond and weapons networks. That work resulted in his first book, “Blood From Stones.” Doug’s work on Russian smuggling rings in Africa also led him to discover the activities of Russian arms merchant Viktor Bout. No one in American investigative journalism has uncovered and written more about Bout than Doug, who co-authored the book “Merchant of Death” with Stephen Braun. So when the raid which killed FARC’s Raul Reyes uncovered information which led to the capture of Viktor Bout, it was a double play for Doug.

Jonathan Winer is a partner at the Washington office of Alston & Bird, was the first Deputy Assistant Secretary of State for International Law Enforcement during the 1990s, as well as chief counsel on the Senate Banking Committee for Sen. John Kerry during his investigation of the BCCI scandal in the early 1990s. He represents domestic and foreign

clients on regulatory and enforcement matters as well as on a wide range of government affairs issues, including data protection and management, information security and privacy. Jonathan counsels companies in such areas as anti-money laundering, data security, and electronic payments, including complying with USA Patriot Act, Bank Secrecy Act (BSA) and Office of Foreign Assets Control (OFAC) regulations and with state regulatory and licensing requirements, as well as with enforcement actions.

I met Steven Monblatt at a friend's house years ago, when he had started the first counterterrorism office at the OAS as Executive Secretary of the Inter-American Committee Against Terrorism, and I was about to start The Counterterrorism Blog. He is a counterterrorism professional with a broad geographic and over 30 years of substantive security experience in the U.S. and abroad. Before working at the OAS, he was the Deputy Coordinator of Counter-Terrorism at the U.S. State Department and Professor of Strategic Studies at the National War College. Steve is now co-Executive Director of the British American Security Information Council in Washington.

Douglas Farah: Thank you for coming. I'm going to give a brief history and get us up to the present on Chavez's relationship w/ the FARC, Jonathan will look at the documents that have come out with the Reyes killing and Steven will deal with the OAS.

I think it important to put the FARC in an historical context that gets lost these days. Colombia was wrecked by La Violencia between the Conservative and Liberal parties; they used hit men and assassinations to pressure political groups, and used many of the same types of violence that are still used today. That ended in a settlement and the FARC came out of Liberal party militias that turned into an armed movement in the hills. If you know the history of Colombia, they were competing with other armed groups. You have the M-19, the ELN, the EPL and Quintin Lame, an indigenous people's movements and other groups. Because the Colombian state is weak and corrupt and can't control all its territory it has places that have been abandoned for centuries by the central government.

Although part of these Marxist movements, the FARC kind of stayed off by itself, it didn't develop the strong international infrastructure that the others developed. In response, you had paramilitary counterattacks. Landlords who were being attacked hired personal armies and you had this phenomenon of a low grade fever for a couple decades. That changed radically when the Medellin drug cartel broke on the scene. They began training and hiring paramilitaries in ways that hadn't been done before, his top trainer was a retired Israeli Lt. Colonel, Yair Klein who the Russians just now agreed to extradite to Colombia to try him for crimes in the 1980's. Suddenly you see the mass strengthening of the paramilitaries, and you see a huge surge in violence that we haven't seen in a couple decades, and major drug trafficking organizations have used the money for huge quantities of weapons. Klein taught them how to blow up things, and wreak havoc. The response was to push the FARC further and further back into the country, they didn't have much of a structure.

Coupled with this push towards paramilitaries was a push towards the peace process in the country. The M-19 demobilized, they were the more romantic of the movements. The

EPL also came into the process and demobilized at a time that Colombia was holding a constitutional assembly to rewrite the constitution and that was an enticement for them to come in and have representation and it radically changed the way things happened. At this point you have the FARC as the main paramilitary groups as the armed actors left.

The FARC begins to try to reconstitute itself to compete with the paramilitary forces, which received significant backing from the Colombian military and over time there has been a great deal of work done with cleaning up the military, but for awhile the paramilitaries were by far the strongest group.

So the FARC gets into drug trafficking in the early 90's. At the time it was just guarding labs, dealing with the cocaine paste from the coca leaf but they moved the organization towards growing coca in the early to mid-90's and that's when the FARC found its niche. It protected airfields labs, its coca crops and developed a safe area to plant and harvest the leaves. They didn't have contacts outside the country, they were an insular group, the left always looked down on them because of their criminal element. Kidnapping was one their strategies and other groups thought they were lazy and just sat around. The Colombian government simply just didn't attack them for many years, unless it was through the paramilitary groups. The government knew where the FARC were but didn't do anything. I was with the military when they attacked the FARC headquarters for the first time and it was a big scandal, and the FARC was stunned and shot back. When they were finished they found a video library and archives and drove the FARC back. From then on it was determined that the FARC shouldn't have a permanent headquarters.

So they spread out further into the bush and kidnapped on the boarder of Venezuela, penetrated to Ecuador and started buying products along the boarder. People liked it because it brought economic activity. Then they formed a more permanent presence and imposed their version of civil law on society because of the absence of the state. From this they moved to the next phase, a series of high level kidnappings. They killed the North American workers on the Venezuelan border, they kidnapped and killed three American missionaries and take on the remnants of the EPL, the FARC comes out of the bush and wipes them out. The FARC thought the EPL demobilization was causing desertions and thought, we don't like these people, so you see a series of massacres that the FARC had not done before. They are becoming at this point much less chained to ideology and much more an economic group than an ideologically driven guerilla movement. Then they move full scale into kidnapping with major political figures. The FARC has sixty-four fronts which are fairly autonomous. The high command seldom sits in one spot all together, and that means they can't make decisions quickly and front commanders have a deal of independence. They are concerned about their ability to communicate with each other and the United States' ability to monitor their communications. Reyes says in one of the captured documents he is only going to talk a few minutes on the radio to avoid getting killed. Their numbers went from 5 to 6 thousand people to 17 thousand people. One of the people giving them weapons at the time was Victor Bout which was one of the ironies of this.

At this time in 1992, Chavez launches his first coup attempt. It fails but the documents show that the FARC sent him one hundred thousand dollars while he was in prison, establishing a relationship at this point. They also changed their rhetoric from the Marxist-Leninists to the Bolivarian rhetoric. They adopted Chavez's rhetoric and moved forward in that sense. Then you see Chavez initially focus internally on his own problems and create his own revolution in Venezuela. At the same time the FARC is going from a protecting trafficking organization to one that forms its own franchise and sells drugs themselves. The paramilitaries went to a demobilization process; the US decided in the mid 90's that counter drug aid could help fight the FARC, a significant sea change in how the United States perceived the FARC. U.S. aid could no longer just go to the National Police, as before, but could also go to the army. The lines between counternarcotics and counterterrorism began to blur as the FARC's behavior began to blur and tilt toward the criminal. You suddenly see them with millions of dollars and they need to move that money. You see them become more closely allied with Chavez. I haven't talked with Jonathan about the interpretation of the documents that mentions "300;" one interpretation is that Chavez giving the FARC \$300 million. An equally valid interpretation is that the FARC is laundering its drug proceeds through Chavez and Venezuela.. The FARC does not generally need money, that is one thing that they have a fair amount of. They need the money to be able to come back in. In the Reyes documents they talk about how are they going to move \$1.5 million, should they just bury it for awhile or move it across the border in one chunk. Over time the FARC became much and much less a political force in Colombia, they got less backing, and this is one of the roots of their desire to latch onto Bolivarian ideals and Chavez, to recreate themselves as a viable political model, so they aren't seen as just drug traffickers and kidnapers. There were few repercussions when they kidnapped unknown people but when they captured senators and congressmen, it developed international reproductions. All of this combined have made the bulk of the Colombian population, who are highly tolerant of armed insurgencies, just sick of the FARC. They have no ideologically component, they have become a criminal enterprise. That is one reason why president Uribe has some success pushing them back, in the documents they are getting desperate. They want to be taken off terrorist lists and be a political force, all of these things are suddenly becoming important to them. They want to follow the Contadora process that led to the peace process, they want to invite heads of state that are favorable to them, (Correa, Chavez, Moreales, Ortega), to give them a status of a belligerent force that will force the Colombian government to negotiate with them.

So I think that is the root of their connection, Chavez wants to project his Bolivarian revolution out. He is certainly sympathetic in a passing way. After all these years, the FARC still doesn't trust the Cubans. In the documents the FARC say "We're doing this with Chavez, the Cubans don't know and Chavez will inform the Cubans." The perception of the Cuban driven thing probably is not true; it is more of a Chavez driven thing. I do think it's important to look at the trajectory of these groups, the FARC is in its 43rd year. I had one conversation with a senior commander of FMLN in the 1980s who said, "If we don't stop this war in the next 10 years it will never stop. All my kids are middle class kids, but the ones that are coming in don't have a normal life, this is all that they know, if they don't get a normal life this is all they'll ever know." The FARC is

now in its third or fourth generation. This is really the only guerilla movement where the leaders die of old age rather than in combat. That is one factor that makes ending the conflict so difficult.

Jonathan Winer: In the 80's when I was working in the Senate side investigating money trafficking with Senator Kerry, what impressed me was that you could see relationships through movements of money. You could see disparate political players who could be bought in various ways with secret money. One of my problems with Noriega, he did stuff with the United States, Cuba and Nicaragua, you could buy him. What is remarkable about the FARC and their documents is the degree which their financial relations get revealed in these documents, showing a massive corrupt network that had been invisible before these documents. They are incalculable in importance to understand what is happening in 2007 and 2008 in terms of improper relationships and significant political figures elsewhere. What I'm going to do is read from some of them, these are translated materials in El Tiempo, this month, there are going to be more. A team at INTERPOL is solely dedicated to authenticating these documents. I find it impossible to believe that these so detailed and nuanced are fabricated. There are really significant implications, affecting everyone not just the United States. They show astonishing bad judgment on honest government and worse things for others.

You've got a draft letter to Chavez, we don't know if it was sent or not, from January 2008, from the FARC in the Mountains of Colombia:

"President Chavez, I am taking this opportunity to comment briefly on President Alvaro Uribe's central objectives in his international trip"

This is the FARC telling Chavez how it views Uribe's diplomacy:

"to obtain support from the United Nations and other governments; to request that UN Blue Beret troops be stationed along the Colombian-Venezuelan border; and to maneuver and discredit The Insurgency by upholding the much talked about thesis of the "Fixed" [or Immovable Conditions] so that he will be able to negotiate without yielding as his predecessors did and to prevent recognition of the FARC as a Belligerent Force."

The letter goes on to say basically you've got to move ahead with getting the FARC recognized to deal with Uribe.

Then it goes on, this is from Manuel Marulanda Velez, located in mountains of Colombia in February 2008:

"Not content with their actions that we have listed above, in order to discredit the revolutionary leaders of the Movement they also accuse us of drug trafficking. IN doing so, they disregard and are unwilling to understand the fact that the FARC, as a matter of principle and in accordance with our current rules approved at Conferences and Plenary Sessions of the Central Staff, prohibits the use, sales and trafficking of drugs of any sort."

In our case, we charge a tax on the drug traffickers as they [drugs] are produced in peasant regions organized by us, and the support of the civilian population depends on this. Now, with the execution of Plan Colombia and Plan Patriota, the government says that it has put an end to the production of coca, cut off drug corridors, imprisoned 500 of our fellow citizens, and extradited them to the United States. But despite all this, it [the government] continues to claim that the FARC is supporting itself from coca. What sort of campaign is this?"

They go on to talk about the drug trade. Other documents here suggest they were lying to Chavez, they admit taking money elsewhere.

On Sept 22nd, an internal memo, board meeting of minutes:

"In a meeting with President Chavez when we decide to talk about the Humanitarian Exchange outside the country, if the governments of Venezuela, Brazil, Ecuador, Bolivia, Nicaragua, as well as France, Switzerland, and Spain, have offered us their support."

That's important because it tells you the diplomatic strategy, these are the governments they are going to work with to get them recognized, Venezuela, Brazil, Ecuador, Bolivia, Nicaragua, France, Switzerland and Spain.

Now, February 2008, Raul Reyes addressing the FARC Secretariat:

"We have rid ourselves of several burdens and shored up our policy vis-à-vis President Chavez. The bad development is the increased pressure on behalf of Ingrid, owing to the remarks by Luis Heladio Perez about her extremely serious condition and the discriminatory treatment of her. As far as I know, this woman has a volcanic temper, and is crude and provocative to the guerrillas in charge of looking after her."

Ingrid has been held kidnapped and held prisoner in the jungle for 6 years. If you held me for 6 days I would have a volcanic attitude and temper.

"In addition, since she knows about image and symbolism, she is using them to adversely impact the FARC. Anticipating the complaints of the French emissary, I plan to inform him of this situation."

They recognize they have a public affairs problem:

"I will now summarize my recent conversation with President Correa's emissary."

The FARC had been meeting with representatives of other governments, that's what I call a diplomatic strategy:

"He has asked me to speak personally with the Secretariat in Quito. He has offered guarantees and transportation from the border to the meeting place. He expects an

answer from us as soon as possible, including a date. He is asking whether we want to do this relying on the military or on his state security minister. He wants to talk with the FARC about the humanitarian accord, border policy, a political solution, Ingrid, and Chavez's role. He wants to coordinate with us on the border between the two countries."

This gets better, this is introductory:

"He wants to explain the purpose of the Plan Ecuador, through which he seeks to counter the harmful effects of the Plan Colombia and which he will implement along the border."

Listen to this next paragraph:

"In connection with the Plan Ecuador, they are asking us for courses to organize the masses, for people living along border, who will then be commissioned by the government to coordinate with the FARC on border work. The advantage here is that some of these people are in the Clandestine Party or are involved in the Binational Committee guided by the 48th front."

The deal is, the Ecuadorian government will work with the FARC to develop a border control strategy, working with underground people, people part of the terrorist movement, a field day for drug traffickers and terrorists, and anyone straight gets removed from their job if they're not dead. Senior representatives in Ecuador negotiating with a terrorist group? I HOPE this is not true, and that the Bush Administration wasn't too busy to pay attention to this.

Another document, January 18th 2008:

"We received a visit from Ecuador's security minister, Gustavo Larrea, from now on Juan, who on behalf of President Correa conveyed greetings to Comrad Manuel and the Secretariat."

Hi guys, I'm the democratically elected president of Ecuador, I send you terrorists kidnapers, my greetings!

"He told us the following: The president was interested in establishing official relations with the leadership of the FARC through Juan. There was a willingness to coordinate social activities to assist residents along the border, exchange information, and control paramilitary crime in its territory. They're willing to replace public force commanders who are hostile to local communities and civilians, who which purpose they're asking for our input and information."

They're going to create safe haven here. This is a terrorist group who is undermining law enforcement and it would be a real national security problem for the region.

"They're reaffirming their political decision to refuse to become involved in Colombia's domestic conflict by supporting the Uribe government. To them, the FARC are an

insurgent organization of the people with social and political proposals that they understand. They asked whether politically speaking we're interested in an acknowledgement of belligerency. They concur with Chavez's proposals on this issue. They will file suit against the Colombian State and Government before the International Court for the damaging effects of fumigation under the Plan Colombia. Next year they'll cancel the gringo license for the Manta Base."

That's the air force base that they promised to renew the license for, which comes up in 2009 when we give Ecuador a base in Miami.

"Ecuador intends to expand their commercial and political relations with Asia: China, Vietnam, and North Korea mainly."

Personally I'd rather have close ties with the United States than North Korea.

"They're offering their assistance in the FARC's struggle for the humanitarian exchange and political solutions. They clearly realize that Uribe represents the interests of the White House, the multinationals, and the oligarchies; they consider him dangerous in the region."

So they're going to give diplomatic immunity and security to a member of the FARC.

This is a separate and different one, a report from comrade to Raul:

"We're planning about 300 bombings of the trans-Andean pipeline, an ambush of the army."

Three hundred bombings!?

"We're preparing explosives and bringing them to the work site. We're also ready for an ambush near La Victoria, around where we think the units are according to the intelligence they keep developing. I also have 600 grenades almost ready and I think that we'll be working with them in a couple of weeks. ...As for finances, we haven't been able to make a good deal, just trying to work out a few deals. We've done some small things, and the eradication and fumigation situation remains tough."

I don't know why they would be concerned about fumigation if they weren't trafficking drugs. I guess these are commercial deals for advertising.

"We talked with Macos about having him help us if he was selling at a good price. He agreed. There are a few little things in Mexico, and each of them makes 5,000 available. Only 4 were sent, and he's being sent \$20,000, so we keep trying that way to see whether we can raise other funds. One of the other issues is uranium. They're's a guy who supplies me with material for the explosive that we're preparing. His name is Belisario and he lives in Bogota and is a friend of Jon 40, Oriental Efren, Caliche de la Jacobo. He sent me the samples and the specifications, and they propose selling each kilo for 2.5 million,

and they deliver and we take a look who we can sell it to, and the deal should be to sell it to a government. They've easily got 50 kilos ready and could sell a lot more. He has direct contact with the ones who have the product."

(Participant asks question about authenticity of this)

Jonathan Winer: I guess there a few governments in the region who want to buy peaceful uranium, because it couldn't be because they wanted to buy for a dirty bomb. This doesn't mean they actually have the uranium, I have no way of knowing what kind of uranium is, when I was at State, most of the instances of nuclear smuggling, maybe 99.9%, were scams of one kind or another. One of the talks was about red mercury, which wasn't real. The German government engaged in sting operations. The point isn't if it is a scam, this is the FARC's world, their diplomacy, this is what they want to do.

Steven Monblatt: Uranium would not be the material of choice if you're building a dirty bomb, its not terribly radioactive, you'd be looking for cesium or other byproducts. So, 2.5 million for a kilo of uranium, yea, it's a scam.

Participant: There was an article in today's media. The article does say it was a scam, but it closes on a note that says other scientists who say you have to take this seriously.

Jonathan Winer: That's exactly right. There are scam drug and nuclear trafficking incidents all the time. Does this look like a fabricated document? To me it seems like it has the texture of reality.

Then we get into Counterintelligence:

"Marcos sends this piece of information. And I'm sending it to you. The most important thing that I want to tell you is about a minister named Bustamante. He's with the CIA. Information from number one. You already know the people who received me at a meeting. And out of curiosity I asked about them all and they gave me information about two. This guy has someone else who works for him as a second in command or successor, a guy named Roldan. He's from the DEA. So if you've made any deal with minister Bustamante, back out of all that because he is the channel they have to locate your neighbor. Be careful not to forget this, because its true."

So there is wonderful counterintelligence here. They say these people are working with the United States government, and they are trading counter-intelligence information so they can know who to trust.

Another letter:

"The Italian Consolo sends word that the European Paliament wants to join in the efforts for the humanitarian exchange."

So the great thing is that the FARC does have the Italian Consolo working with them on this.

“Comrade Manuel’s proposal to Chavez would have the most far-reaching worldwide impact for us during the whole year-end period...and if Uribe doesn’t accept it, so much the worse for him.”

Now, January 14:

“The recognition of the FARC-EP as a belligerent force by the Venezuelan president and the invitation by him to the other countries of the world to exclude us from the list of terrorists obliges us to go more carefully in relations with him, at the secretariat level; the ones who have more possibilities for maintaining them are comrades Timo and Ivan Marquez, who are on the border. Piedad, Carlos Gaviria, and Lozano gave their opinion in favor of our political recognition; Cordoba started to talk to the Liberals and is going to further divide them.”

So you have their internal political strategy.

This one is partially code but there are lovely references to getting state contracts from a nearby country that has a lot of oil...maybe that is Guiana...Suriname...or maybe Libya – actually, the context makes it very clear what country it is:

“He offered us the possibility of a deal in which we receive an amount of oil to sell abroad, which would leave us a juicy prophet. Another offer: sale of gasoline to Colombia or in Venezuela. Taking from the dossier, creation of a profitable company for investments in Venezuela. Possibly of being awarded state contracts. The manager of “6579-6545-6245-6449” took part in everything related to this subject. For the relevant things, Angel appointed Ernesto for us to coordinate with him.”

So they talk about all this Venezuela stuff, and then they talk about Chavez, maybe it’s not Chavez maybe it’s their North Korean friend who has the oil.

“For the financial deal, they are offering us three items: Sale of 6803 6243 4868 4564 6578, leaving the profit for us. We have not clarified whether they are going do the operation with their infrastructure, or we have to do it ourselves through a friendly company, which would earn a percentage.”

On politics:

“Ingrid would not take votes away from an alternative policy of change for peace, democracy, sovereignty, ect. If one runs against peace, one does not win. She would be competition for Uribe’s aspiration for reelection, because she would take votes away from him.”

His argument is to get Ingrid free to run against Uribe.

Now, on July 13, 2007:

“Comrade, Tuesday of next week I have to deliver 700 kilos of crystal”

As I mentioned, some of these documents go directly into drug trafficking.

Now, on September 23, from Raul Reyes:

“Chavez contributed 100 million for social works in her department. If that is so, I would not be impossible for us to obtain the 250 million for the Plan.”

On November 23, 2006, more drug trafficking:

“Respecting the drug traffickers’ proposal, we have to investigate to see if they are from the old generation or the new ones who have come forward to replace the former, because according to information from Raul, they are asking for shelter and offering economic assistance.”

On August 23rd they talk about the proposals of Senator Jim McGovern on prisoner exchange. This would be Congressman McGovern.

This next one is really neat, it’s a letter from the FARC, Tirofijo, the FARC commander, on October 2006:

“Comrade Raul...The Secretariat agrees to provide the assistance to the friends from Ecuador. My proposal was the sum of \$20,000; Jorge proposes \$100,000 and offers \$50,000, and authorized me to obtain them from Jaquin and get them to you. Comrade Alfonso agrees. The same for Comrade Timo.”

There are other documents that make it clear the references are to funding the campaign of Ecuadorian presidential candidate Correa prior to his actual election. It looks like, according to the FARC’s internal contributions that the FARC was providing internal political campaign money to people. There are allegations that Chavez did this in Argentina. This raises the question of a network of Chavez and the FARC doing this all across the region.

Then there is a Qadhafi letter seeking surface to air missiles.

Then:

“Of course, privacy will be taken into account but, says Chavez, Ortega, Evo and Correo, are ‘fatherland or death.’”

This is only a portion of the interesting stuff that I found available. This is only a portion of what is out there. All this stuff needs to be translated into all the world’s languages,

put online, so that governments can explain themselves in the public and then I would hope this all gets raised at the OAS and they could talk about this with an appropriate diplomatic solution.

Steven Monblatt: I learned something today. When you sit on three person panel with two other people who know a lot about the subject being discussed, don't speak last, because you run out of things to say. So let's talk about Operation Phoenix.

What happened – Operation Phoenix:

Very early in the morning of Mar 1, the Colombian air force bombed a FARC encampment in a remote area of Ecuador. They then sent a helicopter to the site, approx 1800 meters inside the country, to assess the effectiveness of the operation – which was designed to kill or capture Raul Reyes, the second in command of the FARC. On approaching the camp they encountered gunfire, which they returned, and entered the camp. There they found a body identified as Reyes, along with 3 computers, 3 USBs, and 3 hard disks. They brought these back to Colombia, along with Reyes' body, that of another suspected FARC member, and the body of a Colombian soldier killed in the mission. They left behind between 17 and 22 bodies of others at the camp, along with a quantity of AK47s, M16, and a machine gun.

There is no dispute that this was a camp used by the FARC, but descriptions of its purpose and age vary. According to OAS observers, it appeared to have been a camp for 20-30 people, and to have been several months old.

There is also no dispute that Colombian forces entered Ecuadorian territory, without that country's government's permission.

Tensions, as they say, rose. Venezuela, not a direct party to the dispute, moved troops to the Colombian border, both Venezuela and Ecuador broke relations with Colombia. Nicaragua said they would break relations too.. At this point, cooler heads prevailed, and the parties requested OAS intervention. On March 5, the OAS Permanent Council approved a resolution stating that Colombia had violated Ecuador's national sovereignty, although it did not condemn the operation, as Ecuador had asked. The Council instructed the SecGen to establish a commission to visit the area, interview officials, and propose formulas for bringing the two nations closer together.

The OAS – A brief detour to explain about the organization, and help make sense of what they did. The OAS is the oldest regional organization in the world Tree in Aztec patio planted by President Taft. One of its fundamental roles from beginning was to settle border disputes, and Organization has a good record in this regard. Article 19 of the OAS Charter prohibits any State from interfering with the internal or external affairs of a member state. Article 21 prohibits any State from the military occupation — even temporarily — of a Member State's territory.

Also important to remember that organization works by consensus – no veto. This often requires judicious use of resources, patient diplomacy, careful tending of relationships, something US has not always done.

Findings

Upon arriving in Ecuador, the Commission met with President Correa, who explained that, from a political perspective, the incident had been resolved at the Rio Group summit, and that tensions had started to abate. This may have been premature. The Rio Group, meeting on March 7, denounced the “violation of Ecuador’s territorial integrity, noted with satisfaction the apology offered to Ecuador by President Uribe, and reiterated their commitment to noninterference in the internal affairs of states. They also reiterated their commitment to counter threats to security by irregular groups, noting that Colombia considers these groups as terrorist. No mention of the FARC by name.

The SecGen’s 28 page report confirmed that Colombia’s and Ecuador’s accounts of the events differed, and, diplomatically, this fact-finding mission did not find any facts to contradict either version. They did find that the raid damaged the “ties of trust” between the governments of Ecuador and Colombia, and that the situation in the border area is complex and difficult. The report made a number of recommendations, perhaps the most important, was for the restoration of diplomatic relations between Colombia and Ecuador, and the development of better border control and cooperation mechanisms, including, a study of a possible bilateral early warning system. This report also contained no mention of the FARC.

Late Monday night, the Organization passed a resolution rejected (again) the Colombian incursion, noted Colombia’s apology and pledge not to repeat the incursion and reiterated the member states commitment to combat threats to security by irregular groups – especially those associated with drug trafficking. Again, no mention of FARC or terrorism.

Meaning

Conflicting narratives. Colombia, US see this as a legitimate action against a terrorist group. Colombia maintains that Ecuador has been unwilling or unable to move against FARC camps over a period of years, although Correa claimed that Ecuador has dismantled 47 FARC camps last year. Operation Phoenix has been compared to US operations on the Afghan Pakistan border, and to Turkish operations in northern Iraq. Neither comparison has strengthened Colombia’s political position among the Latins.

For virtually all of Latin America, the question of territorial inviolability is paramount. Their histories are replete with bloody border conflicts and foreign interventions – the bloodiest war in the Western Hemisphere was fought between Paraguay on the one hand, and Argentina, Brazil and Uruguay on the other, and Paraguay is a lot smaller today as a result. The War of the Pacific left Bolivia without an outlet to the sea. And the guerrilla

wars in the 1980s in Central America were matters of great concern to the Latins. In contrast, their professed concern with the FARC is secondary. Why?

The FARC originated in La Violencia, the period beginning in the 1960's, when long-standing political and social grievances in Colombia came to a head, and the organization maintained itself as a revolutionary insurgent movement for many years. But over time, especially as it moved actively into the drug trade, its violence became progressively less discriminating and its influence – even in neighboring countries grew. Countries with weak order controls, poor policing, and ineffective controls against corruption are vulnerable to the resources that the FARC can bring to bear. A sidebar: Mar 13 El Pais of Madrid reports that GOE Minister of State Security Larrea said Ecuador will not study the documents seized from FARC computers, although President Correa said they would. El Pais added that FARC has 8 permanent camps in Ecuador, names the locales, linking them to deals between FARC and Minister Larrea

Many in Latin America still see the FARC as the revolutionary, romantic organization of old, turning a blind eye to its more recent and less savory conduct. They also remember the hemisphere's last round of terrorism from the 1960s and 70s, and the repressive measures a number of governments took at that time. Some governments today contain people called terrorists at then – these people are more inclined to give the FARC the benefit of the doubt.

Weakness of Colombian Latin American diplomacy. Unlike Ecuador, where Pres. Correa personally spoke with over a dozen Latin leaders and Spain to make his country's case, Colombia concentrated its efforts on the regional fora, the OAS and Rio Group, and on securing US support. Bogota has traditionally sought to rally US and European support for its campaign against the FARC, and has succeeded. Both the EU and EU have branded the group a terrorist organization. But the Colombians have not devoted sufficient time or energy to making their case among their Latin counterparts.

Finally, there is the matter of Colombia's close relationship with the US. In the eyes of many Latins, Colombia is tarred by its support by the US; the success of President Uribe's government notwithstanding. The most recent poll of Colombian opinion, taken during this recent crisis, puts him at 84% favorable, slightly more than President Correa in Ecuador. But the US is not very popular in Latin America these days, and with some "old style" Latin politicians around to stir the pot, it is not hard to foster a public opinion that makes cooperation with the US – and Colombia – politically costly. This is apparent in the OAS and beyond. Suspicion of Chavez not enough to overcome legalistic traditions, oil money, latent anti-Americanism.

Where we go from here?

Important to see what evidence Colombia has retrieved from computers – and how they use it. It may contain material is potentially embarrassing to a number of politicians around the hemisphere – as Ecuador Security Minister's reaction suggests. Colombia may drop the matter and lick its wounds, using the material domestically as a means of strengthening already high public support; follow its legalistic inclinations and present

the material to various international bodies, as they have threatened, release the material to the public, risking public rupture with a number of exposed governments, or use it to raise the issue of FARC-based corruption as a means of forging an anti-corruption front with those elements of Latin American civil society that have grown tired of the ties between terrorists, drug dealers, and other criminals and corrupt public officials.

Will the international community follow through on potential for improving border controls between Colombia and Ecuador? A permanent international observation force on the border is unlikely – who will pay, who will supply the troops, what will be there mandate. On the other hand, Brazil has in place a sophisticated air and ground radar surveillance system in place over its Amazon region. Could something similar be developed for the Colombia – Ecuador region (Brazil has no common border with Ecuador). A system based on SIVAM would be a Latin American solution to a Latin American problem, one the US could support without getting out in front – which would be the kiss of death politically.

The results of Operation Phoenix offers Colombia the potential for rallying public support in Latin America against the FARC: If they avoid trying to justify themselves and preaching to the converted, but instead, concentrate on using the results of the operation to expose FARC corruption of Latin American institutions to the Latin Americans themselves.

Andrew Cochran: Excellent presentations, including information you would not see elsewhere. One question, for Steve, when I met you, you had this “robust” staff of two and a half people. There has been some criticism this weak that the OAS has been institutionally weak on counterterrorism. Are you satisfied that your efforts are going to come to fruition, that there is a vibrant counterterrorism office there, or are the criticisms valid?

Steven Monblatt: I’m going to be very diplomatic and say both positions are true. You have to understand what the Inter-American Committee Against Terrorism does. It’s essentially a training mission. When I was there we trained thousands of officials, to bring them up to international standards on these technical matters and in that sense it was very successful. We had another mandate to encourage Latin American governments to ratify the Inter-American Convention Against Terrorism.

When I left the position in September 2006, 21 countries had ratified the convention in four years, which I think was pretty fast. All of those countries had gone through exercises we had conducted urging them to do this. In a technical sense the OAS was doing very well. But on a political level, the OAS works by consensus, and where there is no political consensus there is no action. There are also misunderstandings of its capabilities. Sometimes we got requests from groups to investigate acts of terrorism and were also asked to investigate the bombings against the Israeli Embassy and the AMIA in Argentina. We have no investigative capabilities. The staff is up to 8 or 9 or more, but it’s fundamentally a training mission. Where we reached consensus we were able to move forward. The Brazilians were able to conduct programs for us. Argentina was doing

training. Trinidad was doing training. It's always a bad idea to speak about a job after you left it. I'll leave it to them to evaluate what has happened since I left. That's where it was when I left. In the areas we were asked to work in I thought we were doing a good job. On a political level consensus is always a challenge.

Andrew Cochran: A quick question to Jonathan. Can you describe the Clinton Administration's view of Chavez when he came to office?

Jonathan Winer: I can describe the State Department's view of Chavez during the Clinton Administration. I was the Deputy Assistant Secretary for International Law Enforcement from 1994 to 1994. Chavez came in 1998 and when he did the consensus was that he had the potential to be a demagogue but that we needed to test the relationship because we weren't sure what extent rhetoric would translate into action and work with him if we could. The counternarcotics missions were very important to us. By the time I left the administration there was a general consensus that Chavez was a megalomaniac that we could not trust and could not work with regardless of our intentions. I remember commiserating with a fellow I know working with me, William Brownfield, who was going to become Ambassador there...what were his sins to have to work there? They gave it to him because they didn't want anyone to make an impossible situation more difficult. From my perspective, our relationship has not been dictated by US failures but by Chaves' inability.

Participant: What do these documents mean for the debate in the US on state sponsorship? Are they a smoking gun on Ecuador and Venezuela?

Jonathan Winer: Pretty close. They are a smoking shotgun, and there a lot of pellets. These documents are pretty detailed. When I was a Capital Hill staffer, when I got authentic documents, my strategy was to make them available to the public as much as possible so that political forces could use the information and build from there whatever could happen, because it was true information. We had information on all kinds of people, and it didn't serve any ideological goal, and we put it out and didn't suppress it. My view is that the entire contents of the computer, after using it operationally to maybe take some of their money from their accounts and trace mobile phones, as much of it as possible should be translated and put online and made available to people so they can put together the truth about what happened. Officials should be prepared to talk about these incidents in public and defend themselves. The democratic political process should deal with these disagreements. It's important that true things that happen should be transparent without ideological goals.

Steven Monblatt: I was in the State Counterterrorism Coordinator's office and one of our responsibilities was to make the case for putting organizations on the State Department's terrorism watch list and to regularly review the situation with the governments on the sponsor list. These were essentially legal briefs. There were no formal written criteria for being on the list. They were essentially political decisions. Having said that... these documents are about as incriminating as you can find. Most of the stuff we saw had to be interpreted by my specialists to make clear what was going on,

but these don't. These are written, not overheard, in a language we are fluent, and this is as strong a case you can see. But it is a political decision.

Jonathan Winer: Do we have this kind of evidence, of Cuba's support for terrorist groups in the past 10 years for terrorist groups?

Steven Monblatt: No.

Jonathan Winer: Because I haven't seen any.

Douglas Farah: The facts are there for him to be on the list, but it would rally Latin America around him.

Participant: There is also the matter of getting 20 percent of our oil.

Douglas Farah: It would also push Brazil and Argentina around him.

Jonathan Winer: This is why the facts should come out before judgments on policy.

Participant: INTERPOL should be able to validate or not validate the documents, no?

Steven Monblatt: They can validate that these computers have not been tainted.

Participant: And that presumably the documents were written by the FARC?

Jonathan Winer: They can also validate the time the documents were inserted on the computer, if that matches the date on the document, how many times they were accessed...if the hard drives haven't been wiped.

Participant: They said that would be done the end of April at the latest.

Participant: Beyond that, you can say these look real, they aren't a fabrication, and we have to assume that's the case, that they are real. The United States could make the decision to list Venezuela and Ecuador, the problem is that it's the gringos making these assumptions, which are thus presumed to be false. Is there anyone out there, an INTERPOL agency, which can say we agree with the form and the content?

Jonathan Winer: INTERPOL would never do that, it provides a technical function only. INTERPOL could be party to any number of injustices to its process by looking at content rather than being technical.

Participant: I think making the documents available, that would work, but an international organization to look at this...

Andrew Cochran: The United Nations wouldn't do it.

Steven Monblatt: The ICC maybe, although they have backed away from that. There is some reservation and some reason Colombia wants to not do this. If I was the Colombians I would concentrate much more of my diplomacy on making much more of this available. Not every government is willing to call the FARC a terrorist group.

Douglas Farah: Already they are picking up guys in Mexico and tracking their money, and the FARC has a very significant operation in Mexico, who is deeply alarmed.

Jonathan Winer: And Costa Rica and Nicaragua. The other neat thing; lets assume there is financial information in the computers and they find that those accounts exist and that the funds exist. That would be an external validation.

Participant: When the Colombian leaders got the computers of Chupeta, the public release of this information was much less expedited, do you think this hurts the government's credibility.

Douglas Farah: Of course, I think it's of course much easier to go against someone you are against rather than someone like Chupeta. I don't know if it hurts them internationally, but it certainly would have helped their cause if they said, just as we released Chupeta's we will release this.

Jonathan Winer: Again and again, when political content becomes public there becomes consequences. The US had incontrovertible evidence, and Colombia denied it. But eventually the Colombian press evidence came out and it became fact and reality. So I'm a huge believer in getting documentary evidence out in the public.

Participant: So we all agree to have total transparency, but if you take the thousands of documents and throw them on the wall like Jello and assume that the court of public opinion can handle this, I think we do a disservice to the role of justice. The OAS courts in Costa Rica have a 7 to 9 year waiting line. The justice of Ecuador does not exist any longer. The courts are controlled by Correa and there is no congress because they have been marched out by a gun by Correa. What is going to happen when the information is out there? Where do people have relief? The UN has remedies but we have no authority as a court to weigh in on the so-called sovereign government. Take it down the next extension, if you can't prosecute here in general. What will happen when all of this is out there?

Jonathan Winer: There are lots of tools, I have used in the past; congressional hearings. Getting things on the record can drive a narrative that causes further processes to happen. There is any number of suits today for victims of terrorists. Chiquita banana is a perfect example today. One can imagine an attorney for victims of the FARC to bring a case against Hugo Chavez. Chavez would say sovereign immunity but there is no sovereign immunity for terrorist acts. You could bring it to the UN and ask them to consider it and build a case there. You could do it on the Commission for Human Rights, European Court of Human Rights, that there are violations of obligations that Venezuela has. You look comprehensively and then you build you case and use multiple forums.

Andrew Cochran: It would be interesting if plaintiffs brought cases, since the State Department intervened on the “camel jockey” case.”

Participant: So you’re not saying one case, you’re imagining multiple cases.

Steven Monblatt: These are political cases, and thus have to be resolved in the political arena. I would put these documents on the internet and index them by country. Then I would send my ambassadors out to meet with leading journalists of these countries. Something else Jonathan mentioned is that we don’t do enough to mobilize victims of terrorism, not just in terms of court cases but also of public opinion. We are the families of the 10 FARC people who have been held for 7 years or more why won’t you help us?

Jonathan Winer: When people don’t have the right to travel and don’t have their money they get very unhappy, and almost every country in the world besides North Korea, most every country has signed up to the terrorist finance convention. That requires them to do certain things, so you can put information about money out and require them to seize funds.

Steven Monblatt: The United States has some very powerful tools. For example, when we find foreign banks being used by terrorist groups or their supporters, we can sever their correspondent relationships with US banks. Just because someone doesn’t like that isn’t a reason enough not to do it.

Jeffrey Breinholt: I’m with the Department of Justice and, in response to the other questions about prosecutorial remedies, I would note that as of December 18, 2004, the U.S. has extraterritorial jurisdiction for material support activities that is up to the limit of customary international law. Since then, we have charged FARC members who have never set foot within the U.S. That is something that is very powerful when you talk to human rights organizations, which typically like to focus on multilateral options, and is nice because the remedies can be executed unilaterally by the U.S. The comment I had, though, was for Steven and Jonathan. The same statute I mentioned, December 18, 2004, made amendments to material support statute. There is a very little known provision there that allows for ex ante licensing to permit the provision of material support to terrorist groups, which can be invoked when the would-be providers want to engage in peace building projects. That was put in there by Justice because we were tired of being asked to give advanced “no prosecution” decisions to permit State Department officials to promote demilitarization efforts involving the FARC, essentially weapons buy-backs in Colombia. We tended to say no to those requests because we did not want to jeopardize the material support statute, and we argued that, because the terrorist designation process was a State Department program, they could solve their frustration simply by de-designating the FARC. Not surprisingly, State did not view as an option. Our desire was not to make advanced no-prosecution decisions in such a frequent way as to make the material support statute porous. I think these overtures occurred when both you guys were gone, but my question is this: was this desire unique to the FARC? We haven’t seen much in interagency process beyond this particular circumstance that suggested that other

agencies felt hampered by the terrorist designation process in doing what they needed to do diplomatically

Jonathan Winer: If you go back, the end of Salvador civil war they had the same issues.

Jeffrey Breinholt: So it is a unique diplomatic challenge in the Western Hemisphere?

Steven Monblatt: I'm not 100% certain but I think there was an instance in Kosovo.

Jeffrey Breinholt: Based on what you have described in the seized documents today, Jonathan, it seems that this type of diplomatic initiative would not be as attractive today.

Jonathan Winer: It requires a lot more understanding and development before we propose police responses.

Participant: The truth is the truth, they are state sponsors of terror, and so we should designate them as such, regardless of political considerations.

Participant: Well I meant that with other governments, if they don't have faith.

Jonathan Winer: Look at the environment we're in with Argentina, a big powerful important country. We had a political case alleging huge corruption in Argentina supported by Chavez. There aren't that many countries we don't have involvement with.

Participant: That's the problem with holding hearings too quickly too, there has to be initial vetting.

Douglas Farah: You can probably build a consensus based on the facts over time rather than just doing it now.

Participant: You have to isolate them.

Douglas Farah: But you need consensus.

Steven Monblatt: Chavez doesn't have friends in Latin America he has clients. What needs to be done is to undercut those client relationships. We're not the evil empire, but we're not weak. We have many things we could do if we show some patience to undercut those relationships and strengthen democratic relations.

Douglas Farah: You also should have focus by upper levels of the administration, and that will drive policy.

Jonathan Winer: In terms of diplomacy, one of the things the US needs to do is go to Brussels and the EU and Switzerland and France and Spain because those two particularly can move international attitudes pretty dramatically. I would not have the US

do certain things directly. I would encourage France in all respects. I would encourage France to take the lead.

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