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SIPDIS

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TAGS: PGOV, PREL, PREF, PTER, PHUM, KJUS, CO  
SUBJECT: NO END IN SIGHT TO URIBE-SUPREME COURT POWER  
STRUGGLE

Classified By: Political Counselor John Creamer  
Reasons 1.4 (b and d)

SUMMARY

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1. (C) President Uribe used a statement by Senator Nancy Patricia Gutierrez accusing Auxiliary Supreme Court Magistrate Ivan Velasquez of irregularities in his para-political investigations, to slam the Supreme Court for \"judicial clientalism\" and nepotism. Uribe urged Congress to proceed with judicial reform, and told members of Congress they could not remain \"cowards\" in the face of court investigations. The Court backed Velasquez against Uribe's charges, and asked the Prosecutor General's Office (Fiscalia) to investigate the allegations. Uribe's Communications Director Jorge Eastman told us Uribe-Supreme Court relations had reached a \"point of no return.\" Police Director Oscar Naranjo privately agreed some magistrates are motivated by political bias, but noted that key Uribe advisors orchestrated at least two efforts to discredit the court. End summary.

URI BE CONTINUES OFFENSIVE AGAINST COURTS

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2. (U) President Alvaro Uribe continued his offensive against the Supreme Court the week of August 11, suggesting that some court officials sought bribes in the para-political investigations and accusing the high courts of \"judicial clientalism.\" Uribe highlighted accusations of political bias by former Senate President Nancy Patricia Gutierrez. Gutierrez legally taped a court investigator assigned to Auxiliary Supreme Court Magistrate Ivan Velasquez--responsible for many para-political cases--who questioned whether Velasquez had acted legally in his investigations and intimated that the investigations were

politically driven. Uribe also cited allegations by former Senator Ruben Quintero--his private secretary during Uribe's tenure as Governor of Antioquia--that some magistrates have sought bribes from legislators in the para-political cases.

3. (U) Uribe used an August 13 meeting with his Congressional coalition on judicial reform to slam the courts for nepotism. The president said the courts had developed a system of "judicial clientalism" focused on garnering jobs for family members and allies throughout the different judicial institutions. Uribe urged Congressional leaders to move forward on a controversial judicial reform proposal (reftel), and chastised members of Congress for being "cowards" in the face of para-political investigations. Uribe insisted that Congress move ahead with the reform, saying "we cannot speak with fear!" Several legislators claimed to be afraid to support the reform package out of fear they would be later investigated by the court.

#### COURT RESPONDS

4. (U) The Supreme Court quickly rejected Uribe's statements and backed Velasquez, who said he would remain in office. The Supreme Court issued a declaration on August 12 that noted the seriousness of the Uribe/Gutierrez allegations and asked the Fiscalía to investigate the charges. The court also asked the Fiscalía to investigate the court investigator taped by Gutierrez. On August 14, the court issued a statement that it would provide both the Interamerican Court on Human Rights and the International Criminal Court information on supposed interference by the GOC in judicial affairs. Velasquez, who previously suggested he might quit due to political pressure, said he would continue his para-political investigations. In a series of high-profile interviews in the local press, Velasquez defended his actions point-by-point, and alleged that he and other magistrates have been victims of a "dirty tricks" campaign mounted out of the Casa de Nariño.

#### "POINT OF NO RETURN"

5. (C) Presidential Communications Director Jorge Mario Eastman told us Uribe's relations with the Supreme Court had reached a "point of no return." Recent meetings with Supreme Court magistrates did nothing to improve executive-judicial relations. Eastman said Uribe had a history with Velasquez

dating back to Antioquia, and claimed that Velasquez--as well as other magistrates--were "out to get" Uribe and his political allies. He reiterated the GOC view that some magistrates have criminal ties to former paramilitaries as well as links to the opposition, but admitted he had no proof to back up his allegations. Eastman denied any Casa de Nariño involvement in efforts to discredit Velasquez or other magistrates.

6. (C) Eastman said the GOC remains committed to its judicial reform package, but misjudged the reaction of the judiciary and Congress. He said Interior and Justice Minister Fabio Valencia Cossio did not expect the entire judiciary to oppose his initial draft. The reform was drafted by Valencia--as well as Eastman and Jose Obdulio Gaviria--but Valencia has taken the hit inside the Casa de Nariño for the proposal's

poor start. Luz Gutierrez, Valencia's Congressional Liaison officer, told us the minister, a long-time senator himself, overestimated his ability to charm the courts and to move the reform quickly in Congress.

#### SOME MAGISTRATES AGAINST URIBE

7. (C) National Police Commander General Oscar Naranjo told us he agreed that some magistrates have allowed politics to influence their judicial rulings. The court's judicial tactics, including evaluation of witness credibility, has been flawed in some cases. He noted that the jailing of para-politicians during preliminary stages of investigations ("indagatoria"), as opposed to the later accusation phase of judicial proceedings, was uncommon and had led to suspicions of political bias. Naranjo said Magistrate Yesid Ramirez had ties to known Italian narco-trafficker Giorgio Sale, but added that most magistrates were clean.

8. (C) Naranjo said President Uribe constantly pushes him to provide added security to Court magistrates, leading him to discount any Uribe involvement in a dirty tricks campaign against the court. Still, he said presidential advisor Jose Obdulio Gavaria was behind a recent attempt to discredit Velasquez using former paramilitaries in Medellin. Naranjo noted that former Senator Mario Uribe had orchestrated a similar effort involving a former paramilitary ("Tasmania") who claimed Velasquez had offered him legal benefits to implicate Uribe in a murder. During the subsequent Fiscalía investigation, "Tasmania" recanted his testimony. He claimed that he had been paid by former paramilitary Juan Carlos Sierra (El Tuso), who was recently extradited to the United States, to make the false allegations.

BROWNFELD