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Denmark

Court to decide if FARC & PFLP are terrorist or liberators

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“Ever since Colombia has been Colombia there has been political violence,” concluded Venezuelan historian Amilcar Figueroa, president alternative of the Latin American Parliament (LAP), and a witness for the defense in terror trial against seven Danes.

At stake in this second phase of court proceedings, rebegun November 14, is a precedent-setting juridical determination. Are the armed guerrilla organizations, [Revolutionary Armed Forces of Colombia](#) (FARC) and [Popular Front for the Liberation of Palestine](#) (PFLP), terrorists or freedom fighters. If the three judges, two of them lay, conclude the former, the Danes will be found guilty of supporting terrorism.

Maximum punishment for economically supporting terrorism is ten years imprisonment. However, four years imprisonment is the most that a city court can render defendants found guilty of any crime. This trial is in Copenhagen City court jurisdiction.

In January 2006, these members of Fighters and Lovers began producing and selling t-shirts with FARC and PFLP insignias. Some of the proceeds would have gone to media projects in support of the liberationist groups.

Denmark's intelligence police unit (PET) arrested the seven activists a month later, confiscated sale proceeds and shut down the group's website. The state attorney charged them with violating a new anti-terror law, paragraph 114b.

Terror is defined as “terrifying a population...to destabilize or destroy a country's or an international organization's fundamental policies...economy or societal structure.”

The state contends that the two liberationist groups are terrorists because the EU has placed them on its terror list, following suit with the United States. The United Nations, Great Britain and the [Latin American Parliament](#) (comprised of 22 countries, including Colombia) have not so determined.

Before the September 11, 2001 terror attacks in the US, these organizations were universally viewed as national liberation armed groups.

Defense witness Figueroa views the armed conflict in Colombia as one that adversely affects much of the region, causing losses of lives in other countries, economic and social disaster for ordinary people, the ill fate of four million Colombians who have fled the country or to other parts of Colombia, as well as the loss of over 200,000 Colombians and institutionalized use of torture.

“We seek a peaceful solution to this long-standing conflict,” he said, “and right now a delegation of FARC is meeting with [Hugo Chavez](#), who is the chosen mediator by both sides.”

President [Alvaro Uribe](#) recently released 20 members of FARC from prison. He did not call them terrorists, said Figueroa, in an effort to establish diplomatic negotiations.

“The Danish court's decision will have an impact on these negotiations,” said Figueroa, who is also a Caracas city councilman.

Figueroa related the history of the violent conflict since FARC was formed, in 1966. He testified that para-militarists, in the pay of plantation owners, work with many military and police units in murdering and torturing thousands of civilians.

The defense produced documentation from the United Nations Human Rights Commission (UNHCHR), the Organization of American States Human Rights Commission (IACHR) and its court proceedings, which have sanctioned the government of Colombia, military units and para-militarists for systematic violations of human rights: extrajudicial murders, routine torture, gang rapes, disappearances; threats and violence against Colombia journalists, Colombian judges and states attorneys, who attempt to try para-militarists and military officers.

In eight court cases in this century, IACHR has found the state of Colombia guilty in massacres of unarmed civilians. In some of these atrocities, the perpetrators have tried to cast blame on FARC.

The defense asserted that Colombia is not a state run by the rule of law. Most arrests and court cases occur outside the rights of citizens. Commission of Jurists and other human rights groups inside Colombia contend that only 17% of 259,400 prisoners were handled according to juridical procedures.

Contradictions within the "Establishment", various sectors of the wealthy, and even within the United States government are pressuring Uribe's and Bush's regimes to dampen military aggression and find a peaceful solution, asserted Figueroa.

Even Colombia's state attorney has recently begun trials against some military, police officials, para-militarist and several congressmen.

Senator Mario Uribe, the President's cousin, has stepped down from office to prepare for the case against him for collaborating with narcotic traffickers and para-militarists. The defense said that there is evidence that one-third of congress members collaborate with para-militarists.

Another defense witness, Niels Lindvig, a Danish radio reporter with 25 years experience in covering Colombia and Latin America, said that President Uribe was forced to fire his foreign minister because his family was exposed for drug trafficking. Earlier, a police chief fired 8000 policemen for collaboration with narcotic cartels. Lindvig has seen reference to a 1991 USA Defense Intelligence Agency report, which indicated that Uribe collaborated with narcotic cartels (Pablo Escobar) when he was governor of Antioquia.

Lindvig said that FARC is primarily a Marxist oriented political organization, which seeks to overthrow a ruthless government. FARC conducted a cease fire and established a political party, Patriotic Union (UP), to run in elections in the mid-late 1980s.

In just three years, 3000 to 5000 of its members, including 2000 political representatives, were murdered by para-militarists in the pay of plantation owners, and in collaboration with the military and police.

"The survivors were forced to resume armed struggle: take to the mountains or go into exile," Lindvig said.

"FARC is not terrorist. It has committed individual acts of terrorism but that is not an integrated part of its policies or actions. The few terror acts committed are condemned by the leadership, and compensation is given to victims families. FARC couldn't survive for four decades if it mistreated civilians," Lindvig concluded.

The state's case

The state attorney did not cross-examine defense witnesses rather relied on its witnesses. Her witness, Angel Rabasa, is a senior researcher for [RAND Corporation](#), a California think tank which serves the weapons industry. It was started in 1948 by the United States Air Force and is a major strategist for US government defense and intelligence departments, and major industry.

Rabasa argued that FARC is a terrorist organization, because it kidnaps "innocent civilians," many of whom it kills, murders many other civilians, and is a drug dealer.

The defense argued that FARC engages in three types of kidnappings: a) soldiers captured in battle; b) politicians who support or are in the pay of narcotic trafficking plantation owners; c) capitalists with one million dollars or more who refuse to pay a tax of 10% from their operations whatever their character in FARC controlled territory, about 40% of the nation.

The defense maintained that FARC acts as a sovereign government. It wears uniforms, establishes taxes, builds and operates health clinics, schools, civic councils and other infra-structures. It upholds the criteria set by the Geneva Convention of 1949, according to international juridical experts, including the Droit Internationale. It is legitimate, in popular armed conflicts, for both sides to exact taxes.

The International Commission of Jurists, an independent human rights organization of lawyers, recently concluded that 14,444 people have been kidnapped (most murdered) by government collaborating para-militarists.

Amnesty International's 2006 report states that FARC kidnapped 200 people in 2006.

The defense argued that FARC is not a drug trafficker, although it does not prevent small farmers from growing cocaine. They are taxed as is any other producer or property owner. On the other hand, there is evidence that government and parliamentary officials, including the president, profit from large drug traffickers and their para-militarists terror actions.

Rabasa defended Plan Colombia—the \$50 billion US-Colombia operation to eliminate cocaine plants and the guerrillas—with which RAND has played a role. It helps the government be "an open society" with a "free press" and an independent democratic court system, he said.

The defense introduced IACHR reports, such as #2005, paragraph 55, showing that "officers of the court are under pressure to legitimize the arrests made by military and police personnel," which includes being arrested themselves, fired or subject to "disciplinary investigations".

United Nation reports (among them #2005, page 25, and 2007, page 30) show that witnesses in court cases, attorneys and judges have been attacked in cases involving military and para-military terrorist units.

Both the OAS and the UN High Commissioner on Human Rights have released numerable reports, as late as 2005-7, showing that journalists face threats and violence for "providing news and comment viewed as independent and even critical of the Government" (UNHCHR 2006, annex 3, page 51).

Defense attorney Torkil Hoeyer disputed the state's witness' credibility. In cross-examination he exposed Rabasa, a

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purported expert on Colombian affairs, because he was unaware of UN and OAS documentation of atrocities made by Colombian governments and the military. Furthermore, Rabasa contradicted reality by contending that FARC had never disarmed nor been a part of the legal political party UP.

In between sessions concerning FARC and PFLP, defendants expressed relief.

“The state’s case is weak and her witnesses exposed for incompetence,” said one.

Another problem facing the state is its discriminatory use of the law, exposed in a national newspaper, Politiken. It reported that another Danish organization, veterans of World War resistance movement, had donated money to the FARC, in early 2006, and sent a letter of its action to the Minister of Justice, in a challenge to the repressive terror law. The government declined to initiate action. Its terror law apparently does not apply to old heroes only to newer ones.