

He Exposed Colombia's Vaccine Contracts with Big Pharma. Then the Right Came for Him.

What the case of Camilo Enciso reveals about the power of pharmaceutical companies.

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Global Research, October 28, 2021
[In These Times](#) 18 October 2021

Region: [Latin America & Caribbean](#)
Theme: [Law and Justice](#), [Media Disinformation](#), [Science and Medicine](#)

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*On August 25, **Camilo Enciso**, a 41-year-old anti-corruption advocate and attorney, says he was walking inside the Walled City of Cartagena, Colombia, a popular tourist destination known for its colonial architecture and spacious plazas. He had traveled there from his home in Bogotá for a wedding, and was taking a nighttime stroll. Suddenly, he recalls, a group of men nearby started menacing him — he says they reminded him of hooligans you’d see “in a street of any random European city after a soccer game.”*

“At first the group simply stared aggressively at me,” Enciso says, “but after some seconds they began to shout and try to call my attention.” He recalls, “they started whistling, and kind of shouting.” He says he took a closer look. “The guys were very well dressed. You could tell they were part of Cartagena’s elite.” The men weren’t targeting him randomly, he realized. “They knew who I was. Their aggressive demeanor had to do with me.”

The group, he believes, was a “collection of right-wing, pro-government radicals” that had recognized him. Such an assumption is certainly understandable. Just 15 days earlier, Enciso had gotten his hands on and publicly released Colombia’s confidential contracts with AstraZeneca and Pfizer for the Covid vaccine — an act that he believed was in the public interest but nonetheless let loose an avalanche of criticism, thousands of insults, and even threats on his personal safety. His name was trotted out by right-wing media, and he was denounced by high-ranking Colombian officials, all the way up to conservative **President Iván Duque**. Press outlets and politicians declared that by releasing the contracts, which detail the prices and conditions the government agreed to for the vaccines, Enciso had angered pharmaceutical companies and very well could have jeopardized the entire country’s vaccine supply. Seemingly overnight, he had become national enemy number one,

all for the crime of, as he puts it, pushing for the most basic transparency around high-dollar agreements between the Colombian government and powerful multinational pharmaceutical companies.

The firestorm itself, which haunts Enciso far beyond the streets of Cartagena, reveals a great deal about the upper hand the pharmaceutical industry has over the South American country, which is being [ravaged](#) by coronavirus, with [just 38 percent](#) of its population is fully vaccinated (above the global average, but still well below the vaccination rates of wealthy countries). The media and government narrative “was driven by fear of pharmaceutical companies and the power they have to impose conditions or not sell vaccines to the Colombian government,” says Daniela Rojas Molina, legal advisor for Fundación para la Libertad de Prensa, a press freedom organization.

Image on the right: Camilo Enciso (Source: [baselgovernance.org](#))



Before publishing the documents, Enciso had tried the official route. He is the director of Colombia’s Anti-Corruption Institute, a non-profit organization that was created in 2018 to combat corruption and promote access to public information. At the time Enciso publicly shared the contracts, the organization was in the midst of its own legal effort to compel their disclosure — an effort that, to that point, had been unsuccessful. “We’d been trying to get clarity on the prices of purchases of vaccines and the full text on contracts signed by the Colombian government since at least December of last year,” he says. His organization has invoked Colombia’s transparency laws that were enacted in 2014 and similar to America’s Freedom of Information Act, which requires release of documents deemed public.

The Colombian government fought vigorously against the effort, one of its main arguments being that it had agreed to confidentiality as a condition of the contracts. Yet, the Anti-Corruption Institute won a significant victory when a key legal body, Colombia’s Tribunal Administrativo de Cundinamarca, ruled in May 2021 in the organization’s favor, arguing that details of vaccine information should be public. But the government then used a series of tactics to delay and obstruct the release, including by saying the ruling had not been precise enough in its directive.

Johnson & Johnson, meanwhile, petitioned another court, Colombia’s Consejo de Estado, to force the Tribunal to withdraw the decision, arguing that the company’s due process had been violated. “The Consejo de Estado asked the Tribunal to send it the contracts,” Enciso explains. “They wanted to see them.”

What happened next was a colossal government [blunder](#)—or gift, depending on how you look at it. Someone in the State Council, the top tribunal for administrative matters, accidentally, and very briefly, made Colombia’s contracts with Pfizer and

AstraZeneca public.

Enciso remembers being stunned.

“A journalist called me and said, ‘I’m confused. I’m looking at this document that’s a contract with the vaccines,’” explains Enciso. The journalist sent the PDF to Enciso, who realized that the document had been accidentally released from another case (the Anti-Corruption Institute wasn’t the only entity pursuing litigation). “Because I was not a party to that case, I did not have access to those documents in my role as an attorney, I was okay with publishing it,” says Enciso.

Concerned that the litigation process was only going to bring more delay, he decided to take things into his own hands: He published the contracts on the website of the Anti-Corruption Institute and on Twitter. (Notably, he was not the first to publish. Before Enciso released the documents: El Tiempo newspaper published a [piece](#) that included information about the contracts, according to the source code of the webpage, while Caracol Radio [published the full documents](#).)

Burcu Kiliç, the research director for Public Citizen’s Access to Medicines Program, a U.S.-based watchdog effort, says the public sharing of vaccine contracts is vitally important — not only for Colombia, but for the world.

“Every country on this planet is negotiating contracts with companies, and every official who’s been part of these discussions needs guidance and assistance and information,” she says. “Unfortunately there isn’t much out there.”

She adds, “Colombians have a right to know what’s in their contracts.”

But when Enciso shared this information, all hell broke loose.

Enciso is no stranger to the nastiness of political fighting in Colombia, and he himself has been a part of government. He was employed from 2014 to 2017 as secretary of transparency for the administration of Colombian President Juan Manuel Santos, more liberal than the right-wing Duque.

Enciso says that were he someone with less “thick skin,” the resultant condemnation and pile on for the release of the contracts would be “a psychological struggle.”

The government’s rebuke of Enciso was swift. Less than half an hour after the contracts were published on August 10, Víctor Muñoz, director of the administrative department for the president, [published a tweet](#) proclaiming that, “Irresponsibility in handling vaccine information puts the national vaccination plan at risk and, as such, the life and health of Colombians.”

High-ranking officials repeated this charge. In a press release, Fernando Ruiz Gómez, Colombia’s health minister, said [that the disclosure](#) constituted a breach of the contracts. He asserted that Pfizer brought the issue to their lawyers. “We are waiting for their response,” he added forebodingly.

On August 11, President Duque [said](#),

“of course there is concern. I spoke yesterday with the president of the State Council; she is also very worried, first because it is about confidential information to guarantee compliance with the contracts for the supply of vaccines.”

A government narrative quickly emerged: By releasing the contracts, Enciso had violated the conditions of their agreement and, as a result, the pharmaceutical companies may choose to withhold supply. The release, therefore, threatened the public health of Colombians, the argument went. This was an incredible charge: Enciso may be responsible for some unknown amount of future deaths.

Enciso rejected this narrative whole-heartedly, and took to the media to defend his actions. “If the pharmaceutical companies do not sell vaccines to Colombia, they are solely responsible for this immorality,” he said in an August 12 [interview](#). He argued that he did not breach any agreements since the contracts were made publicly available by the State Council: “After that, we published the contracts that were already in the public domain as they were in an open access place.”

The same day as that interview, Enciso’s organization released a [statement](#) arguing that, in no way did the release of the contracts give the companies the green light to withhold supply — this was a misreading: “Under the terms of the contracts, it is NOT appropriate for the pharmaceutical companies to unilaterally cancel the contracts in the event of this information being published by third parties.”

But there was little Enciso could do to stop the narrative — the wheels were already in motion.

The contracts instantly became a major national media story, promptly covered by prominent papers. *Semana*, whose new owners [seek to emulate](#) Fox News, ran a media offensive repeating the government’s narrative that Enciso may have blood on his hands.

On August 11, *Semana* ran an [article](#) suggesting Enciso had a political agenda as a former official of the Santos government. In that piece, the publication said that it was “irresponsible” to have disclosed the contracts because the release could jeopardize the country’s vaccination plan. Carlos Hernández from the University of the Andes was quoted as saying that Enciso’s decision to publish the contracts “risks the health of Colombians in exchange for likes and media presence. The Anti-Corruption Institute is acting in a corrupt, irresponsible and political manner.” Santiago Tobón, from Eafit University, said that Enciso’s publication put current and future purchases at risk, which “implies the possible death and illness of many Colombians.”

In a [segment](#) published August 11, a commentator for *Semana* also criticized the release of the contracts, claiming that “accepting prices, clauses and confidentiality made the difference between whether Colombia had vaccines or not.”

Enciso has done his own media sparring with the right. In January, he published an [op-ed](#) criticizing the fact that a defeated mayoral candidate for Bogotá, Miguel Uribe Turbay, was put in charge of the account (subcuenta) that administers the resources to combat the pandemic in the country. Uribe Turbay is a protégé of former President Alvaro Uribe — a right-winger who opposed the country’s peace accords with the FARC, a guerrilla group. (They are not family related). Iván Duque, the current president of Colombia, also belongs to this political group.

But Enciso's colleagues say the media discourse around the publication of the documents is particularly unhinged. Rojas of Fundación para la Libertad de Prensa, which supported the Anti-Corruption Institute's litigation to release the contracts, says that any scrutiny of the companies was largely missing from the conversation — let alone concern that the contracts would be secret in the first place. "The whole public discussion about this should have been completely different," she says. "There's a huge misunderstanding of how access to information should be applied to these cases, even if pharmaceutical companies impose a lot of contractual conditions. This whole discussion didn't take into account that the contracts are public information and have always been public information."

Enciso describes this as a frenzied time during which he was tracking a right-wing media response while doing his own press appearances. The day after the documents went public, he says, "I went to the media all day — I must have had 30 interviews that day."

By then, the media and government attention had touched off a different kind of reaction.

"The day we published the contract, I received 1,800 messages saying, 'You are the worst person on the planet.' 'I would like to see you in the street.' 'You are a traitor of Colombia.' 'I hope your mother dies,'" says Enciso.

One message he received on August 12 said,

"Damn politician of the worst kind, creep, trash, if the vaccination plan is at risk, you will be the culprit of thousands of deaths, which we will remind you in case you happen to campaign for any public office, you will pay for that 'mistake.'"

The message appeared to take aim at any future plans Enciso might have to be involved in politics. (Enciso says he has no plans to run for a political office.)

One only has to look on Twitter to confirm this pile-on. Tweets generally fall into two categories: that Enciso had been "irresponsible" for releasing the contracts and he would be to blame for the deaths of Colombians, or that he is an idiot (*pendejo*) and a son of a bitch (*hijueputa*) — common insults in Colombia. Many of the accounts appear to be loyal to Duque and Uribe, and criticize Enciso for his affiliation with the Santos administration.

That anger, according to Enciso's recollection, spilled over into the streets of Cartagena. Enciso says he emerged from the incident unharmed.

"I kept walking straight and didn't bite the bait," he says. "If I had, things could have evolved really badly for me."

But then Enciso's mother says she was targeted with verbal intimidation. After Enciso left Caragena, she says she stayed there for a few weeks. About 20 days ago, she says she received a call while there from an unidentified number. A man insulted her, told her that her son is corrupt, and called him a "hijueputa."

The pharmaceutical companies themselves steered clear of public remarks about the release of contracts. But in a statement to *In These Times*, Pfizer denied that it did anything to encourage the condemnations of Enciso's actions.

"The agreements we have signed with the Colombian government have rigorously followed all required legal, regulatory and ethical procedures," said the company. "The

negotiation process for the distribution of Covid-19 vaccines with governments of different countries is the same, both in Latin America and worldwide. This is the result of a joint work between local, regional and global teams, which follow the same policies, guidelines and directives established by Pfizer and BioNTech. To date, Pfizer has complied with all its contractual obligations and maintains the firm commitment to complete the delivery of all the doses that correspond to Colombia.”

Asked whether it had threatened to withhold vaccine supply, the company said “no.” The company said the release of the contracts will not affect vaccine delivery.

AstraZeneca did not respond to a request for comment sent over email.

But according to Kılıç,

“They don’t even need to say anything. When there is a limited supply, the seller becomes the king. Even if they don’t say much, they are creating pressure. They can say they haven’t done anything. They don’t really need to. No one can take the risk of making Pfizer unhappy. They have so much power.”

She added that she’s not sure she believes their account.

Muñoz did [tell the press](#) that pharmaceutical companies had expressed their concern and annoyance with the leak. [Duque added](#) that he was in dialogue with the pharmaceutical companies and had confidence that “there will not be any kind of sanction that affects the development of the national vaccination plan.”

According to Enciso,

“The reality is the government has done what I would think is the dirty job: try to hold the contracts confidential while the companies present themselves as committed to saving human lives, period.”

In addition to the uproar itself, the contracts themselves are revealing — evidence, Enciso’s supporters say, that the revelations were in the public interest.

In particular, Kılıç says the contract with Pfizer is “very one-sided. It is obvious Pfizer calls the shots.” The Pfizer contract states that “under no circumstances will Pfizer be subject to or liable for any late delivery penalties.” Even if Pfizer fails to deliver in accordance with the delivery schedule, there will be no implications for the company.” Colombia “waives all rights and remedies that it may have at law” concerning “any failure by Pfizer to deliver the contracted doses in time,” the contract states. Colombia also waives its “sovereign immunity” from liability claims arising from the vaccine or its use.

“I’ve seen a few government purchase contracts before but never seen such a seller-takes-it-all one,” says Kılıç.

The AstraZeneca contract showed that Colombia was being charged \$6 per dose, well above the \$2 per dose the European Union was paying for the vaccine. Pfizer, meanwhile, charged \$12 per dose, the contract shows — compared to \$19.50 per dose in the United States.

This is in keeping with other actions the company has taken in Latin America. The Bureau of Investigative Journalism [found](#) in a February 2021 report that “Pfizer has been accused of

‘bullying’ Latin American governments in Covid vaccine negotiations and has asked some countries to put up sovereign assets, such as embassy buildings and military bases, as a guarantee against the cost of any future legal cases.”

Meanwhile, there are other signs that the country has been reluctant to ruffle the feathers of the pharmaceutical industry: It has steered clear of supporting an [effort](#) at the World Trade Organization, led by India and South Africa, to suspend global patent rules in order to expand international access to cheaper, generic versions of the Covid vaccine. The proposal is fiercely opposed by the pharmaceutical industry.

Enciso says he’s motivated to do the work he does because “at some point I realized corruption and lack of transparency are at the heart of many of our biggest problems. They enable all sorts of crimes, human rights violations, abuse of power, depletion of natural resources, unfair trade.”

He is not the only person in Colombia concerned about transparency. This spring and summer saw massive protests against the Duque government, which were touched off by a proposal for regressive tax reform in Colombia, but expanded to encompass outrage over inequality, the killing of social movement leaders, police violence, corruption, and lack of government transparency. The protests were met with [tremendous violence](#) on the part of the Duque administration.

When discussing his own ordeal, Enciso strikes a tone that is remarkably unflappable. The Colombian government has threatened to take legal action against him for releasing the contracts, but he says he is “not really” concerned. “I am a criminal lawyer myself and I am quite sure I didn’t commit any illegal conduct,” he says. “Even more, it would be great to defeat such stupid prosecution in court.”

Some in his orbit, however, are a bit more troubled.

“If I were in the position of Camilo, I would be concerned about my future and also my personal safety,” says **Juan Carlos Upegui**, the director of the human rights and technology research team at Dejusticia, a research and advocacy organization. “The release of information could put you at risk.”

Enciso has his supporters, like Rojas, who says that the documents belong in the public domain, and their release is justified.

But amid the frenzy of denunciations, such perspectives are drowned out by a government narrative that leaves no room for the possibility that pharmaceutical companies, and not the man who released the agreements, would be responsible if Colombians were deprived of a life-saving vaccine.

According to Kılıç, the uproar in Colombia is an indictment on the whole system of vaccine distribution.

“This is a power thing,” she says. “They [pharmaceutical companies] have the intellectual property, they have the exclusivity, they have the power. Take away their intellectual property, and they won’t behave like this. We must change this whole system.”

As Upegui of Dejusticia puts it, “the government is kind of working as a lawyer

for pharmaceuticals.”

To date, the only Colombian vaccine contracts that have been revealed to the public are those shared by Enciso and some media outlets. There is no immediate sign, at this point, that the release of the contracts will impact Colombia’s vaccine supply. Yet, the mark on Enciso’s name isn’t so easily washed away.

“The impact of the media and public,” says Enciso, “is that I did engage in some form of wrongdoing.”

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