

Andean Report by Andrea Olivieri

Gaviria's narco-pact is a sham

The surrender of the Ochoa brothers is a victory for the cocaine cartels, not for the people of Colombia.

The first drug trafficker to take advantage of Colombian President César Gaviria's pledge to suspend extraditions and reduce sentences in exchange for surrender was released on parole Jan. 11, a mere 44 days after sentencing, by a judge either bribed or terrorized into what Colombian authorities are now, several weeks later, rushing to denounce as "illegal."

Middle-level cocaine trafficker Gonzalo Mejía had been granted a three-year term, half the minimum sentence for drug trafficking in Colombia, after handing over \$60,000 and a truck to the authorities. He was ineligible for parole under Colombian law. His inexplicable release by Judge Aristides Betancur, who then resigned from the bench, has sent the government scrambling to assure incredulous world opinion that the trafficker's parole was the act of a renegade judge, and will never happen again.

President Gaviria, who has staked his reputation on the success of his appeasement offer to the Medellín Cartel, will have to do some fast talking to convince anyone that billionaire cartel chieftains Jorge and Fabio Ochoa, Gaviria's most famous prisoners, are not going to be soon leaving their "five-star" jail accommodations with a slap on the wrist and a clean slate.

After all, Jorge Ochoa did tell the press during his surrender that he had the utmost confidence in the Colombian judicial system. And well he should: In July 1986, Ochoa was extradited to Colombia by the Spanish

courts, after spending a year and a half in a Madrid jail on cocaine-trafficking charges. After spending 30 days in jail in Colombia, Ochoa was released on bond by his judge, who proceeded to sentence Ochoa to 20 months in jail—for smuggling bulls into the country! Ochoa, not surprisingly, never turned up to serve his sentence.

On Nov. 21, 1987, Jorge Ochoa was arrested by a traffic cop, allegedly on a tip from the rival Cali Cartel. After being held for slightly over one month in a maximum security prison while then-Attorney General Carlos Mauro Hoyos worked with U.S. authorities to secure an extradition order for him, the cocaine trafficker walked out of prison, released on a technicality by the warden. Three weeks later, on Jan. 18, 1988, Hoyos was gunned down by Medellín Cartel assassins.

Despite the skepticism of law enforcement experts across the United States, official Washington is gushing with praise for Gaviria's "Made in U.S.A." plea-bargain solution to the war on drugs. In a Jan. 9 statement to the media, U.S. Ambassador to Colombia Thomas McNamara declared that Washington fully backed the Colombian government's pact with the traffickers, and described Gaviria's "peace plan" as a sovereign decision. McNamara has for nearly a year insisted that the U.S. State Department would have no objection should Colombia decide to end extradition as a weapon against the cocaine cartels.

Worse was Rep. Charles Rangel (D-N.Y.), head of the anti-narcotics

committee in the House of Representatives, who returned from a visit to Colombia to say that Jorge Ochoa's surrender proved the "viability" of Gaviria's policy, "in which the traffickers are offered a plea-bargain, rather than extradition, if they surrender."

Jorge Ochoa and his brother Fabio are currently in a new jail just outside their home town of Medellín. Jorge's 200-square-foot "cell" consists of a living room, bedroom, and kitchen. Their trials will begin, according to Colombian sources, when sufficient evidence to bring a cocaine-trafficking indictment against them is provided by U.S. authorities. If convicted, they will serve reduced sentences in what have been dubbed "five-star jails," complete with sculptured archways, balconies, color televisions, and video recorders.

However, whether U.S. evidence will now be forthcoming is in doubt in the aftermath of the Mejía case. According to the Jan. 22 *Washington Post*, "U.S. and European narcotics experts fear that if they turn over all their evidence and it is improperly used or the Ochoas are suddenly freed, the evidence could not be used again in future trials. . . . 'The double-jeopardy issue is a serious concern,' said a U.S. narcotics expert working with the Colombians."

It is now reported that the Medellín Cartel's top man, Pablo Escobar, is considering surrendering, but would have the conditions made yet more favorable first. Among those conditions are oversight of his surrender and trial by a human rights group such as Americas Watch, and the creation of a government commission to study the surrender terms. Justice Minister Jaime Giraldo responded to Escobar's demands by insisting that "there will be no dialogue nor negotiation" with drug traffickers. Escobar is no doubt roaring with laughter.