

Andean Report by Andrea Olivieri

Drugs and the Constitution

With the M-19 taking a plurality of Assembly seats, Colombia's institutions may soon be in narco hands.

Fewer than 4 million Colombians—a quarter of all eligible voters—went to the polls Dec. 9 to choose delegates to the 70-seat Constituent Assembly, which will be rewriting the country's national Constitution. The extraordinary results of this election, which was illegally foisted on the population by a politically motivated Supreme Court decision, are now causing anxiety attacks across Colombia, since the M-19, “repentant” narco-terrorists who were given legality under a sweeping government amnesty earlier this year, succeeded in capturing nearly one-third of the Assembly's delegates and will now, together with its colleagues inside the cocaine cartel, be dictating the new legal and political structure of Colombian society.

One of the most talked-about agenda items for the Assembly, which will meet between February and June, is the controversial extradition of drug traffickers indicted abroad, a policy which has served as a potent weapon against the traffickers. The M-19 has made no bones about its virulent opposition to the policy and, with the backing of corrupt delegates from the Liberal and Conservative parties, is widely expected to ban extradition by constitutional amendment. That, however, is not all the M-19 is prepared to do for its drug-trafficking associates.

Speaking to reporters in Medellín just prior to the Dec. 9 election, M-19 chieftain Antonio Navarro Wolf admitted that he had come there to meet with representatives of the “Extraditables,” who hope to pressure the Assembly into granting them the same

political pardon as that given the M-19, the one thing the César Gaviria government has thus far been legally prohibited from granting. In an interview with *Semanas* magazine Oct. 30, Navarro refused to rule out the prospect of an Assembly pardon.

In fact, one unnamed “senior government official” cited by the Dec. 10 *Washington Post* admits that the “Extraditables know that until the Assembly, the government can only offer certain things, then it hits a legal wall. With the Assembly, for the first time, the limits of the state will not be fixed. They can move the legal wall.”

According to the British newsletter *Foreign Report*, the M-19's electoral campaign for the Assembly was in part financed by the cocaine cartel. Hardly surprising, given that the M-19 earned as much as \$5 million in blood money from the cartel in November 1985, when it stormed the Colombian Justice Palace; all legal dossiers on the cocaine traffickers, especially extradition proceedings, were burned, and 11 Supreme Court magistrates—then meeting on the constitutionality of Colombia's extradition treaty with the United States—were executed.

Furthermore, the cartel continues to negotiate with the Gaviria government, while holding eight prominent journalists hostage. The Extraditables are well aware that once granted protection from extradition, many of them can “surrender” without risk of conviction, because the bulk of the drug-trafficking charges against them were made in foreign courts. Thus, the traffickers want the right to surren-

der without having to confess to any crimes, a condition earlier imposed by Gaviria.

At a Dec. 4 press conference in Medellín, President Gaviria responded by promising to soften his surrender conditions yet again: “I want to say that we are prepared to modify our decree, because we are interested in the pacification of the country.” The government is searching out buildings to buy in Medellín, which will house the Extraditables when—and if—they surrender.

Gaviria has also directed the Justice Ministry and Attorney General's office to immediately investigate complaints by the Ochoa brothers, who run the Medellín Cartel along with Pablo Escobar, that their “human rights” are still being abused by the police. On Dec. 3, the Gaviria government announced its decision to expel the National Police and the Department of Administrative Security (DAS) from the National Drug Council, which directly coordinates the war on drugs. Both the police and the DAS were in the vanguard of repressing drug crimes. What now remains on the council are political entities under the coordination of Justice Minister Jaime Giraldo Angel, who has been in the forefront of negotiating the government's surrender to the narcotics.

On Dec. 7, the anti-drug daily *El Espectador* editorialized: “The consequences will soon be evident in a decline in the fight against drug trafficking. . . . The concessions are growing.” On government plans to pardon the traffickers, the daily insists: “There are moral, juridical, and philosophical principles that must be preserved if Colombian society is not to end up in decay. The legacy we would leave to new generations would not be very honorable, and at best, evil will grow worse instead of disappearing.”