

Andean Report by Javier Almario

Judge orders terrorists to stand trial

Is Colombia's Gaviria prepared to defend the M-19 to the death—of whatever remains of the justice system?

On May 18, a “faceless judge”—one of the special magistrates designated for dealing with crimes of terrorism and drugs, whose identity is kept under wraps—called to trial 31 top leaders of the narco-terrorist M-19 guerrilla organization, on charges of having incinerated the national legal archives during the Justice Palace siege of 1985, and for having kidnapped and murdered a number of the Supreme Court's magistrates during that siege.

If the Colombian government and Congress were to approve a bill currently before the legislature, whose sole objective is to prevent the amnestied M-19 leadership from going to jail, “the collapse of the justice system is imminent,” warned the June 3 editorial of the anti-government newspaper *El Espectador*.

Indeed, the Gaviria government is facing a major dilemma: Either it complies with the judge's order and refuses to acknowledge the amnesty agreement by which the M-19 was legalized, meaning that all members of that group would be immune from prosecution for any action carried out before the amnesty date of December 1989; or the government interferes with the independence of the justice system and confirms that what really rules in Colombia is the “law” of narco-terrorism.

The fact is that while the M-19 did benefit from the 1989 amnesty and pardon, the decree specifically omitted pardon for “atrocious crimes.” The M-19, according to the “faceless judge,” committed atrocious crimes against the justice system in its Nov.

6-7, 1985 siege of the Justice Palace. Ironically, the new Constitution, which was shaped and approved in large part by the amnestied M-19 leadership, also clearly establishes that presidential pardons *cannot* be extended to those who have committed atrocious crimes.

Although M-19 leader Antonio Navarro Wolf argues that he bears no responsibility for the 1985 holocaust because he was out of the country at the time, the judge bases the charges against Navarro precisely on his statements made from abroad. In December 1985, Navarro told the Mexican magazine *Cuadernos Políticos* that the terrorist assault on the Justice Palace, in which over 100 people died, was fully justified because the M-19's objective was “to destroy one of the last, if not the last, of the country's respectable institutions. We evaluated the significance of the Supreme Court in a country which believes in nothing, and in which there remain only two institutions: the church and the Supreme Court.”

When the decision of the “faceless judge” was delivered, the M-19 leadership ran to President César Gaviria, who pledged to intervene to prevent their jailing. At the same time, both houses of Congress gave their full backing to the M-19, and are desperately seeking a “formula” that can overturn the judge's ruling. Further, Navarro Wolf and the other M-19 leaders have declared themselves in defiance of the court order, prompting *El Espectador* to counter in a June 2 editorial: “It is curious that even as Navarro proclaims his disrespect for

the law, he nonetheless is pressuring for passage of a law that would interfere with the actions of the court.” The editorial further warned Navarro that to disobey the judge's order is to declare oneself beyond the law, and went on to charge that the government and congressional effort to ram through legislation that would prevent the jailing of the M-19ers “is to deal a treacherous blow to the state of law, while stripping away the essence of justice as the guarantor of the democratic ideal.”

On June 3, the Council of State, the country's highest administrative court, warned both the government and Congress not to interfere with the application of the law, and accused those institutions of “seeking an agreement that has the unquestionable intent of de-activating justice.”

So, for now, the Gaviria government is up against the wall. It cannot afford to destroy the last illusion of a functioning justice system, nor can it afford to allow its M-19 allies, including one cabinet minister, to go to jail. In the latter case, not only would its “peace pact” with the M-19 become null and void, but it would pull the rug out from any future “peace negotiations” with the other narco-terrorist groups, the FARC and ELN.

This crisis could put an end to 10 years of treasonous “peace talks” with the narco-terrorists, 10 years which have spelled the ruin of Colombia's national institutions, an assault against the Armed Forces, the destruction of the economy, spoilage of the country's vast natural wealth, and demoralization of the population. Of course, Gaviria could ignore the judge's ruling and stand by his peace pact with the terrorists. He would undoubtedly lose the remaining 1% of his “popularity,” leaving him in a situation worse than that of his colleague across the border in Venezuela.