

Castro visit generates discontent in Colombia

by Javier Almario

The César Gaviria government in Colombia is on the verge of releasing more than 5,000 narco-terrorists and drug traffickers from jail, among them the various lieutenants of fugitive Medellín Cartel chieftain Pablo Escobar, because of legal loopholes which the government itself has created. In the midst of this outrage, President Gaviria's personal invitation to Cuban dictator Fidel Castro to visit Colombia, where he encouraged narco-terrorist guerrilla forces there, has generated serious discontent within the Colombian Armed Forces.

On Aug. 3, the Colombian Constitutional Court interpreted the new 1991 constitution—godfathered by the Gaviria government—to declare Article 3 of Law 15 unconstitutional. That article states that those accused of drug trafficking or terrorism may not be released from jail, even if held beyond a year without trial. Faced with the imminent release of thousands of the country's worst criminals, the government issued a decree of exception denying those accused of such crimes the benefit of the new penal procedure code. That code, which the government is now trying to countervene with its special decree, was written by the government itself.

A 'Frankenstein' creation

For the background to this farce, one must go back to 1990, when the Supreme Court, under threat from both the Gaviria government and the narco-terrorist guerrillas, agreed that the Constitution would be "reformed" through election of a Constituent Assembly. That decision violated the extant 1886 Constitution which established that constitutional reforms could only be carried out through two separate votes by the two houses of Congress. Then, in 1991, the illegally convoked Constituent Assembly, which was dominated by pro-drug, pro-terrorist, and outright terrorist elements, wrote a new Colombian Constitution to subvert the country's moral and legal underpinnings.

One of the first acts of the 1991 Constituent Assembly was to declare the extradition of Colombian nationals unconstitutional. This was a principal demand of the drug traffickers and it is suspected that a great deal of money flowed under the tables at the Assembly to guarantee the vote. Later, the same Assembly shut down the national Congress in alliance with President Gaviria, and created a sort of "pocket

congress" whose members were chosen by the Assembly and who replaced the work of the Congress for several months.

During these few months the government drafted what was supposed to be a "tough" new penal procedure code, which nevertheless included the proviso that any prisoner who was held in jail for more than a year without trial must be set free. The code was approved by the "pocket congress" without debate. Given that the justice system, as much a victim of bureaucracy as of terrorist intimidation, is so slow, these criminals and their well-paid attorneys are now using the code to their benefit.

During these proceedings the U.S. State Department never accused Gaviria of being "anti-democratic" for shutting down the country's elected legislature, in sharp contrast to its "big stick" treatment of Peru when President Alberto Fujimori closed down that country's terrorist-riddled congress.

In anticipation of such a bind, the government in 1992 created a "state of internal commotion," which said that those accused of drug trafficking and terrorism would not benefit from the new code. Later, the Congress approved the emergency measure and turned it into law. But the Constitutional Court, a product of the Constituent Assembly, decided that the code approved by the "pocket congress" took precedence over any vote of Congress.

The Gaviria government's latest decree only postpones the problem it has created. Nor does it reflect any recognition of the disastrous policy the government has pursued all along, as evidenced by the fact that President Gaviria has just presented a bill to Congress which would give him full powers to pardon narco-terrorists and to suspend arrest warrants against any narco-terrorists who want to avail themselves of the government's ongoing offer to engage in a "peace dialogue."

In fact, in his zeal to reach a "peace agreement" with the country's Marxist narco-terrorists, President Gaviria invited Fidel Castro for a three-day stopover in Colombia upon returning from the presidential inauguration in Bolivia. Gaviria hoped that Castro would urge the narco-terrorist guerrillas to participate in a dialogue with the Colombian government, but Castro did the opposite, insisting that he could not address the guerrilla question because this would be the equivalent of commenting on the country's political parties, which would constitute interference in Colombia's internal affairs.

Castro's visit particularly rankled those military and police personnel who have been engaged in bloody warfare against narco-terrorism for years, and who captured the more than 5,000 narco-terrorists who are today on the verge of being released. Cuba continues to serve as a training site for these narco-terrorist guerrilla groups, despite Castro's protestations that he has turned "democrat." And should the 5,000 terrorists be released, they will be well armed by the Salvadoran FMLN, which has been discovered handing over to Colombian guerrillas the weapons it failed to register under the U.N. "peace pact."