



DCI/CNC --- IR 97-40005 ---

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Intelligence Report

APPROVED FOR RELEASE

DATE: APR 2002

DCI Crime and Narcotics Center

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30 January 1997

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Colombia: A Mixed Counternarcotics Picture in 1996

Summary

The Samper administration, under pressure to repair its narcotainted image and stave off US-imposed economic sanctions, took several steps to improve its counternarcotics performance in 1996. The longer-term impact of these developments on the drug trade is problematic, however, because of Samper's shaky commitment to counternarcotics, widespread corruption, and the possibility of aggressive trafficker actions to protect their interests:

- Last-minute lobbying by the President and other administration officials prompted Congress to pass a strong asset forfeiture bill after months of procedural footdragging and trafficker-backed efforts to water down or shelve the bill. *Bogota, however, has a track record of failing to follow through on legislation, and lack of expertise and resources will make enforcement difficult. Moreover, Bogota may be reluctant to risk potentially violent trafficker retaliation by wiping out the drug lords' fortunes.*
- Although Colombia did not meet its target for verified coca eradication, the addition of US contractor pilots to eradication efforts revived the world's most aggressive illicit crop aerial eradication program. *An increase in eradication operations this year almost certainly will spur the insurgents—who earn substantial revenues from drug-related activities—to become more aggressive, increasing the threat to aircraft and pilots.*
- Security forces have continued to pressure narcotraffickers; the last remaining Cali kingpin-at-large, Helmer "Pacho" Herrera, surrendered, and Bogota continues to pursue other traffickers. The imprisoned Cali drug lords and other

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narcotraffickers have maintained a hand in their trafficking operations from jail, however. The jailed kingpins are also plea bargaining light sentences—Gilberto and Miguel Rodriguez Orejuela received nine- and 10-year jail terms in January. *At-large traffickers will be difficult to capture because they are more dispersed and have lower profiles than the jailed kingpins. Moreover, the government must in many cases still build up enough evidence to press charges against them.*

- The first joint military and police antidrug operations led to a rise in the number of cocaine laboratories closed, and Bogota has continued efforts against the Colombian end of the Andean airbridge. *US law enforcement agencies assess, however, that the flow of drugs out of Colombia is unabated. Traffickers display resilience and adaptability in responding to changes in their operating environment.*
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President Samper is likely to become more difficult to engage on counternarcotics issues after the March 1997 certification deadline. Efforts to ferret out corruption—already losing momentum—may wane further if Prosecutor General Valdivieso leaves office to seek the presidency or if an ongoing smear campaign escalates and tarnishes his image. Nevertheless, the influential Colombian business community and efforts of some dedicated administration and congressional officials will maintain some degree of pressure on the government to sustain counternarcotics efforts to prevent a further deterioration in relations with the United States that could result in costly sanctions.

Struggling Under Tainted President [REDACTED]

President Ernesto Samper's commitment to counternarcotics efforts is weak and appears largely driven by concern with improving his image and forestalling the threat of US-imposed economic sanctions. [REDACTED] the dedication of lower-level officials, such as Prosecutor General Valdivieso and National Police Chief Rosso Serrano, and some congressmen has made most successes possible, rather than tough action on Samper's part. The President's reputation remains clouded following his exoneration by Congress in June of charges that he accepted donations from narcotics traffickers to fund his 1994 presidential campaign. A sizable body of all-source intelligence reporting supports the public allegations that Samper solicited and accepted campaign funds from traffickers. [REDACTED]

Samper is difficult to engage on counternarcotics issues and generally responds only when it is politically expedient to do so. [REDACTED] There appear to be no actors or groups within Colombia who consistently pressure Samper to make progress in the fight against drugs or who Samper routinely relies on for counsel. Samper's Liberal Party has not pressed him for action and neither have advisers such as Interior Minister Horacio Serpa, himself under investigation for corruption. Opinion polls have shown that the public is most concerned with deteriorating economic conditions and the guerrilla conflict, which escalated in the final months of 1996. Nevertheless, the business community and the public can prove influential when an issue is important to them or becomes widely publicized in the media:

- The groups were important to the success of the asset forfeiture legislation. [REDACTED] media attention to congressional consideration of a package of counternarcotics bills helped fuel public outrage after Congress initially voted to essentially legalize the fortunes of the drug traffickers by limiting the retroactivity of the bill. Business magnates, fearful of the possibility of US-imposed sanctions if Congress failed to pass a strong bill, also banded together to press for the measure's enactment. [REDACTED]

Assessing Key Areas

Colombia made some positive steps in areas identified by the United States as important, but entrenched problem areas persist:

Counternarcotics Legislation—A Significant Achievement. After months of footdragging and backroom maneuvering, Congress passed in December a strong asset forfeiture bill, which was proposed by Samper in July in an effort to rebuild relations with the United States. The measure is a blow to traffickers, who face losing assets gained since narco trafficking was criminalized 20 years ago and who worked hard to try to defeat or water down the bill through intimidation and bribery.

- Shortly after Samper signed the asset forfeiture bill into law, the police launched "Operation Forfeiture One," raiding 77 drug-related properties in Cali, the North Coast, and Valle del Cauca. The police also have begun to coordinate with financial institutions and business associations to gain more information on illicit assets held in Colombia.
- The other measures proposed by Samper—legislation to lengthen penalties for trafficking and other crimes, to curb lenient plea-bargaining provisions, and a bill to strengthen anti-money laundering provisions—were passed out of a congressional committee this year and must be reviewed by the full Congress. Samper will convene a special session of the legislature in mid-February in an effort to beat the 1 March deadline for the US antidrug certification decision.

The success of the asset forfeiture measure will depend on aggressive enforcement. The government has a track record of failing to follow through on legislative initiatives, and Prosecutor General Valdivieso doubts the government's commitment to the measure. Furthermore, Bogota will have to overcome weaknesses such as the lack of expertise and resources to track trafficker assets down. The drug lords, irked by their failure to kill or water down the asset forfeiture bill, are likely to step up efforts to intimidate legislators, and the drug lords' lawyers probably will challenge the constitutionality of the retroactivity provision. The remaining bills are likely to face intense debate once Congress returns; and their passage is not guaranteed. Some congressmen probably will try to water down the bills or attach riders that could benefit them; the Embassy reports that many support an amendment that would allow convicted officials to serve reduced jail terms.

- Enforcement and passage of the counternarcotics package could also increase trafficker-sponsored violence in the coming year. Police blamed traffickers for a car bomb deactivated in Cali in November outside a business owned by the family of a Senator who favor extradition and who sponsored asset forfeiture legislation. Traffickers also may have been responsible for a car bombing in December outside the home of a newspaper editor known as a staunch opponent of narcotrafficking who supported the legislation. []

Aerial Eradication—Strengthening Efforts Despite Failure To Meet Goal. Colombia maintained the world's most aggressive aerial eradication program but did not meet its goal of 18,000 verified eradicated hectares of coca, [] primarily because of poor weather, pilot retraining, and months-long violent peasant protests. The addition of the US contractor pilots in October revived operations, but flights were suspended for more than a month after three US-piloted aircraft were hit by ground fire in November []

Security conditions for eradication operations could deteriorate in the coming year as the insurgents probably would consider any increase in spraying as threatening to their interests. A variety of reporting indicates that the rebels earn substantial revenues from protecting and cultivating fields and supporting trafficker operations. A top guerrilla leader in November ordered his followers to fire on US-sponsored eradication aircraft, believing that US support for spraying would evaporate if a few planes were shot down [] Indeed, five aircraft have been damaged by ground fire already this year, [] []

Targeting Traffickers—Continued Efforts But Less Visible Results. Following the takedown of the Cali mafia kingpins in 1995—which put the most prominent targets behind bars—the security services continued to pursue drug traffickers. The negotiated surrender in September of Helmer “Pacho” Herrera, the last Cali kingpin-at-large, puts all the major Cali drug lords in jail; []

[] One Cali kingpin, Jose Santacruz Londono, was killed in a shootout with police in March after his January 1996 escape from prison. Four other key Colombian traffickers surrendered or were arrested last year:

- Juan Carlos "Cuchilla" Ortiz Escobar and Juan Carlos "Chupeta" Ramirez, both responsible for multiton shipments of drugs to the United States, surrendered in March.
- Jose Castrillon, a top maritime trafficker, was arrested in April in Panama; Colombian assistance helped set the stage for his arrest. [REDACTED]
- Luis Enrique "Miki" Ramirez Murrillo, the leader of a drug-smuggling ring operating along the north coast and a key player in the Cali mafia, was captured in June. [REDACTED]

Other traffickers are feeling some pressure both from security service and legislative efforts against them in the past year:



Authorities must now contend with a more diffuse, decentralized network of lesser-known traffickers who are maintaining a low profile, which will probably make them difficult to capture quickly. [REDACTED] the rigid Cali hierarchy has been replaced by loose, shifting alliances designed to reduce the risk by adopting a less fixed organizational arrangement. [REDACTED]

Interdiction Efforts—Increased Armed Forces Support Leads to Some Gains. The launching of the first joint military and police counternarcotics operations strengthened efforts in 1996 and led to a substantial increase in the number of takedowns of cocaine laboratories. In June the Army and the police initiated their first joint operation,

dubbed "Operation Conquest," to destroy labs and airstrips and to support eradication efforts. The venture resulted in several successes, including:

- The destruction in November of a large chemical processing plant outfitted to synthesize acetone from sugarcane and sulfuric acid. [] the lab was the first of its kind seized in recent memory.
- The takedown in December of a high-volume cocaine processing lab in Guaviare, which featured a plant to recycle acetone and other solvents.

The police and military have also stepped up pressure on the flow of precursor chemicals, resulting in high levels of seizures last year and making precursors more expensive and difficult to obtain. In October, the government announced that National Police Chief Serrano, one of the staunchest advocates of counternarcotics efforts, will remain in his post through 1997. []

Counternarcotics Performance Statistics, 1991-96						
	1991	1992	1993	1994	1995	1996
Claimed coca eradication (ha)	972	959	793	4,910	24,046	19,300
Claimed opium eradication (ha)	1,156	12,858	9,821	4,676	3,971	6,900
Cocaine base seized (mt)	9.28	5.81	10.4	32	19.5	17.5
Cocaine HCL seized (mt)	77.07	31.92	21.76	30	21.5	23.5
Opium seized (mt)		0.43	0.261	0.128	0.078	
Heroin/morphine seized (mt)		0.05	0.261	0.181	0.419	.183
Cocaine labs destroyed	239	224	401	560	396	861
Heroin/morphine labs destroyed	5	7	10	9	11	9

Meanwhile, Colombia continued to cooperate with efforts to shut down the narcotics airbridge between it and Peru. In Colombia, security services have seized and impounded more than 70 trafficker aircraft in the past year. Negotiations on a maritime shipboarding agreement that would allow US officials to board Colombian vessels suspected of carrying narcotics have made slow but steady progress, and the [] is optimistic that an accord may be signed by March. []

Drug Corruption—Problem Still At Critical Levels. Independent Prosecutor General Valdivieso, who has pursued the legal cases against top drug traffickers, has continued his investigations of officials suspected of receiving trafficker funds. Procedural delays have set back some probes, however, and corruption remains pervasive at all levels of government. Politically motivated and trafficker backed efforts to force Valdivieso to leave office early have proven unsuccessful.

- Forty-three prominent politicians are under investigation for drug-related corruption, 10 of whom are currently under detention. Several politicians were sentenced last year for illicit enrichment to jail terms averaging five years, including former Defense Minister Botero, Samper's former campaign treasurer Medina, and some former senators.
- Corrupt Attorney General Vasquez Velasquez was removed from office in November and faces charges for illicit enrichment, manipulating witnesses, and falsely accusing Valdivieso of corruption.

Corruption investigations could falter in the coming year, depending on the status of Valdivieso. He ranks highly in opinion polls on possible presidential candidates and may leave office to pursue the presidency. His absence probably would derail investigations and would further tax the prosecutor general's office, which already suffers from severe backlogs and shortages, hampering trafficker prosecutions. Even if he remains, there is a risk that smear campaigns against him could escalate and diminish his effectiveness by tarnishing his reputation or forcing him to spend considerable time defending himself rather than conducting probes. According to the Embassy, traffickers and his political enemies are spreading the word that Valdivieso accepted contributions for his 1992 Senate campaign from "shady characters."

Extradition—Remaining Firmly Opposed. The Samper administration does not support reinstating extradition—which was constitutionally banned in 1991—although the President, probably in an effort to appear less obstinate, has paid lipservice to the value of extradition in the fight against the drug trade and has said he welcomes debate on the issue. The government has yet to formally reject the request made last summer by the United States to extradite four top Cali traffickers, but almost certainly has no intention to grant extradition and is attempting to transfer responsibility—and blame—for the final decision to the Supreme Court, which is now looking at the validity of the request.

- A weak bill sponsored by Samper's political opponents to reinstate extradition died in congressional debate this year. The bill stipulated a five-year grace period during which

criminals could surrender without fear of extradition and restricted extradition if the penalty imposed abroad would be harsher than that under Colombian law.

- The constitutional court is looking at whether the 1979 extradition treaty signed with the United States is inapplicable because of the 1991 constitutional ban on extradition. []

Prosecuting the Traffickers—A Major Trouble Spot. Cali kingpins and other top traffickers arrested last year probably will plea bargain light sentences by cooperating and confessing to some charges and receiving multiple sentence reductions.

- Two traffickers who surrendered in 1996, Chupeta and Cuchilla, were both sentenced in December and benefited from generous reductions for surrender and confession. Cuchilla's 20-year sentence was cut to 11 years, and Chupeta's 24-year sentence—the maximum for trafficking—was reduced to 13 years. With further reductions offered for time served, work study, and good behavior, both will likely serve less than 10 years.
- Last summer, the three Ochoa brothers, all Medellin kingpins who surrendered in 1990 and 1991, were released from jail after serving roughly half of their plea-bargained sentences due to further reductions for work study and good behavior. []
- In January 1997, Gilberto and Miguel Rodriguez Orejuela, among the world's top traffickers, received nine- and 10- year sentences after plea bargaining, prompting an outcry from Samper administration officials.

Furthermore, [] the Cali mafia remains operational following takedown of their top leaders. [] jailed narcotraffickers are able to continue to conduct business from jail, keeping a hand in their organizations through confidants and relying on their many lawyers to send and receive messages.

- In December, Police Chief Serrano ordered a raid on the cells holding top traffickers Miguel and Gilberto Rodriguez Orejuela and Ivan Urdinola in response to mounting rumors that the jailed traffickers were attempting to bribe and intimidate congressmen to vote against the asset forfeiture bill.

Little Impact on the Drug Trade in 1996

While Bogota's efforts have complicated some trafficking activities, Colombia remains the major player in the cocaine trade, leading the world in cocaine production and trafficking. [] US law enforcement agencies believe only a slight reduction in Cali mafia activities has occurred and assess that the flow of drugs out of Colombia has not abated. Traffickers have displayed resilience and adaptability in responding to changes in their operating environment. A variety of reporting suggests many traffickers continue to move multiton shipments, elude security service operations, and adapt to restrictions such as tightened controls on precursor chemical movements:

- Traffickers minimize disruptions caused by raids by building in overcapacity at labs to facilitate a smooth transfer of production from one lab to another. []
- Faced with precursor chemical restrictions, traffickers have looked for ways to manufacture cocaine without solvents.

Looking Ahead []

President Samper is likely to become more difficult to engage on counternarcotics issues in 1997, his last full year in office. The administration is likely to push early this year to try to wrap up the penalty enhancement and money-laundering bills and conclude a maritime shipboarding agreement in time for the March 1 certification decision, but the administration's counternarcotics momentum is likely to diminish as the year progresses. If the legislation is not passed by March, it is less likely that the

bills will pass without significant watering down as the government probably will feel less pressure for action, and the country will increasingly focus on the 1998 elections. The headline-dominating phase of the narcocorruption-fueled political crisis has abated, reducing the pressure on Samper to improve his image when the country has accepted that he will remain in office. President Samper probably will focus more on trying to deliver on issues that were part of his campaign platform—such as human rights and social programs—and address major public concerns—such as the declining economy and the guerrilla conflict—rather than on counternarcotics, an issue to which he has little personal commitment and which opinion polls have indicated is not a predominant concern of the Colombian public.

The extent of Bogota's attention to counternarcotics will largely depend on the state of relations with the United States. Influential business magnates, as well as some politicians or the public, could become alarmed if they believed US anger over Colombia's counternarcotics performance threatened vital commercial or economic interests. Moreover, dedicated working-level security and law enforcement officials are likely to want to maintain pressure on the traffickers.

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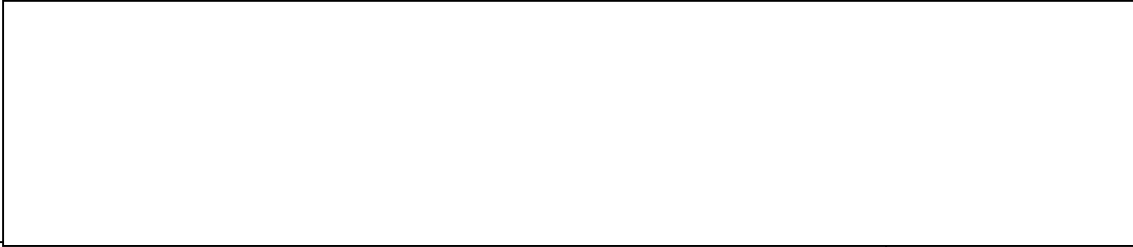
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