

DRUG LORDS AND THE COLOMBIAN JUDICIARY: A STORY OF THREATS, BRIBES AND BULLETS

Rachelle Marie Bin*

INTRODUCTION

The Colombian cocaine and marijuana drug lords have had crippling, almost devastating, effects on that country's judiciary. Since 1975, Colombian drug lords have supplied approximately seventy-five percent of the processed cocaine and fifty percent of the imported marijuana in the United States.¹ The Colombian drug lords, or *trafficanes*, have successfully capitalized on the growing international demand for marijuana and cocaine. Within a twelve year span, several have become billionaires. Colombian justices attempting to eradicate the drug trade have encountered fierce opposition. Indeed, the drug lords frequently silence their judicial opponents either with money or through assassination.

Within the past five years, an estimated sixty justices have been murdered by the *trafficanes* or by *trafficante*-hired assassins. These justices had opposed the drug trade. Unquestionably, these murders have successfully intimidated many current justices and some are so afraid that they no longer oppose the drug lords. This note examines the background of this large scale challenge to the Colombian judiciary.

REASONS FOR THE ASSASSINATIONS

Colombian justices have the authority to send the *trafficanes* to jail, and thus the ability to inflict severe damage against the drug lords. Incarceration disrupts a *trafficante's* lucrative trade; consequently, justices have become the focus of attack. Further, United States extradition requests are honored or denied by Supreme Court Justices. The U.S.-Colombia extradition treaty, signed in 1979, permits the United States to request the extradition of Colombian *traf-*

* J.D. expected 1988, UCLA School of Law.

1. Craig, *Illicit Drug Traffic and U.S.-Latin America Relations*, 8 WASH. Q. 111 (1975).

ficantes to the United States to stand trial on drug trafficking charges. Colombian drug lords fear extradition more than anything else since they can not buy or blow their way out of American jails as easily as they have done at home.² U.S. authorities are regarded as less vulnerable to death threats and other pressures to which Colombian judges are constantly subjected. Any Supreme Court Justice who refuses to ignore a United States extradition request faces elimination; several have already suffered sudden, violent deaths.

The degree of danger to which justices are exposed is highlighted by the recent laws and security measures implemented to keep them alive. The government may now draw up a list of suspects for immediate detention without previous warrants. Military courts then decide if there are concrete charges to be heard and can hold summary courts martial. Informers are offered rewards, protection and even resettlement abroad with new identities.³

Security has also been increased for members of the Supreme Court. The office of the Chief Justice is guarded by thirteen soldiers in combat gear equipped with automatic rifles. Visitors, who are frisked for weapons and explosives, must pass two identification checks. The United States, moreover, hoping to increase the rate of extradition, has provided all members of the Colombian Supreme Court with armored cars.⁴

THE WAR AGAINST THE DRUG LORDS

Prior to the 1984 assassination of Minister of Justice Rodrigo Lara Bonilla, Colombian drug lords openly bribed Colombian public officials, including justices, and their actions were reluctantly tolerated by the government. The millions of dollars which the *trafficanes* reaped in profits transformed them into *narco-politicos*, drug lords wielding enormous political clout. Corruption was so commonplace that it was accepted as a way of life.⁵

The murder on April 30, 1984 of the Minister of Justice, Rodrigo Lara Bonilla, by *trafficante*-hire assassins, abruptly terminated the government's tolerance of the *trafficanes*. Minister Bonilla had waged an almost solitary war against the drug trade, often upsetting his colleagues who preferred to maintain a less dangerous profile by ignoring the *trafficanes*. Under Bonilla's prodding,

the Justice Ministry had by early 1984 grounded almost 200-

2. *Snaring the King of Coke*, NEWSWEEK, Feb. 16, 1987, at 16.

3. *Colombia Goes After Drug Barons*, Christian Sci. Monitor, Jan. 12, 1987, at 9, col. 1.

4. *U.S. Said Protecting Colombian Judges Against Drug Dealers*, Reuters North European Service, May 7, 1987 (Thurs. a.m. cycle) (Available on Nexis).

5. Craig, *supra* note 1, at 111.

drug smuggling aircraft, publicly announced the names of major traffickers, advocated crop eradication, supported reform of Colombia's antiquated judicial system so as to better cope with the organized crime challenge and called for action on the 1982 extradition treaty.⁶

Immediately following Bonilla's assassination, President Belisario Betancur declared a state of siege against all *trafficientes*. The government began honoring American extradition requests which it had previously rejected and the National Police and military units raided fields, refineries, and trafficker properties. Within eight months, more than 8,000 acres of marijuana had been destroyed.⁷

Betancur's promise to wage a war without quarter against the cocaine mafia and the government's subsequent crackdown on corrupt officials and drug lords did not quell the violence; instead, implementation of those policies provoked violent retaliation. Shortly thereafter, Justice Manuel Castro Gil, who was in charge of investigating Minister Bonilla's murder and who had ordered that charges be brought against sixteen persons, was shot and killed by *trafficiente*-hired assassins. In November 1985, leftist guerrillas hired by the drug lords stormed the Palace of Justice in Bogotá, and killed more than forty people, including 10 associate justices and the Chief Justice. Justice Minister Parejo, who survived the attack, believed that one of the main objectives of the massacre was to "destroy records and to kill judges involved in the prosecution of drug trafficking crimes."⁸ The *trafficientes* were avenging a Supreme Court declaration made earlier in the year that an extradition treaty between the United States and Colombia was constitutional.

Within the past two years, other Supreme Court Justices have been murdered or attacked for encouraging the extradition of *trafficientes* to the United States. On July 31, 1985, Hernando Baquero Borda, who had helped draft the 1982 extradition treaty with the United States and who had processed and evaluated cases involving the extradition of drug traffickers, was gunned down in a Bogotá street. Recently, Colombia's ambassador to Hungary, Mr. Parejo Gonzalez, was shot and wounded at his residence in Budapest. Parejo had survived the 1985 attack on the Palace of Justice and, as former Minister of Justice, had supported the extradition of thirteen *trafficientes* to the United States.

6. *Id.* at 117.

7. *Lehder Arrest Lifts Morale in Colombian Antidrug War*, Christian Sci. Monitor, Feb. 9, 1987, at 1.

8. N. Y. Times, Nov. 11, 1985, at 3, col. 1.

THE FUTURE INTEGRITY OF THE COLOMBIAN JUDICIARY

The cocaine and marijuana drug lords undermine the legitimacy and integrity of the Colombian judiciary. Any effort to personally oppose the drug lords threatens the lives of the justices. When Jorge Luis Ochoa, the reputed kingpin of the Colombian cocaine cartel, was arrested in Spain for drug trafficking and the United States and Colombia simultaneously sought his extradition, he was sent to Colombia. A provincial judge released him from jail within two months. The judge thought it more prudent to hear a lesser charge, that of illegally importing bulls into Spain, rather than a charge of drug trafficking. Ochoa, who is wanted by the United States for smuggling 1,452 pounds of cocaine into Florida, received a two year suspended sentence.⁹ The judge, like many of his colleagues, was forced to restrain his opposition to the drug lords. As Supreme Court President Fernando Uribe Restrepo stated, *traffickers* present justices with a very difficult choice: "Accept silver or we will give you lead."¹⁰

Since the signing of the U.S.-Colombia extradition treaty in 1982, the United States has asked Colombia to turn over approximately 130 suspects. Colombia has complied with only twelve requests. Furthermore, under the terms of the treaty, the Colombian government can exclude certain United States charges brought against these Colombians.¹¹

In 1987, the Supreme Court declared that the legislation ratifying the extradition treaty with the United States was unconstitutional. The legislation, it stated, had been improperly signed into law by a government minister instead of by the President.¹²

It is too soon to surmise whether the court will reverse itself or whether it will seek extradition through other treaties. The narrow decision, thirteen votes to twelve, indicates that some justices, not yet terrorized into submission, will continue to confront the drug lords whenever they can. The more obvious message, however, is that the Supreme Court can be intimidated; it has voluntarily discarded its most intimidating weapon in its fight against the drug lords.

The Colombian and United States governments have concentrated their efforts on protecting the Colombian justices, hoping that this would be sufficient to persuade them to take a firm stand

9. *Colombian Dealer Freed*, Wash. Post, August 17, 1986, at A23 (final ed.).

10. *Colombia Goes After Drug Barons*, *supra* note 3, at 9, col. 1.

11. *Despite Treaty, Most Colombian Drug Dealers Escape U.S. Hands*, Christian Sci. Monitor, Mar. 13, 1986, at 5.

12. *Colombian Supreme Court Overturns Extradition Pact With U.S.*, Wash. Post, June 27, 1987, at A16 (final ed.).

against the *trafficanes*. The past three years, however, have proved that improved security will not save the justices from the influence or reach of the drug lords. The salvation of the judiciary lies not with increased security, which presents only a temporary solution, but with the more arduous task of decreasing drug demand. Round-the-clock body guards and armored cars might make it more difficult for the *trafficanes* to harm the justices, but a determined drug lord will prevail. A decrease in drug demand, and the resultant decrease in profits, however, would reduce the economic leverage with which the *trafficanes* influence justices.