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22259199

TITLE: SUBJECT: EVIDENCE SHARING LETTER FROM PRESIDENT GAVIRIA
TO PRESIDENT BUSH.

ORIGDATE: 199201090055

SOURCE: STATE

DOCNO: BOGOTA 00294

TEXT:

TAGS: PREL, CJAN, US, CO

COMBINE: COMPLETE

RELEASED IN PART B3 CIA
PERS/ORG

SUBJECT: EVIDENCE SHARING LETTER FROM PRESIDENT GAVIRIA
TO PRESIDENT BUSH.

1. THE FOLLOWING IS THE ENTIRE TEXT OF A LETTER DATED
DECEMBER 30, 1991 FROM PRESIDENT GAVIRIA OF COLOMBIA TO
PRESIDENT BUSH.

2. BEGIN INFORMAL TRANSLATION OF THE TEXT

ESTEEMED MR. PRESIDENT:

I WANT TO THANK YOU FOR YOUR KIND NOTE OF DECEMBER 11 IN
WHICH YOU EXPRESS YOUR CONGRATULATIONS FOR THE RECENT
SUCCESS BY THE NATIONAL POLICE AND OTHER COLOMBIAN
AUTHORITIES IN FIGHTING NARCOTRAFFICKING, ESPECIALLY IN
THE CAMPAIGN AGAINST THE INTERNATIONAL CRIMINAL
ORGANIZATION KNOWN AS THE "CALI CARTEL."

THESE OPERATIONS HAVE MOVED FORWARD DUE TO OUR CLOSE
COLLABORATION WITH THE CORRESPONDING AUTHORITIES OF THE
UNITED STATES AND REPRESENT A NEW EXAMPLE OF THE
EFFECTIVENESS WE ARE CAPABLE OF REACHING WHEN WE WORK
TOGETHER IN A COORDINATED MANNER.

APPEALING TO YOUR FIRM AND REPEATED DECISION TO
COLLABORATE WITH COLOMBIA IN THE DIFFICULT BATTLE
AGAINST THE NARCOTRAFFICKERS, I WANT TO STRESS TO YOU
THE NECESSITY OF INTENSIFYING AND DEEPENING THE
JUDICIAL COOPERATION BETWEEN OUR TWO COUNTRIES.

REVIEW AUTHORITY: James Cooper, Senior
Reviewer

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OUR NATIONS, MR. PRESIDENT, ARE TODAY CONFRONTING A DIFFICULT WAR AGAINST NARCOTRAFFICKING, BUT NOW THIS WAR IS NOT ONLY IN THE JUNGLES, IN THE STREETS, OR ON THE SEAS, BUT RATHER IN OUR OWN COURTS OF JUSTICE. FOR THE CREDIBILITY OF OUR NEW FIGHT IT IS INDISPENSABLE THAT THOSE CRIMINALS WHO HAVE BEEN FORCED TO YIELD TO JUSTICE RECEIVE THE PUNISHMENT THEY DESERVE.

IT IS FOR THIS REASON, MR. PRESIDENT, THAT TODAY WE HAVE TO MAKE AN EFFORT TO STRENGTHEN MILITARY, POLICE, AND INTELLIGENCE COOPERATION WITH THE OBJECTIVE OF STRENGTHENING JUDICIAL COOPERATION.

SINCE OUR LAST POSITIVE MEETING IN THE UNITED STATES, WE HAVE ACHIEVED A GRADUAL INCREASE IN COOPERATION ON THIS FRONT WHICH HAS PRODUCED IMPORTANT EXAMPLES OF EVIDENCE SHARING BETWEEN OUR TWO COUNTRIES. WE HAVE MOVED FORWARD, EVEN OVERCOMING THOSE OBSTACLES CREATED BY THE LARGE DIFFERENCES BETWEEN OUR DIFFERENT LEGAL AND CONSTITUTIONAL SYSTEMS. NEVERTHELESS, IN ORDER TO REACH OUR COMMON OBJECTIVE OF SEVERELY PUNISHING THE NARCOTRAFFICKERS, IT IS INDISPENSABLE THAT WE MOVE FURTHER IN THIS FIELD.

THE "FACELESS" (SEE PARA 4) JUDGES OF COLOMBIA HAVE EXPRESSED TO OUR GOVERNMENT HOW IMPORTANT IT IS TO THE SUCCESS OF THE (OCHOA) TRIAL, THAT THEY BE ABLE TO GO TO THE UNITED STATES AND INTERVIEW IN PERSON THE IMPORTANT WITNESSES WHO HAVE ENTERED WRITTEN TESTIMONY AGAINST THE OCHOA BROTHERS.

THESE WITNESSES ARE TODAY UNDER THE JURISDICTION OF YOUR GOVERNMENT AND UNTIL NOW THE DEPARTMENT OF JUSTICE OF THE UNITED STATES HAS NOT CONSIDERED FEASIBLE THE REQUEST OF THE COLOMBIAN JUDGES, FOR FEAR OF CREATING RISKS IN THE CASE THE UNITED STATES HAS AGAINST MANUEL NORIEGA.

WE UNDERSTAND THE IMMENSE IMPORTANCE THAT YOU PLACE IN SEVERELY PUNISHING THE EX-PANAMANIAN DICTATOR'S

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COMPLICITY WITH DRUG TRAFFICKING, AND FOR THIS WE SHARE THE DESIRE OF THE UNITED STATES IN SEEING THAT JUSTICE IS FULLY SERVED.

BUT, I THINK THAT BOTH GOVERNMENTS ALSO HAVE THE COMMON OBJECTIVE OF PUNISHING THESE PERSONS WHO ARE CONSIDERED BY THE WORLD COMMUNITY TO BE THE PRINCIPAL NARCOTRAFFICKING GANGLERS IN THE WORLD AND SEE THAT THEY SUFFER PENALTIES COMPARABLE TO THE DAMAGE THEY HAVE CAUSED TO MY COUNTRY AND TO OTHER NATIONS, INCLUDING THE UNITED STATES.

SERVING JUSTICE IN THE NORIEGA CASE DOES NOT HAVE TO PRECLUDE OBTAINING COLLABORATION FROM THE UNITED STATES IN SERVING JUSTICE IN THE CASES AGAINST THE OCHOA BROTHERS AND PABLO ESCOBAR.

COLOMBIAN JUDICIAL AUTHORITIES HAVE STUDIED THE SITUATION AND HAVE CONCLUDED THAT IT IS POSSIBLE TO OBTAIN THE DIRECT TESTIMONIES OF THESE WITNESSES WITHOUT PREJUDICING THE LEGAL EFFECT OF THE STATEMENTS OBTAINED BY THE JUSTICE DEPARTMENT IN THE CASE AGAINST NORIEGA.

FOR OUR PART, WE ARE ABLE TO TO GUARANTEE ALL THAT IS NECESSARY TO ASSURE THE PROTECTION OF THE WITNESSES AND THE STATEMENTS THAT THEY MAKE TO OUR JUDGES.

NOW THAT THE WAR AGAINST THE MEDELLIN CARTEL HAS MOVED FROM THE MILITARY AND POLICE FRONT TO THE JUDICIAL FIELD, WE HAVE CONFIDENCE THAT WE ARE ABLE TO COUNT ON THE SOLIDARITY AND BACKING OF THE UNITED STATES JUST AS WE WERE IN THE FIRST PHASE, IN THIS NEW, POSSIBLY HARDER AND MORE DIFFICULT BATTLE, AND THAT WE WILL RECEIVE THE FULL COOPERATION OF YOUR GOVERNMENT AND YOUR COUNTRY.

PLEASE ACCEPT, MR. PRESIDENT, MY BEST WISHES FOR YOURSELF, YOUR FAMILY, AND FOR THE UNITED STATES IN THIS NEW YEAR.

CORDIALLY,

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CESAR GAVIRIA TRUJILLO
PRESIDENT OF THE REPUBLIC OF COLOMBIA

END INFORMAL TRANSLATION OF TEXT

3. (EMBASSY NOTE: WHEN PRESIDENT GAVIRIA REFERS TO "FACELESS" JUDGES, HE IS REFERING TO JUDGES WORKING IN COLOMBIA'S PUBLIC ORDER COURT SYSTEM, THESE JUDGES SIT OVER TRIALS INVOLVING NARCOTRAFFICKERS AND TERRORISTS. THEY ARE ANONYMOUS FOR THEIR SAFETY. THESE JUDGES ARE WILLING TO MEET WITH THE WITNESSES IN THE UNITED STATES AND RISK THEIR ANONYMITY BEFORE THE WITNESSES' DEFENSE LAWYERS.)

4. BEGIN SPANISH TEXT OF LETTER.

PRESIDENCIA DE LA REPUBLICA DE COLOMBIA

SANTA FE DE BOGOTA, DICIEMBRE 30 DE 1991

APRECIADO SENOR PRESIDENTE :

QUIERO AGRADECER SU AMABLE NOTA DEL 11 DE DICIEMBRE EN LA CUAL EXPRESA SUS CONGRATULACIONES ANTE LOS RECIENTES EXITOS ALCANZADOS POR LA POLICIA NACIONAL Y LAS AUTORIDADES COLOMBIANAS EN LA LUCHA CONTRA EL NARCOTRAFICO, ESPECIALMENTE EN LA CAMPANA CONTRA LA ORGANIZACION CRIMINAL INTERNACIONAL CONOCIDA COMO EL "CARTEL DE CALI".

ESAS OPERACIONES SE HAN ADELANTADO EN ESTRECHA COLABORACION CON LAS AUTORIDADES CORRESPONDIENTES DE LOS ESTADOS UNIDOS Y REPRESENTAN UN NUEVO EJEMPLO DE LA EFICACIA QUE SE PUEDE ALCANZAR CUANDO SE TRABAJA CONJUNTAMENTE Y DE MANERA COORDINADA.

APELANDO A SU FIRME Y REITERADA DECISION DE COLABORAR CON COLOMBIA, EN SU DURA BATALLA CONTRA LOS NARCOTRAFICANTES, QUIERO INSISTIR ANTE USTED EN LA

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NECESIDAD DE INTENSIFICAR Y PROFUNDIZAR LA COOPERACION JUDICIAL ENTRE NUESTROS DOS PAISES.

NUESTRAS NACIONES, SENOR PRESIDENTE, ESTAN HOY ENFRENTADAS A UNA DURA GUERRA CONTRA EL NARCOTRAFICO, PERO YA NO ES SOLO EN LAS SELVAS, EN LAS CALLES O EN LOS MARES SINO EN LAS PROPIAS CORTES DE JUSTICIA. PARA LA CREDIBILIDAD DE NUESTRA LUCHA ES INDISPENSABLE QUE LOS CRIMINALES QUE HAN SIDO SOMETIDOS A LA JUSTICIA RECIBAN EL CASTIGO QUE SE MERECE.

ES POR ESO, SENOR PRESIDENTE, QUE HOY TENEMOS QUE HACER UN ESFUERZO CON EL FIN DE IR MAS ALLA DE LA COOPERACION MILITAR, POLICIAL Y DE INTELIGENCIA, PARA AHONDAR EN EL CAMPO DE LA COOPERACION JUDICIAL.

DESDE NUESTRO ULTIMO Y POSITIVO ENCUENTRO EN LOS ESTADOS UNIDOS, SE HA LOGRADO INCREMENTAR GRADUALMENTE LA COOPERACION EN ESE FRENTE Y SE HAN PRODUCIDO IMPORTANTES INTERCAMBIOS DE EVIDENCIAS Y PRUEBAS ENTRE LOS DOS PAISES. HEMOS PROGRESADO, SUPERANDO INCLUSO LOS OBSTACULOS QUE SURGEN DE LAS GRANDES DIFERENCIAS ENTRE NUESTROS SISTEMAS LEGALES Y CONSTITUCIONALES. SIN EMBARGO, PARA ALCANZAR NUESTRO COMUN OBJETIVO DE CASTIGAR SEVERAMENTE A LOS NARCOTRAFICANTES ES INDISPENSABLE QUE AVANCEMOS AUN MAS EN ESTE CAMPO.

LOS JUECES SECRETOS DE COLOMBIA LE HAN EXPRESADO AL GOBIERNO LA IMPORTANCIA QUE TIENE PARA LA BUENA MARCHA DE LOS JUICIOS, EL QUE ELLOS PUEDAN DESPLAZARSE A ESTADOS UNIDOS E INTERROGAR VERBAL Y DIRECTAMENTE A IMPORTANTES TESTIGOS QUE YA HAN ENTREGADO TESTIMONIOS ESCRITOS EN CONTRA DE LOS HERMANOS OCHOA.

ESOS TESTIGOS SE ENCUENTRAN HOY BAJO JURISDICCION DE SU GOBIERNO Y HASTA AHORA LA FISCALIA DE LOS ESTADOS UNIDOS NO HA CONSIDERADO VIABLE LA PETICION DE LOS JUECES COLOMBIANOS, POR CUANTO CREE QUE PODRIAN EXISTIR RIESGOS PARA LA CAUSA DE LOS ESTADOS UNIDOS CONTRA NORIEGA.

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ENTENDEMOS LA INMENSA IMPORTANCIA QUE TIENE EL QUE SE CONDENE SEVERAMENTE LA COMPLICIDAD DEL EX-DICTADOR PANAMENO CON EL TRAFICO DE DROGAS, POR CUANTO COMPARTIMOS CON ESTADOS UNIDOS EL DESEO DE HACER PLENA JUSTICIA.

PERO CREO QUE AMBOS GOBIERNOS TAMBIEN TENEMOS EL OBJETIVO COMUN DE QUE QUIENES HAN SIDO CONSIDERADOS POR LA COMUNIDAD MUNDIAL COMO LOS PRINCIPALES CABECILLAS DEL NARCOTRAFICO EN EL MUNDO, Y QUE HOY SE ENCUENTRAN PRESOS EN COLOMBIA, EXPERIMENTEN UN CASTIGO COMPARABLE CON EL DANO QUE LE HAN CAUSADO A MI PAIS Y A OTRAS NACIONES, ENTRE ELLAS ESTADO UNIDOS.

HACER JUSTICIA EN EL CASO NORIEGA NO TIENE POR QUE SER EXCLUYENTE O INCOMPATIBLE CON EL OBJETIVO DE LOGRAR LA PLENA COLABORACION DE LAS JUSTICIA ESTADOUNIDENSE PARA ALCANZAR EL MISMO RESULTADO EN LOS CASOS DE LOS HERMANOS OCHOA Y DE PABLO ESCOBAR.

LAS AUTORIDADES JUDICIALES COLOMBIANAS HAN ESTUDIADO LA SITUACION Y HAN CONCLUIDO QUE ES POSIBLE FACILITAR LOS TESTIMONIOS DIRECTOS SIN PERJUDICAR LA EFICACIA LEGAL DE LAS DECLARACIONES OBTENIDAS POR LA FISCALIA DE LOS ESTADOS UNIDOS, PARA EL CASO NORIEGA.

DE OTRA PARTE, NOSOTROS PODEMOS OFRECER TODAS LAS GARANTIAS QUE SEAN NECESARIAS PARA ASEGURAR LA PROTECCION DE LOS TESTIGOS Y DE LAS DECLARACIONES QUE ELLOS SUMINISTREN DIRECTAMENTE A NUESTROS JUECES.

EN MOMENTOS EN QUE LA GUERRA CONTRA EL LLAMADO "CARTEL DE MEDELLIN" SE TRASLADA DEL FRENTE POLICIAL Y MILITAR AL CAMPO JUDICIAL, TENEMOS CONFIANZA EN QUE, ASI COMO EN LA PRIMERA FASE PUDIMOS CONTAR CON LA SOLIDARIDAD Y RESPALDO DE LOS ESTADOS UNIDOS, EN ESTA NUEVA BATALLA, POSIBLEMENTE TAN DURA Y DIFICIL COMO LA ANTERIOR, TAMBIEN RECIBIREMOS LA PLENA COOPERACION DE SU GOBIERNO Y DE SU PAIS.

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RECIBA SENOR PRESIDENTE MIS MEJORES DESEOS PARA USTED,
SU FAMILIA Y PARA LOS ESTADOS UNIDOS EN ESTE NUEVO AÑO
QUE COMIENZA.

CORDIALMENTE,

CESAR GAVIRIA TRUJILLO
PRESIDENTE DE LA REPUBLICA DE COLOMBIA

A SU EXCELENCIA
SENIOR GEORGE BUSH
PRESIDENTE DE LOS ESTADOS UNIDOS DE AMERICA

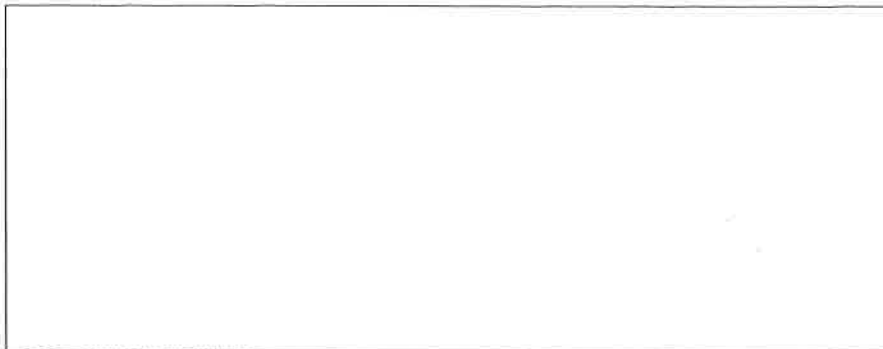
END OF SPANISH TEXT OF LETTER.

5. ORIGINAL OF LETTER IS BEING SENT VIA POUCH TO
ARA/AND UNDER REGISTRY NUMBER 8797579.
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END OF MESSAGE

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<TO>TO SECSTATE WASHDC IMMEDIATE 1566</TO>
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