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TITLE: SUBJECT: INTERVIEW WITH GAVIRIA COVERS MILITARY COOPERATION AND U.S., JUDICIAL ISSUES

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SUBJECT: INTERVIEW WITH GAVIRIA COVERS MILITARY COOPERATION AND U.S., JUDICIAL ISSUES

1. (U) SUMMARY: LEADING BOGOTA DAILY "EL TIEMPO" CARRIED A FULL-PAGE INTERVIEW WITH PRESIDENT CESAR GAVIRIA THAT COVERED U.S.-COLOMBIAN MILITARY COOPERATION, AS WELL AS THE GOC'S POSITION ON THE POSSIBLE SURRENDER OF KEY NARCOTICS TRAFFICKERS AND CONTINUED COUNTERNARCOTICS OPERATIONS. GAVIRIA FIRMLY REFUTED ASSERTIONS THAT THE U.S. MILITARY DEPLOYMENT IN JUANCHACO AND U.S. OVERFLIGHTS WERE VIOLATING EITHER COLOMBIA'S CONSTITUTION OR ITS SOVEREIGNTY, AND QUESTIONED THE MOTIVATION OF THE MEDIA AND INDIVIDUALS PROMOTING SUCH "DISINFORMATION." FURTHERMORE, GAVIRIA EMPHASIZED THAT HE AND PROSECUTOR GENERAL (FISCAL GENERAL) GUSTAVO DE GREIFF WERE IN AGREEMENT THAT ANY POSSIBLE SURRENDER OF KEY NARCOTICS KINGPINS WOULD REQUIRE THEM TO CONFESS AND TO PROVIDE SUBSTANTIAL COLLABORATION WITH THE FISCAL. GAVIRIA ALSO STATES THAT CONTRARY TO RECENT, INACCURATE PRESS ACCOUNTS, DE GREIFF AND THE U.S. DEPARTMENT OF JUSTICE (DOJ) HAD SURMOUNTED PAST DIFFERENCES ON JUDICIAL COOPERATION. END SUMMARY.

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GAVIRIA CITES TREATIES, PAST EXERCISES AS PRECEDENTS FOR JUANCHACO  
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2. (U) GAVIRIA, FACED WITH QUESTIONS REGARDING THE CONSTITUTIONALITY OF THE JUANCHACO DEPLOYMENT AND

REVIEW AUTHORITY: James Cooper, Senior Reviewer

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ASSERTIONS THAT IT SHOULD HAVE BEEN CLEARED WITH THE CONGRESS OR THE COUNCIL OF STATE (COLOMBIA'S HIGH COURT FOR ADMINISTRATIVE MATTERS), INDICATED THAT ALL SUCH JOINT EXERCISES WERE COVERED BY EXISTING TREATIES. HE STATED THAT THE MINISTRY OF DEFENSE HAD BEEN INSTRUCTED TO MAKE AVAILABLE TO THE COUNCIL AND THE ATTORNEY GENERAL'S OFFICE (PROCURADURIA--THE STATE WATCHDOG AGENCY) ALL INFORMATION RELATING TO THE PRESENCE OF U.S. MILITARY PERSONNEL IN COLOMBIA. HE INDICATED, HOWEVER, THAT THE GOC CONSIDERED THE CURRENT JUANCHACO DEPLOYMENT, AND OTHER SUCH TRAINING AND TECHNICAL ASSISTANCE PROJECTS ON COLOMBIAN SOIL, TO BE AUTHORIZED UNDER EXISTING INTERNATIONAL AGREEMENTS AND IN NO WAY A VIOLATION OF THE COLOMBIAN CONSTITUTION.

3. (U) GAVIRIA CITED THE INTERAMERICAN TREATY OF RECIPROCAL ASSISTANCE, SIGNED AND APPROVED BY THE COLOMBIAN CONGRESS IN 1947, AND A BILATERAL MILITARY ASSISTANCE AGREEMENT DATING TO APRIL 1952, AS THE LEGAL BASES FOR CONTINUING JOINT EXERCISES SUCH AS THE JUANCHACO DEPLOYMENT. HE EXPLAINED THAT ON THE BASIS OF THESE AGREEMENTS, COLOMBIA HAD CARRIED OUT A LONG SERIES OF JOINT MILITARY EXERCISES SINCE THE MIDDLE OF THIS CENTURY. AS EXAMPLES OF SUCH COOPERATION, GAVIRIA ENUMERATED U.S.-COLOMBIAN EXCHANGES OF MILITARY PERSONNEL, PARTICIPATION IN THE CARIBBEAN BASIN RADAR NETWORK, AND U.S. ASSISTANCE IN DEVELOPING A RIVERINE FORCE AS WELL AS MULTILATERAL EXERCISES SUCH AS THE UNITAS NAVAL OPERATIONS WHICH HAVE OCCURRED FOR THE LAST 34 YEARS. GAVIRIA FURTHER EMPHASIZED THAT SINCE THE 1950'S NO ONE HAD EVER OBJECTED TO SUCH COOPERATION, AND THAT GIVEN THE PRECEDENTS, HE DID NOT CONSIDER IT NECESSARY TO REQUEST APPROVAL OF OR INFORM THE CONGRESS OR ANY OTHER GOC INSTITUTION OF SUCH EXERCISES.

4. (U) WHEN PRESSED WITH SPECIFIC QUESTIONS ABOUT THE MISSION OF THE U.S. ENGINEER BATTALION IN JUANCHACO, AS WELL AS THE NECESSITY FOR SUCH ASSISTANCE, GAVIRIA RESPONDED THAT THE DEPLOYMENT WAS A MEANS OF TRAINING BOTH U.S. AND COLOMBIAN MILITARY ENGINEERS. GAVIRIA

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HIGHLIGHTED THE IMPORTANCE OF SUCH EXERCISES TO THE CONTINUED PROFESSIONALIZATION OF THE COLOMBIAN ARMED FORCES, ESPECIALLY IN TERMS OF ADVANCES IN TECHNICAL AND INTELLIGENCE FIELDS. HE FURTHER STATED THAT THE U.S. TROOPS WERE OPERATING IN A ZONE UNDER THE COMPLETE SUPERVISION OF THE COLOMBIAN MILITARY, AND THAT THE ARMY'S CODAZZI ENGINEER BATTALION, COMPLETELY INDEPENDENT OF THE EXERCISE, WAS EXTENDING THE AIRSTRIP IN JUANCHACO BASED ON AN AGREEMENT BETWEEN THE MOD AND THE GOVERNMENT OF VALLE DEL CAUCA.

5. (U) FOCUSING ON THE OUTCOME OF THE EXERCISE, GAVIRIA SAID THAT IN ADDITION TO THE TROOPS GAINING VALUABLE EXPERIENCE, THE CONSTRUCTION OF A SCHOOL AND A HOSPITAL IN THE COURSE OF THE EXERCISE WAS A MEANS OF TAKING ADVANTAGE OF THE TRAINING, AND BRINGING SOME POSITIVE BENEFIT TO THE LOCAL POPULATION. GAVIRIA STRONGLY REFUTED THE SUGGESTION THAT U.S. TROOPS WERE IN JUANCHACO FOR ANYTHING OTHER THAN A TRAINING EXERCISE WITH "CIVIC-ACTION" CHARACTER. HE SAID THAT COLOMBIAN VOICES "VEHEMENTLY DEFENDING THE THESIS OF A NORTH AMERICAN INVASION WERE CARRYING THE FLAG OF A FALSE NATIONALISM," AND ATTRIBUTED THEIR STATEMENTS TO SOME "DARKER INTEREST."

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AND HE GIVES NO GROUND ON OVERFLIGHTS  
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6. (U) IN A SIMILAR VEIN, GAVIRIA WAS ASKED TO EXPLAIN WHY U.S. AIRCRAFT WERE CONDUCTING OVERFLIGHTS ON THE NORTH COAST OVER THE WEEKEND OF JANUARY 15. THE PRESIDENT SAID THAT DESPITE PRESS REPORTS TO THE CONTRARY, THE FLIGHTS HAD BEEN AUTHORIZED BY THE COLOMBIAN AIR FORCE (FAC), AND CIVIL AVIATION AUTHORITIES HAD BEEN INFORMED OF THE FLIGHTS. GAVIRIA CHARACTERIZED THE OVERFLIGHTS BY AIRCRAFT "SPECIALLY EQUIPPED TO DETECT THE PRESENCE OF AIRCRAFT OPERATING WITHOUT FLIGHT PLANS," AS ONE PART OF THE TECHNICAL INTELLIGENCE SUPPORT PROVIDED BY THE U.S. IN THE EFFORT TO COMBAT NARCOTICS TRAFFICKING. HE INDICATED THAT SUCH OVERFLIGHTS WERE AUTHORIZED UNDER DECREE 1692,

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ISSUED IN 1992, AND SAID THAT THE FAC AND THE MILITARY, HAD EXCLUSIVE AUTHORITY OVER THE AUTHORIZATION OF SUCH ACTIVITIES.

7. (U) ANTICIPATING THE FOLLOW-UP QUESTION, GAVIRIA SAID THAT AIR TRAFFIC CONTROLLERS HAD NOT BEEN INFORMED OF THE OVERFLIGHTS IN ADVANCE BECAUSE THERE WERE A SERIES OF INVESTIGATIONS UNDERWAY INTO CHARGES OF CONTROLLERS BEING IN THE PAY OF NARCOTICS TRAFFICKERS. IN RESPONSE TO CHARGES THAT SUCH FLIGHTS VIOLATE COLOMBIA'S SOVEREIGNTY, GAVIRIA STATED IN NO UNCERTAIN TERMS THAT "THE DANGER TO COLOMBIAN SOVEREIGNTY AND SOCIETY ARE THE HUNDREDS OF ILLEGAL FLIGHTS...CARRIED OUT BY ARMS SMUGGLERS AND NARCOTRAFFICKERS," NOT THE AUTHORIZED OVERFLIGHTS DESIGNED TO IMPEDE SUCH CRIMINAL ACTIVITY. GAVIRIA RESPONDED DIRECTLY TO A QUERY ABOUT THE NUMBER OF RADARS IN COLOMBIA PARTICIPATING IN THIS EFFORT, STATING THAT AT PRESENT

THERE ARE FOUR RADARS INSTALLED BY THE U.S.--WITH A COMBINATION OF U.S. CIVILIAN AND MILITARY ADVISORS PROVIDING TECHNICAL ASSISTANCE--AND ADDED THAT HE WISHED THERE WERE MORE.

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GAVIRIA SAYS JUDICIAL COOPERATION ON TRACK, DRUG  
WAR CONTINUES  
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8. (U) RECENT PRESS ACCOUNTS HAVE HIGHLIGHTED A GROWING RIFT BETWEEN GAVIRIA AND THE FISCAL GENERAL, AND AN ARTICLE IN THE WEEKLY MAGAZINE "SEMANA" ISSUED JANUARY 18 PROVIDED AN INACCURATE AND EXAGERRATED ACCOUNT OF THE NOVEMBER 93 MEETING BETWEEN DE GREIFF AND AG JANET RENO. GAVIRIA REFUTED THE "SEMANA" ACCOUNT OF THE DE GREIFF/RENO MEETING, AND ASSURED "EL TIEMPO," THAT NEITHER DE GREIFF NOR THE GOC WOULD UNDER ANY CIRCUMSTANCE CONSIDER A PARDON OF THE CALI CARTEL KINGPINS, DESPITE WHAT WAS REPORTED BY "SEMANA." GAVIRIA SAID THAT HE AND THE FISCAL WERE IN AGREEMENT THAT SHOULD THESE INDIVIDUALS DECIDE TO TURN THEMSELVES IN, THEY MUST COLLABORATE WITH THE JUSTICE

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SYSTEM, CONFESS AND SERVE THEIR TERMS IN MAXIMUM SECURITY PRISONS. "THE GOVERNMENT HAS LEARNED FROM ITS PAST EXPERIENCES," SAID GAVIRIA, IN REFERENCE TO THE PAST SURRENDER DEAL MADE WITH MEDELLIN KINGPIN PABLO ESCOBAR, "AND WE MUST ENSURE THAT THOSE WHO SUBMIT THEMSELVES TO JUSTICE DO NOT MAKE A JOKE OF THAT JUSTICE OR OF THE SOCIETY."

9. (U) GAVIRIA WENT ON TO EXPRESS BOTH PROFESSIONAL AND PERSONAL CONFIDENCE IN GUSTAVO DE GREIFF, AND SAID THAT DE GREIFF AND THE GAVIRIA ADMINISTRATION WERE WORKING "SHOULDER TO SHOULDER" IN THE DEVELOPMENT OF THE GOC'S SURRENDER POLICIES. BECAUSE OF THEIR GOOD PERSONAL RELATIONSHIP, ACCORDING TO GAVIRIA, HE AND DE GREIFF HAD BEEN ABLE TO ELIMINATE THEIR DIFFERENCES OF OPINION WITH REGARD TO SPECIFIC CASES FOR THE GOOD OF THE COUNTRY. IN ADDITION, CONTRARY TO THE PICTURE PAINTED BY "SEMANA," SAID GAVIRIA, DE GREIFF AND DOJ WERE ABLE TO SURMOUNT THE MAJORITY OF THEIR DIFFERENCES WITH REGARD TO JUDICIAL COOPERATION, AS A RESULT OF THE MEETINGS IN WASHINGTON.

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GAVIRIA ARTICULATES HIS STRATEGY  
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10. (U) GAVIRIA UNEQUIVOCALLY AFFIRMED HIS COMMITMENT TO A "WAR WITHOUT QUARTER AGAINST NARCOTICS TRAFFICKING" IN RESPONSE TO THE SUGGESTION THAT HE WAS BENDING TO THE WILL OF THE U.S. IN EXCHANGE FOR SUPPORT FOR HIS BID TO LEAD THE OAS. GAVIRIA STATED THAT INDEPENDENT OF U.S. OR INTERNATIONAL DESIRES, THE COLOMBIAN PEOPLE ARE DEEPLY INVOLVED IN THIS ISSUE, AND SHOULD STAND FIRM IN THE FIGHT AGAINST DRUGS. HE TOOK UMBRAGE AT THE SUGGESTION THAT AS PRESIDENT, HIS POSITION ON THE DRUG ISSUE COULD BE INFLUENCED BY THE POTENTIAL FOR THE OAS JOB, AND SAID THAT HIS STAND AGAINST NARCOTRAFFICKING WAS WELL KNOWN BY THE COUNTRY. "THE OBLIGATION OF THE GOVERNMENT, THE FISCALIA AND THE PROCURADURIA" HE SAID, "IS TO DEVELOP A JUDICIAL STRATEGY TO CONFRONT IMPUNITY." SUCH A STRATEGY,

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ACCORDING TO GAVIRIA, ENCOMPASSES THE SURRENDER POLICY, BUT WITH GUARANTEES THAT AN INDIVIDUAL WHO SUBMITS TO JUSTICE WILL RECEIVE A JUST SENTENCE FOR THE CRIMES THEY HAVE COMMITTED. HE INDICATED THAT SUCH A SURRENDER POLICY MUST BE ACCOMPANIED BY INTELLIGENCE OPERATIONS AND CRIMINAL INVESTIGATIONS DESIGNED TO DISMANTLE CRIMINAL ORGANIZATIONS AND CONSTRUCT SOLID JUDICIAL CASES AGAINST THE TRAFFICKERS.

11. (C) COMMENT: GAVIRIA'S HANDLING OF THE JUANCHACO DEPLOYMENT AND OTHER MILITARY COOPERATION WAS EXTREMELY ADROIT, SETTING FORTH THE LEGAL FOUNDATION TO REFUTE ANY FURTHER ATTEMPTS BY CONGRESS OR OTHER GOC ENTITIES TO INSERT THEMSELVES INTO THE DECISION-MAKING PROCESS ON ROUTINE TRAINING EXERCISES OR MILITARY ASSISTANCE. GAVIRIA'S TONE ALSO SUGGESTS THAT PARDO--STILL CONVALESCING FROM OPEN-HEART SURGERY--AMONG OTHERS, HAD A HAND IN THE INTERVIEW, AND GAVIRIA'S TREATMENT OF ALL OF THE KEY ISSUES TRACKS CLOSELY WITH PRIVATE COMMENTS HE AND HIS KEY ADVISORS HAVE MADE TO THE AMBASSADOR AND OTHER U.S. OFFICIALS RECENTLY. ALSO, BY PUBLICLY DEFENDING DE GREIFF, WHILE AT THE SAME TIME LINKING HIM TO GAVIRIA'S VIEW OF WHAT CONSTITUTE'S AN APPROPRIATE SURRENDER POLICY, THE PRESIDENT ADVANCED HIS GOAL OF ASSURING THAT DE GREIFF CANNOT NEGOTIATE A CALI SURRENDER ON HIS OWN. BUSBY##

END OF MESSAGE

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