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ACTION ARA-01

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	H-01
	IO-19	NSCE-00	NSAE-00	SSO-01	HA-09	L-03	CTME-00
	TRSE-00	PM-01	PA-01	OMB-01	INM-01	INRE-00	CG-00
	USIE-00	JUSE-00	SP-01	SNP-01	PRS-01	DS-01	OIG-01
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O 262100Z SEP 90
FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC IMMEDIATE 9126
INFO AMEMBASSY CARACAS
AMEMBASSY QUITO
AMEMBASSY LIMA
AMEMBASSY LA PAZ
USCINCSO QUARRY HEIGHTS PN
DIRFBI WASHDC
CIA WASHDC
DIA WASHDC
DEA WASHDC

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SOUTHCOM ALSO FOR POLAD
DEA FOR AO, DO, AD, OI, OC

E.O. 12356: DECL:OADR
TAGS: PGOV, PTER, SNAR, CO
SUBJECT: WHAT PRICE JUSTICE?: CORRUPTION INCIDENTS
- UNDERSCORE NEED FOR REFORMS

1. (C): SUMMARY: COLOMBIA'S BATTERED AND DECREPIT
CRIMINAL JUSTICE SYSTEM SUFFERED ADDITIONAL SETBACKS IN
THE PAST WEEK, WITH THE ESCAPE FROM PRISON OF A LEADING
MEDELLIN CARTEL TERRORIST AND THE RELEASE BY A JUDGE OF 15
PERSONS SUSPECTED OF TIES TO THE DRUG MAFIA. SUBSTANTIAL

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SUMS OF MONEY ALLEGEDLY CHANGED HANDS IN BOTH INCIDENTS,
REFLECTING THE JUSTICE SYSTEM'S EXTREME VULNERABILITY TO
CORRUPTION AND THE NEED FOR COMPREHENSIVE REFORMS. ALL

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: OSCAR J. OLSON
DATE/CASE ID: 13 AUG 2001 200101536

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THE NEWS IS NOT NEGATIVE, HOWEVER, AND A COURAGEOUS JUDGE HAS NOW OFFICIALLY LINKED DRUG KINGPIN PABLO ESCOBAR TO THE MURDER OF LIBERAL PRESIDENTIAL ASPIRANT LUIS CARLOS GALAN. END SUMMARY.

GALAN'S ACCUSED KILLER WALKS

2. (U): JAIME EDUARDO RUEDA ROCHA, THE ALLEGED OPERATIONAL MASTERMIND BEHIND THE MEDELLIN CARTEL'S ASSASSINATION OF LUIS CARLOS GALAN, ESCAPED FROM BOGOTA'S LA PICOTA PENITENTIARY ON THE AFTERNOON OF SEPTEMBER 18. ACCORDING TO MEDIA ACCOUNTS AND POLICE STATEMENTS, RUEDA EXCHANGED CLOTHES WITH A MEMBER OF A TEAM OF "LAWYERS" WHO HAD COME TO VISIT HIM, PUT ON A FALSE BEARD THAT HAD BEEN SMUGGLED INTO HIS CELLBLOCK, AND CALMLY WALKED OUT OF THE PRISON. THE "LAWYER" WHO SWITCHED PLACES WITH RUEDA, SAUL ANTONIO PEREZ, ENTERED THE PRISON WITH A FALSE IDENTITY CARD AND REMAINS IN POLICE CUSTODY. THE AUTHORITIES HAVE NO LEADS ON RUEDA'S WHEREABOUTS.

3. (U): MEDIA AND POLICE SOURCES ARE CERTAIN THAT PRISON OFFICIALS WERE BRIBED TO FACILITATE RUEDA'S ESCAPE. THEY POINT OUT THAT SAUL ANTONIO PEREZ WAS A "BRICKLAYER" WELL KNOWN TO THE LA PICOTA STAFF AND WHO FREQUENTLY DID MAINTENANCE WORK AT THE PRISON. IT WOULD HAVE BEEN NEARLY IMPOSSIBLE FOR HIM TO PASS HIMSELF OFF AS A LAWYER WITHOUT OFFICIAL COMPLICITY. IN ADDITION, RUEDA WAS ONE OF LA PICOTA'S MOST INFAMOUS INMATES, RECOGNIZABLE TO ALL MEMBERS OF THE GUARD FORCE. TO SLIP THROUGH PRISON SECURITY WITHOUT INSIDER ASSISTANCE, EVEN WITH A FALSE
 CONFIDENTIAL

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BEARD, DEFIES CREDIBILITY. PRISON REGULATIONS WERE ALSO VIOLATED WHEN RUEDA WAS LEFT ALONE WITH HIS "LAWYERS," WITHOUT ANY GUARDS PRESENT.

4. (U): MINISTER OF JUSTICE JAIME GIRALDO WAS INCENSED BY THIS INCIDENT. NOTING THAT PRISON AUTHORITIES HAD BEEN WARNED TO EXPECT AN ESCAPE ATTEMPT BY RUEDA, HE DECLARED THAT "THE INCIDENT WAS THE RESULT OF CARELESSNESS AND NEGLIGENCE." HE ADDED THAT "EVEN A CHILD" COULD HAVE DETECTED THE BRAZEN ESCAPE EFFORT AND HE SUSPENDED THE PRISON DIRECTOR AND FIVE GUARDS PENDING AN OFFICIAL INVESTIGATION. ESTIMATES OF THE AMOUNT OF BRIBE MONEY SPENT BY THE MEDELLIN CARTEL TO "SMOOTH RUEDA'S DEPARTURE"

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RANGE FROM 150 - 450 MILLION PESOS (USD 280,000 - 850,000 DOLLARS). THIS INCIDENT ILLUSTRATES THE CHRONIC INABILITY OF COLOMBIAN PRISONS TO "HOLD" IMPORTANT MEMBERS OF THE DRUG MAFIA, AND THE PENAL SYSTEM'S TREMENDOUS SUSCEPTIBILITY TO CORRUPTION.

5. (U): RUEDA'S ESCAPE IS A BITTER BLOW TO THE GOC, WHICH HAD CAPTURED HIM THREE WEEKS AFTER GALAN'S ASSASSINATION IN AUGUST, 1989. IN ADDITION TO BEING THE ALLEGED "MASTERMIND" BEHIND GALAN'S KILLING, RUEDA IS ALSO IMPLICATED IN A DYNAMITE ATTACK AGAINST THE BOGOTA OFFICES OF THE NEWSPAPER "EL ESPECTADOR," THE MURDERS OF SEVERAL LEFTIST POLITICIANS AND A VARIETY OF OTHER TERRORIST ACTS. ACCORDING TO THE PRESS, HE IS A "LIEUTENANT" IN THE MEDELLIN CARTEL AND A CLOSE ASSOCIATE OF PABLO ESCOBAR.

JUDGE RELEASES CARTEL SUSPECTS

6. (U): THE CAUSE OF JUSTICE SUFFERED ANOTHER MAJOR REVERSE WHEN A MEDELLIN PUBLIC ORDER JUDGE, GLADYS VARGAS DE FRANCO, ORDERED THE RELEASE OF 15 SUSPECTED MEMBERS OF

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SOUTHCOM ALSO FOR POLAD

DEA FOR AO, DO, AD, OI, OC

E.O. 12356: DECL:OADR

TAGS: PGOV, PTER, SNAR, CO

SUBJECT: WHAT PRICE JUSTICE?: CORRUPTION INCIDENTS

THE MEDELLIN CARTEL. THESE PERSONS, INCLUDING HERNAN DARIO HENAO - A CLOSE ASSOCIATE OF PABLO ESCOBAR, AND JOSE MIGUEL POSADA - ADMINISTRATOR OF ESCOBAR'S SPRAWLING COUNTRY ESTATE (HACIENDA NAPOLES), WERE DETAINED BY THE AUTHORITIES FOLLOWING OPERATION APOCALYPSE II IN JULY 1990. THE JUDGE SAID A "LACK OF EVIDENCE" FOR CONTINUING

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TO HOLD THE ACCUSED MEN PROMPTED HER ACTIONS, BUT RUMORS IN THE PRESS INDICATE A BRIBE OF AS MUCH AS 400 MILLION PESOS (USD 750,000) MAY ALSO HAVE PLAYED A ROLE.

NOTORIOUS "EMERALD BOSS" ALSO OUT

7. (U): VICTOR CARRANZA, THE MOST PROMINENT MEMBER OF COLOMBIA'S EXTREMELY VIOLENT NARCO/EMERALD MAFIA WAS ARRESTED SEPTEMBER 21 AND FREED SIX HOURS LATER AFTER A COURT VERIFIED THAT THERE WERE NO PENDING CRIMINAL CHARGES AGAINST HIM. CARRANZA WAS ENGAGED IN A BLOODY FEUD WITH THE LATE DRUG KINGPIN GONZALO RODRIGUEZ GACHA OVER THE LATTER'S ATTEMPTS TO ENTER THE EMERALD TRADE. CARRANZA HAS ALLEGEDLY BEEN INVOLVED IN NARCOTICS; AND THE LEFTIST PATRIOTIC UNION (UP) PARTY HAS IMPLICATED HIM IN THE MURDERS OF PARTY ACTIVISTS IN META DEPARTMENT. TWO MONTHS AGO, A JUDGE FORMALLY "CLEARED" CARRANZA OF ANY RESPONSIBILITY FOR THE MASSACRE OF 40 PERSONS IN META. THE BODIES OF THE VICTIMS WERE FOUND IN A MASS GRAVE ON PROPERTY FORMERLY OWNED BY THE EMERALD DEALER.

ESCOBAR LINKED TO POLITICAL ASSASSINATION

8. (U): NOT ALL THE NEWS ON THE JUDICIAL FRONT HAS BEEN NEGATIVE, HOWEVER, ACCORDING TO THE BOGOTA DAILY "EL ESPECTADOR," A PUBLIC ORDER JUDGE IN BOGOTA HAS ISSUED A RULING LINKING PABLO ESCOBAR TO THE ASSASSINATION OF LUIS

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CARLOS GALAN. THIS "LINKAGE" IS THE FIRST STEP TOWARD AN INDICTMENT AND UNDER COLOMBIAN LAW, ESCOBAR IS NOW REQUIRED TO PRESENT HIMSELF BEFORE THE JUDGE AND RESPOND TO THE CHARGES. THE SAME JUDGE HAS ALSO DENIED, FOR THE THIRD TIME, A PETITION TO FREE ALBERTO HUBIZ HAZBUN, ANOTHER MAJOR SUSPECT IN THE GALAN KILLING.

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COMMENT: INCIDENTS POINT UP URGENT NEED FOR COMPREHENSIVE REFORMS

9. (C): THE SORRY STATE OF COLOMBIAN JUSTICE WAS ONCE AGAIN ILLUSTRATED BY RUEDA'S ESCAPE AND THE RELEASE OF THE CARTEL SUSPECTS. THESE INCIDENTS UNDERLINE THE ABSOLUTE NECESSITY OF CRIMINAL JUSTICE REFORM, A NEED PRESIDENT GAVIRIA HAS RECOGNIZED AND MADE A TOP PRIORITY FOR HIS ADMINISTRATION.

10. (C): RUEDA'S ESCAPE ALSO ILLUMINATES A POSSIBLE MAJOR OMISSION IN THE JUDICIAL REFORM PROGRAM BEING DEVELOPED BY THE GOC. PRELIMINARY DRAFTS OF THIS PROGRAM HAVE BEEN CONCENTRATING ON THE PROVISION OF SECURE COURTROOMS AND THE PROTECTION OF JUDGES. THE CONDITION OF THE PRISON SYSTEM HAS BEEN LARGELY IGNORED. THE EFFECTIVENESS OF CRIMINAL JUSTICE REFORM, HOWEVER, WILL DEPEND HEAVILY ON WHETHER THE STATE CAN ENFORCE THE RULINGS AND SENTENCES IMPOSED BY ITS JUDGES. IF A NARCO-TRAFFICKER CAN COUNT ON A QUICK AND PAINLESS ESCAPE FROM PRISON (AS THEY HAVE IN THE PAST), A STIFF SENTENCE FROM A "PROTECTED" JUDGE WILL HAVE NO MEANING. PROVISION OF "MAXIMUM SECURITY" PRISONS, AS SOME HAVE URGED, IS NO SOLUTION WHEN GUARDS AND OTHER OFFICIALS CAN BE SUBORNED SO EASILY. ALTHOUGH WE DO NOT INTEND TO DIRECTLY SUPPORT DEVELOPMENT OF COLOMBIAN PENITENTIARIES, WE WILL EMPHASIZE TO THE GOC THE IMPORTANCE OF OVERHAULING THE DECREPIT PENAL SYSTEM AS AN INTEGRAL PART OF A COMPREHENSIVE JUDICIAL REFORM PROGRAM.

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