
Interview: Alfonso Valdivieso Sarmiento

Colombian prosecutor general: 'I am trying to carry out the law'

Colombian Prosecutor General Alfonso Valdivieso Sarmiento lives in the eye of the hurricane currently sweeping Colombia, as his office is in charge of pursuing an investigation into drug money infiltration into the political lifeblood of the nation, beginning with multimillion-dollar contributions from the Cali cocaine cartel to the electoral campaign of current President Ernesto Samper Pizano.

Valdivieso has taken as the model for his actions, his first cousin Luis Carlos Galán, the highly popular Liberal Party presidential candidate, who in 1989 was murdered by the drug cartels. He also follows in the footsteps of other anti-drug martyrs, such as Justice Minister Rodrigo Lara Bonilla (murdered by the cartels in 1984) and Lara's successor Enrique Parejo (who barely survived an assassination attempt in 1989).

Converted virtually overnight into the most threatened man in Colombia, and simultaneously one of the most popular, Valdivieso's efforts have come to represent the hope of all honest Colombians that the dignity of their nation can be restored after decades-long ravages by the drug cartels and their narco-terrorist allies.

The prosecutor general has received strong support from the Clinton administration, which has praised him for his courage and signalled its confidence in him by at least partially restoring various information-sharing programs that had been suspended earlier. Valdivieso has the special, additional challenge of rescuing the reputation of his own office, a relatively new post which, under the previous Gaviria administration, was held by Gustavo De Greiff, an open advocate of drug legalization as well as a former business partner of Cali Cartel boss Gilberto Rodríguez Orejuela.

On drug legalization

On Sept. 8, 1995, Valdivieso granted an exclusive interview to *EIR's* correspondent in Colombia, Javier Almario, who has himself received repeated death threats from the drug mafia. Almario discussed the role of various Colombian notables, such as former President Alfonso López Michelsen or Valdivieso's predecessor De Greiff, who have proposed either negotiating deals with the drug traffickers or outright

legalization of the drug trade as an alternative to a military war against drugs, and asked Valdivieso his opinion of those who advocate drug legalization.

The prosecutor general chose not to comment directly on the views of others, but took a strong personal stance against drug legalization:

"My position has been, and will continue to be very different in every area: academically, personally, and professionally. Drug legalization is an absurd and simplistic way of confronting this phenomenon. . . . My opinion is that legalization makes no sense, and that the crime of drug trafficking must be prosecuted."

U.S.-Colombian cooperation

Almario raised the issue of earlier U.S. government suspension of evidence-sharing with the Colombian judiciary, as the result of a heated confrontation with De Greiff, whose appeasement policies toward the drug traffickers and militant advocacy of drug legalization had brought U.S.-Colombian relations to one of their lowest points. Valdivieso noted that today, U.S.-Colombian collaboration "is going well; it has been partially reestablished, and we hope that it will be fully reestablished."

Information on narcotics trafficking garnered from U.S. radar sites is once again being shared with the Colombian authorities.

Almario mentioned to Prosecutor General Valdivieso the slander coming out of certain pro-drug political circles in Colombia, as well as from the drug traffickers' defense lawyers, that Valdivieso is functioning as an agent of the U.S. Drug Enforcement Administration (DEA), and therefore against the sovereign interests of Colombia.

Valdivieso responded:

"That is a total and absolute fallacy. My positions, as the individual who holds final responsibility for investigations pursued by the prosecutor general's office, which are the vast majority of the investigations, have always been exercised on the basis of my record dealing with these problems. I feel there is sufficient evidence of my view of the drug-trafficking problem. And, therefore, with that viewpoint, I can address

the problem as it needs to be addressed by Colombian justice.

"No decision we have undertaken has depended on the imposition or pressure of the United States. Absolutely every decision obeys the criteria and orientation which, with regard to the broad outlines of the investigations, I have been defending. And legal decisions, in particular, respond to the autonomy that the prosecutors should and must have. What is going on is that there has in the past been a great deal of tolerance with regard to the drug trade, and so when the law is truly applied, many are surprised. . . . I am a citizen who was named to carry out the law, and that is what I am trying to do."

Investigating a President

Among the most dramatic revelations to have come out of Valdivieso's investigations is evidence that millions of dollars were funnelled by the Cali Cartel into the election campaign of President Ernesto Samper Pizano. Almario asked Valdivieso to respond to those politicians within the ruling Liberal Party who warn that his investigations could lead to the downfall of President Samper Pizano himself. Valdivieso explained that his office is not constitutionally empowered to investigate the President, which is the purview of the Colombian Congress alone. However, he noted, his office's responsibility *is* to produce any and all evidence relevant to such a congressional investigation.

"In the first place, I am not carrying out the functions of the prosecutor general, nor am I directing the work of this office, toward the overthrow of the President or any other official. The investigations have never had this intent, nor have I.

"Secondly, I must fulfill my duties and my obligations, independent of individuals I know or who are my friends. In this sense, friendships or acquaintances that I may have do not prevent me from acting from a legal standpoint, nor do they prevent those who work for the prosecutor general's office from making decisions that could affect them, even if they are unfortunate decisions. That is simply doing one's duty."

Almario noted that President Samper has significant political control in Congress, a fact which could affect the outcome of the investigation currently being conducted by the Accusations Committee of the House of Representatives, at Samper's behest. Valdivieso clarified:

"It is written thus in the Constitution. The prosecutor's office is in charge of investigations regarding the vast majority of Colombians. But there are those who fall under a special jurisdiction. Those in the military face military justice. Those in the Congress have to be investigated and judged by the Supreme Court. The President has to be investigated and judged by the Congress, with the first hearing in the Accusations Committee, and also by the Supreme Court. So, we have never investigated the President, nor could we. . . . The prosecutor's office simply provides the evidence in our

possession and which is requested by the Accusations Committee."

Almario pressed: "But does the prosecutor's office have conclusive evidence that implicates President Samper?" Valdivieso replied: "I cannot answer yes or no."

Almario asked about the role of morality in applying the law. Valdivieso responded that "the fundamental objective of the prosecutor general's office is a legal objective. If in applying the law, one derives lessons of a moral nature, or of an ethical nature, so much the better. . . . I do not believe that one can be separated from the other."

Will the punishment fit the crime?

Almario touched on another sensitive subject, namely whether the drug kingpins who have been captured will receive sentences to match their crimes. There was widespread outrage during the previous Colombian administration, when Medellín Cartel chieftain Pablo Escobar was captured and jailed in a prison of *his own construction*, with guards of *his own choosing*, under conditions which enabled him to keep running the drug trade and to deploy assassins at will, and to eventually escape. Several of Escobar's captured associates have since been given relatively light sentences, as has one of Rodríguez Orejuela's associates.

Almario questioned how severe the traffickers' sentences can be, given the fact that cartel lawyers had a few years ago negotiated a rewrite of the Colombian penal code in favor of their powerful clients.

Said Valdivieso:

"That is a value judgment I do not share. It is the existing laws which we must apply. We are in a real situation, and we cannot act with hypothetical laws. . . . We hope to be able to apply the maximum sentences possible, applying the maximum rigor of the penalties with the minimum benefits possible; that is, we will apply Colombian law.

"With regard to the properties of the drug traffickers, we are collecting evidence that could enable us to fully confiscate their properties, given that many of those properties are in the names of front men. If they are convicted for drug trafficking, their properties can be confiscated as the fruit of illegal activity."

Almario asked Prosecutor General Valdivieso if he had any advice for *EIR* readers and those they might influence, particularly in the United States, who wish to collaborate in Colombia's battle to free itself of the plague of drug trafficking.

Valdivieso answered:

"I believe there exists a degree of collaboration on the part of those who, by whatever means, are taking on the phenomenon of [drug] consumption. Clearly, the best [expression of] solidarity is to reduce drug consumption in the United States so that it does not stimulate the supply. Any reduction of drug consumption in the United States helps us Colombians."