

Has Guatemala Become the Cali Cartel's Bodega?

Colombia has been reluctant to prosecute top leaders of the Cali cartel and dismantle their organization. The Clinton administration is pushing Colombia to do more, while the Senate Foreign Relations Committee, led by Jesse Helms (R., N.C.), threatens to impose trade sanctions.

But Colombia is not the only country where drug cartels and their major confederates operate with impunity. It shares that distinction with Guatemala, where the Drug Enforcement Administration has also uncovered evidence of institutional corruption.

While Colombian cartels used the Caribbean as their primary smuggling route through the mid-1980s, increased

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radar, as well as opportunity, led them to shift operations toward Mexico. In the late 1980s, they expanded those routes to neighboring Guatemala.

So much cocaine was detected there by 1990 that DEA special agents coined Guatemala *la bodega* or "the warehouse." Today up to 75% of the cocaine reaching the U.S. still passes through Mexico, but, according to the DEA, up to one-third of it is first received and stored across Mexico's southern border in Guatemala.

Guatemala, like Colombia, has cooperated with the U.S. in both poppy eradication and cocaine interdiction. But in both countries this cooperation breaks down over prosecution or extradition of major suspects. "Extradition is the Achilles heel of this whole process," says the DEA's chief spokesman, James McGivney, in Washington, "whether it be Guatemala or Colombia."

Unlike Colombia, Guatemala has an ex-

tradition treaty with the U.S. But its Constitutional Court has only honored it in a few cases. The process is complicated by the fact that many major suspects are Guatemalan military officers.

In response, the Clinton administration has been willing to forgo prosecution of these cases. Why? One reason is to achieve cooperation with the military on other matters (the Guatemalan military receives no U.S. funding, but the police do). But the result only gives officers blanket impunity.

Lt. Col. Carlos Ochoa Ruiz was allegedly working with two Colombians from Cali. Now wanted in federal court in Florida, Lt. Col. Ochoa is the first Guatemalan military officer against whom the DEA initiated prosecution. Back in October 1990, special agents watched him and others allegedly load cargo on a private plane, and then tracked it to Tampa.

The State Department requested his arrest and extradition. But one month later a Guatemalan judge released him. By 1992, two more civilian judges had ruled in his favor, while the military discharged Lt. Col. Ochoa and two Army captains also implicated in the case to put distance between them and the institution.

But that didn't stop a military tribunal from unexpectedly reclaiming jurisdiction in 1993, and ruling to dismiss all proceedings in Guatemala for "lack of evidence." The evidence in Tampa includes a half metric ton of cocaine. That's worth about \$7.5 million wholesale; retail it's enough to fill a few million pipes with crack.

One judge who took the evidence into account was Epaminondas Gonzalez Dubon, the Constitutional Court president, and Guatemala's highest justice. No other judge in memory was more independent. In May 1993, then-President Jorge Serrano declared a "self-coup" and imposed martial law; Judge Gonzalez promptly declared it unconstitutional.

This helped galvanize both domestic and White House opposition, bringing down the "self-coup" one week later.

In March 1994, Judge Gonzalez made another independent ruling. "Gonzalez Dubon had signed a Court decision in which he declared [ex-Lt. Col. Ochoa's] extradition constitutional," reads a Human Rights Watch report. Judge Gonzalez then left Guatemala City with his family for an Easter day-trip. On their way back, in Guatemala City on April 1, four men in a car shot and killed Judge Gonzalez in front of his wife and son.

Police treated this, the slaying of Guatemala's highest justice, as a common

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crime. Attorney General Ramses Cuestas claimed that it was an attempted car-jacking, although no one stole anything. The surviving judges then declared ex-Lt. Col. Ochoa's extradition unconstitutional, exhausting the State Department's appeal.

This aborted the DEA's most important test of whether the U.S. can prosecute a Guatemala military officer. How did the Clinton administration react? The U.S. ambassador, Marilyn McAfee, first ignored the denial, and then issued a press release, which concluded: "Unfortunately, there have been cases in which efforts to process suspected drug traffickers have been frustrated. Examples of these cases include that of Lt. Col. Ochoa, whose extradition was denied by the Constitutional Court, and the rejections for extradition of the American citizen, Carolyn Holly Fried, who has been accused of selling thousands of doses

of illegal drugs to school-age children."

According to Paul Mountain, supervising agent at the California Bureau of Narcotics Enforcement, Ms. Fried is not accused of selling drugs to any children; and the same Constitutional Court that denied ex-Lt. Col. Ochoa's extradition two months later approved Ms. Fried's.

Last month, the Constitutional Court denied the extradition of another Guatemalan, this time a wealthy businessman, Roberto Antonio Beltranena Bufalino. He is named as a co-defendant with ex-Lt. Col. Ochoa in Tampa. Ironically, this ruling was announced in Guatemala the same day that the State Department certified to Congress that Guatemala had "cooperated fully" in the war against drugs.

When asked to comment on these matters, Assistant Secretary of State Robert Gelbard declined. Staff members of the Senate Foreign Relations Committee say they will now review the administration's handling of Guatemala.

More suspects remain untried, including six Army captains and two Air Force majors. Guatemala discharged all of them from active service over the DEA's accusations. Yet, last year's State Department drug control report, says: "In most cases, the officers continue on with their suspicious activities."

The impact of cocaine trafficking in Guatemala, as in Colombia, is ripping its social fabric, already in shreds from four decades of Central America's bloodiest war. It was brave of Judge Gonzalez to say that the rule of law applies to all. But rather than back up the judge who backed up special agents, the Clinton administration has gone to unusual lengths to erase his memory. This only helps the Cali cartel and other Colombian drug traffickers. Threatening Colombia while coddling Guatemala won't work.

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