

IS THE OBAMA DOJ STILL CODDLING COLOMBIAN TERRORISTS?

ProPublica had an important story a few days ago reporting that the cases of a number of Colombian paramilitaries extradited to the US on drug—not terrorism—charges have been sealed and largely disappeared.

Since 2006, more than a dozen of Colombia's most notorious paramilitary leaders have been extradited to the United States to face drug-trafficking charges in federal district court in Washington.

The extraditions stunned Colombians, who had hoped that testimony from the men, given as part of a national amnesty program, would help expose the truth about two decades of vicious murders, assaults and kidnappings. In videotaped confessions in Colombia, one had taken responsibility for more than 450 slayings.

But outrage over the extraditions reached a boiling point earlier this year, when U.S. District Judge Reggie Walton blocked public access to seven of the paramilitary leaders' cases, erasing virtually every trace of their existence.

There is no way to know if the men have negotiated lenient sentences – or if they are even still in custody. An eighth defendant, accused in Colombia of murdering a judge, was released on his own recognizance, records show, after cousins in College Park, Md., vouched for him.

The story is important on its face—for what it

reveals about judicial secrecy—but also because of our unique relationship with Colombia and its right wing terrorists.

If I'm not mistaken the accused in these cases are members of the AUC (the story says the accused in these cases are members of the Self-Defense Forces of Colombia; the Autodefensas Unidas de Colombia—the AUC—is usually translated as the United Self-Defense Forces of Colombia), a terrorist group that has been on the State Department's list of official terrorist organizations since 2001. If that's right, in addition to being alleged drug traffickers, these accused are also terrorists.

Yet the ProPublica story doesn't use the word "terrorist" once.

It doesn't consider whether, rather than being sealed to protect an ongoing investigation of drug trafficking, they might be sealed because of national security claims connected to the accused's role as terrorists.

Most charitably, the cases might be sealed because these accused drug traffickers are helping the government find other terrorists. But I don't buy that.

Consider, first, the alleged ties between supporters of Colombia's right wing government—our close allies in Latin America—and right wing paramilitaries. The ties were first revealed as far back as 2007.

The comments came amid mounting evidence of collusion between many of Mr Uribe's allies and paramilitaries, who committed some of the most gruesome massacres in Colombia's recent history while trafficking tonnes of cocaine to Europe and the United States. They are listed by the US state department as terrorists.

Colombia's supreme court has ordered the arrest of 14 members of congress on suspicion of collaboration, of whom 13

back Mr Uribe. The president's former intelligence chief is also facing charges of passing information to the paramilitaries to help them target and kill opponents.

Mr Uribe has not been directly implicated but the revelations are an embarrassment for the US president, George Bush, who considers the Colombian conservative his best friend in a region dominated by leftwing governments. Democrats have threatened to block a trade deal with Colombia and to reduce the annual \$700m (£350m) flow of mostly military aid to Bogota.

And arrests of those who collaborated with the right wing terrorists continue even today.

Colombian Sen. Javier Caceres, a former president of Congress, was arrested Tuesday for alleged links to right-wing paramilitary groups. The country's Supreme Court of Justice issued the arrest warrant.

According to local reports, Caceres was allegedly involved with the paramilitary chief Uber Banquez, known as "Juancho Dique."

Banquez claims that Caceres asked him for money to finance his campaign.

As the ProPublica story notes, extraditing these drug-trafficking terrorists means they will not give public testimony in Colombia that had been a key promise of the amnesty program that purportedly demobilized the AUC.

In Colombia, the secret U.S. prosecutions have darkened hopes of achieving redress for thousands of atrocities tied to a network of paramilitary groups known as the Self-Defense Forces of Colombia. The

extradition of key leaders to the United States disrupted a historic amnesty program intended to demobilize units and deliver basic information, such as the location of bodies, to victims' relatives.

Not only does this prevent victims' families from learning what happen to their loved ones, but it limits further embarrassing revelations of ties between politicians and paramilitaries. Extraditing these men and then hiding their cases makes it very hard to show that the US government is working closely with those who—if they were Arab and Muslim—would be indefinitely detained in Gitmo or shot down with a drone.

And then there's the unique approach DOJ has of prosecuting AUC-related crimes. Most notably, there's the case of Chiquita, which knowingly paid off the AUC for years after the State Department made such payments a crime (and allegedly carried AUC's coke on its freighters). But, with the assistance of now Attorney General Eric Holder (and former Attorney General Richard Thornburgh), the Republican Chiquita execs who had materially supported terrorism got off with no charges. Before DOJ let those executives off with no charges for their material support of terrorists, the highly connected Roderick Hills alleged that DOJ—specifically, Michael Chertoff—suggested DOJ might tolerate ongoing payments to AUC.

Mr. Hills's advice was that the company should tell American officials about the payments. Over the years, several corporations had successfully used the strategy of self-disclosure to avoid punishment.

According to a criminal complaint filed by the Justice Department, Mr. Hills and another Chiquita official were told at the April 2003 meeting that the payments were illegal and could not continue. The complaint also noted that the company's

outside law firm had strongly recommended in February 2003 that the payments end immediately.

In the version offered by Chiquita officials, Mr. Chertoff was more equivocal at the meeting, a view contained in letters from defense lawyers to the Justice Department, according to the sources familiar with the court filings. Mr. Chertoff said he understood the sensitivity of the situation and would get back to the Chiquita officials, which he apparently did not do before going on to become a federal judge.

Mr. Chertoff, who has declined to comment, will almost certainly be called to testify if the matter goes to trial.

Defense lawyers said the company engaged in regular discussions with Justice Department officials about using the payments as an opportunity to provide intelligence to the government about the A.U.C. Those discussions, the lawyers contend, were crucial in convincing the company that the American government was prepared to tolerate the continuation of the payments. [my emphasis]

Click through for a reminder of the search warrants that didn't get executed and the personnel changes that resulted in those soft-pedaling the investigation getting promotions.

The implication, at the time, was that Chiquita would help the government do-whatever-and not faces the same stiff prison sentences for materially supporting terrorism that brown people would. And voila! After that allegation surfaced publicly, our current Attorney General managed to help his clients avoid charges.

Now, as ProPublica notes, sealing cases like this must be signed off at the highest levels of DOJ.

An agreement involving secrecy would require authorization at the highest levels of the Justice Department. Prosecutors must obtain approval from the deputy attorney general before requesting, or agreeing to, the sealing of a criminal case.

You know—the DAG? The guy who reports directly to the guy who represented the Chiquita execs?

Perhaps I'm being overly paranoid here. But the wholesale sealing of cases relating to AUC—effectively burying the details of both the alleged drug crimes and the terrorism—sure seems like it has more to do with global politics than it does with prosecuting more drug lords.