



Mug shot of "Otoniel," drug kingpin.

## **WHAT DOES THE CAPTURE OF "OTONIEL" MEAN FOR THE FUTURE OF COLOMBIA'S DRUG INDUSTRY? FOR THE FUTURE OF THE CLAN DEL GOLFO? WHAT INFORMATION CAN HE PROVIDE AND WHEN AND WHERE WILL HE PROVIDE IT?**

*By Eunice Gibson, Secretary,  
Board of Directors, Colombia Support Network*

On Sunday morning, October 24, 2021, Colombian news media were frantic with excitement. Daíro Antonio Úsuga David, alias "Otoniel," the head of the fearsome Clan del Golfo, had been captured by Colombia's Army and Police. President Duque,

# “Otoniel” cont.

speaking from the military base at Tolemaida, told *Semana*, “This is the hardest blow that we have dealt to drug trafficking in the country in this century. It’s only comparable to the fall of Pablo Escobar in the ‘90’s.”

“The Clan del Golfo is about to be dismantled,” Defense Minister Diego Molano told *El Tiempo*. He claimed that, with the success of the operation, which permitted the location and capture of the most wanted man in the country, the drug trafficking business is being weakened.

## “Otoniel” is captured

They had been after him for seven years. In 2015, the Army and Police had created a grand operation seeking his capture, giving the effort the improbable name “Agamenón” after the Greek king murdered in his bathtub by his wife and her lover.<sup>1</sup>

According to the Medellín daily *El Colombiano*<sup>2</sup>, when the Army and Police launched Operación Agamenón, on February 2, 2015, they calculated that it would take 70 days to dismantle the Clan del Golfo. Yet there is little evidence today that the Clan del Golfo is seriously weakened, much less

1 “Murder in the Bath: Reflections on the death of Agamemnon”, T.T.Duke, *The Classical Journal*, Vol.49, No.7 (Apr 1954) pp.325-330.

2 “Agamenón: deudas y aciertos en lucha contra el “Clan”, *El Colombiano*, February 12, 2020.

dismantled.

The challenge was extreme. *El Colombiano* reports that besides the Colombian Army and Police, the DEA, Europol, Ameripol, and Britain’s MI-6 were all involved. Colombia offered a reward of 3,000,000,000 pesos (a little less than USD \$800,000)<sup>3</sup>, and the United States offered a reward of USD \$5,000,000 for the capture of Otoniel. A number of his underlings were captured, and *El Colombiano* reported in February 2020 that a total of 379.4 tons of cocaine had been seized by that time. But each time a leader was captured, the Clan del Golfo reconfigured its command staff, and drug trafficking continued to flourish.

Meanwhile, Otoniel traveled daily by mule through dense and snake-infested jungle, and was always surrounded by as many as eight circles of protection. He had scores of places to spend the night, and the searchers had to use drones and electronic intelligence to surround him finally. No expense was spared. BBC World reports that he was caught by means of 150 intelligence police, 500 Army troops, and 22 helicopters.<sup>4</sup>

And with all of that *fuerza*, what

3 Note that exchange rates have been changing rapidly.

4 BBC World News, “Otoniel: why the capture of the most-wanted capo in Colombia doesn’t change the drug trafficking equation (and neither will his extradition assure justice for his victims)”, by Natalia Guerrero, October 25, 2021.

took them seven years? *El Colombiano*<sup>5</sup> reports that several cases of Armed Forces corruption had to be prosecuted. One was a Police Inspector in Santa Fe de Antioquia, who was sentenced to 13 years in prison for his connections with the Clan del Golfo. An Army Major was sentenced to six years in prison for helping the Clan leaders to evade the authorities.

As recently as Thursday, February 10, 2022, “Otoniel” testified in an appearance before the JEP that, throughout his experience with the paramilitaries, he “witnessed the complicity between the armed groups and the Armed Forces.”<sup>6</sup> He also maintained that complicity with the Armed Forces is still going on today.<sup>7</sup>

In a number of JEP appearances he described how Colombian Army Generals Leonardo Barrero Gordillo and Henry Torres Escalante worked with him and his troops when he was a paramilitary with the AUC.<sup>8</sup> Later it was revealed that General Barrero, who has served as Commander of the Colombian Army, was on the Clan del Golfo payroll, along with Retired Col. Robinson González del Río and other members of the military, and that the Attorney General’s Office was aware of that. He also promises to reveal the

5 *El Colombiano*, February 12, 2022.

6 *El Heraldo*, February 10, 2022.

7 *El País*, February 10, 2022.

8 “La verdad de la guerra que “Otoniel” quiere contarle a la JEP”, *EL ESPECTADOR*, February 24, 2022.

Action On Colombia is the official newsletter of the Colombia Support Network, a national peace and justice network of groups and individuals working to promote respect for human rights in Colombia and a just relationship between the United States and Colombia through grassroots activism.

CSN supports a nonviolent, negotiated resolution to the conflict in Colombia.

CSN is the only current project of Wisconsin Interfaith Committee on Latin America

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financers of the paramilitaries, as well as how he planned massacres with the help of the Army.

He clearly has information that the whole country needs to hear.

## Did he really surrender?

There were no disinterested parties to view “Otoniel”’s capture, and there has been a strong disagreement about what happened. In December 2021, a Police official gave *El Espectador*<sup>9</sup> his detailed account of what took place. According to the official, “Otoniel” identified himself by his alias. He had been surprised; he laughed nervously but his face changed when they read him his charges, according to the official. He was alone. He was immediately taken to a military base.

“Otoniel” has a different story to tell. At the victims’ request, in late December he was summoned to testify before the JEP, as a witness, not as a party. *El Tiempo*<sup>10</sup> relates his testimony:

“... he referred to the moment he was captured, I said: I’m going to get out of these problems, whatever happens (...) I told them who I was; they didn’t mistreat me or anything, I took off my shirt.”

He admitted that there were Armed Forces operations going on in the area where he was and he decided to approach them. “It was around two in the afternoon. I yelled, I talked with them, and they told me to come over to where they were. I went by myself (...) There was a little Corporal and he called his Commander in the Army (...). In that region they will grab you and kill you. You might say I went over to the troops voluntarily, that’s how the capture took place.” Needless to say, the

9 *El Espectador*, December 25, 2021.

10 *El Tiempo*, December 23, 2021.

military authorities expressed strong disagreement with this version.<sup>11</sup>

## How much will he tell?

The government has many reasons to call the veracity of Otoniel into question, but the victims need to hear what he has to say. It was reported on February 7, 2022 that he had three more dates, February 10, February 15, and February 22, and on those dates, he provided more testimony to the JEP<sup>12</sup> in its Macrocase 04 concerning the violence in Urabá.<sup>13</sup> He is certainly familiar with that violence, and knows who took part in it and who profited from it. Conceivably, his testimony could support some criminal prosecutions, and even restitution of plundered territories.

*El Tiempo*<sup>14</sup> reported that in his first appearance before the JEP, Daíro

11 “I’m not going to respond to that kind of a criminal: director de la Policía a ‘Otoniel’”, *El Heraldo*, Barranquilla, January 14, 2022. See also “Petro asks the Director of the Police to explain the payment of rewards for the capture of Alias ‘Otoniel’”, *SEMANA*, December 23, 2021.

There were other similar responses from government authorities.

12 JEP, Jurisdicción Especial de Paz, is the Special Jurisdiction for Peace, authorized by the Peace Agreement to resolve appropriate punishment for war crimes that took place during the armed conflict.

13 “In February, Otoniel will be testifying before the JEP on three more occasions about the violence in Urabá”, *El Espectador*, February 7, 2022.

14 “La version completa de lo que dijo el capo ‘Otoniel’ ante la JEP”, *El Tiempo*, December 23, 2021.

Antonio Úsuga David described some aspects of his early life. He was born to a campesino family, and he said that the FARC<sup>15</sup> guerrillas were present in his region for a long time. Later the EPL<sup>16</sup> came, but he said that the Armed Forces were hardly ever to be seen. He had eight brothers, and had only finished the fourth grade, and when he reached 16, he was recruited by some of the groups. “There wasn’t anything else for us there, so some of us joined up,” he said. He told the Court that he went voluntarily to join the 5<sup>th</sup> Front of the FARC guerrillas. He said that he was with them for a while and in 1988, he joined the EPL. After that group demobilized, he began his relationship with the Castaño family, and was part of the Self-Defense Forces, ACCU,<sup>17</sup> later to become the AUC.<sup>18</sup>

*RTVNoticias*<sup>19</sup> reported that both Daniel Rendón Herrera, alias “Don Mario” and “Otoniel”, as ex-AUC, joined to form the gang that became the Urabeños, intending to reactivate

15 FARC (Fuerzas Armadas Revolucionarias de Colombia) Armed Revolutionary Forces of Colombia, the primary guerrilla organization, and party to the Peace Agreements.

16 EPL (Ejército Popular de Liberación) Popular Liberation Army, a guerrilla organization.

17 ACCU, (Autodefensas Campesinas de Córdoba y Urabá), Campesino Self-Defense Forces of Córdoba and Urabá, a paramilitary organization.

18 AUC, (Autodefensas Unidas de Colombia), United Self-Defense Forces of Colombia, a paramilitary organization.

19 “Clan del Golfo: todo lo que debes saber de la organizacion que lideraba ‘Otoniel’”, *RTVNoticias*.

# “Otoniel” cont.

control of the drug trafficking, as well as other criminal activity. But “Don Mario” was captured on April 15, 2009, leaving “Otoniel” to lead the gang and bring in his brother Juan de Dios Úsuga, alias “Giovanni”, who was killed in 2021. “Otoniel” decided to expand the gang’s relations with the Mexican cartels, including “El Chapo”’s Sinaloa Cartel, and the Clan del Golfo was born.

## Otoniel’s criminal history

Otoniel is a wicked, wicked man. This article does not have enough space to recount all of the awful things he has done. Even in a country with a record of 94% of crimes unpunished,<sup>20</sup> Otoniel had 128 outstanding arrest warrants at the time of his capture, 8 pretrial detention orders, 2 red notices and one blue notice for his arrest by Interpol, plus requests for his extradition.<sup>21</sup>

He is accused of terrorism, murder, kidnapping, extortion, drug trafficking, forced recruitment of children, sexual abuses, fabrication and trafficking of weapons, forced displacements, formation of armed groups, and crimes against humanity.<sup>22</sup> He worked closely with the Colombian Army to carry out the massacre at Mapiripán, where 49 campesinos were slaughtered. Then he used the location as a “laboratory for war” for decades.<sup>23</sup> He was also involved in the massacre at San José de Apartadó on February 21, 2005.

He headed a massive sex trafficking

20 “De cada cien delitos, en Colombia solo se castigan seis”, EL TIEMPO, October 2, 2019.

21 “Otoniel tenía 128 órdenes de captura, antes de su detención”, EL COMERCIO, October 24, 2021.

22 Id.

23 Las2orillas, February 22, 2022.

organization that operated for years, trafficking young girls for his own sexual abuse, as well as that of paramilitary leaders and tourists with money. The operation stretched as far as Europe.<sup>24</sup>

## How will his capture affect the Clan del Golfo?

The Clan del Golfo is present in nearly 300 of the 1,102 municipalities in Colombia, mainly on the Pacific Coast. Most drug shipments to the United States depart from there.<sup>25</sup> Otoniel had an important portfolio of criminal activities, including illegal mining and sending migrants to Panama, according to the journalist, Ariel Ávila. The Clan also works with small street gangs that traffic drugs, extortion, and murder by hired killers. Ávila stresses that their direction is decentralized, using at least 51 local Commanders and “un montón” of the smaller gangs. The AGC (Gaitanista Self-Defense Forces of Colombia) is their elite force. It had been directly commanded by “Otoniel”.

So what has been the effect of Otoniel’s capture on drug trafficking in Colombia? So far, not very much. As before, there is a lower-ranked commander ready to take over, possibly Jesús Ávila Villadiego, alias “Chiquito Malo” (“Bad Boy”), also a former AUC paramilitary, also wanted in extradition by the United States. Ávila believes that the Clan will definitely take part in the upcoming elections, probably by financing candidates.

24 “El desgarrador relato de víctima de una red de explotación sexual de Otoniel,” by Jineth Bedoya Lima, EL TIEMPO, April 8, 2022.

25 “Who is Otoniel, the most powerful drug dealer in Colombia?”, Teller Report, October 24, 2021.

Ávila also thinks that people with economic power have actually invited the Clan del Golfo to Casanare, because the FARC Dissidents have increased their extortion activity there.<sup>26</sup> The Clan can use its battle with the FARC as an excuse for increasing their territorial control of drug trafficking, which can now include shipments to Venezuela. Authorities were alerted to the presence of the Clan by a gruesome decapitation and other evidence of vicious tortures and murders.

And more recent commentary by BBC World News assures that Otoniel’s capture doesn’t signify the end of the Clan del Golfo, and certainly not the end of drug trafficking in Colombia.<sup>27</sup> Sergio Guzmán, Director of Colombia Risk Analysis, told BBC World News that,

“The drug market works like an international market where supply and demand play a determining role, where the price of cocaine, no matter how high it gets, doesn’t make its users stop wanting it as a recreational drug for leisure use, which at the same time feeds the supply in places where the government not only does not go, but also does not provide sustainable alternatives that could compete with the coca in the future, or the kind of profits that the drug trafficking business does produce,” Guzmán explains.

BBC World News quotes Elizabeth Dickinson, a Colombia analyst at the International Crisis Group. She says that the two words you hear most often from people living in the territories

26 “The Clan del Golfo may have arrived in Casanare at the invitation of some people with economic power, reveals the analyst, Ariel Ávila”, Martha Cifuentes, marthacifuentes.com, December 17, 2020.

27 BBCWorld News, supra.

controlled by Otoniel are “fear” and “panic”.

“One thing we’ve seen as a pattern, not just in this organization, but also in any organized crime and armed groups in Colombia, is that when there is a high-level capture, the new capo feels as if he has to show how tough he is, able to manage the situation, and that often implies a lot of violence,” Dickinson tells BBC World News. It is undisputed that the violence continues to increase significantly.

“Selective murders, purges within the organization, maybe violence against the Armed Services. That is really a very dangerous period,” she adds. “People are really terrified of a new wave of violence. It’s as if this opens past fights and disputes within the organization.”

## The extradition procedure

The Colombian news magazine *SEMANA* has described the extradition procedure.<sup>28</sup> There exists an extradition treaty between Colombia and the United States. Under the treaty, federal courts in New York and Florida have asked Colombia to extradite Otoniel to be tried for drug trafficking offenses. Through the U.S. Embassy, the Minister of Justice, and the Attorney General, the official request is sent to Colombia’s Supreme Court of Justice, which must review the request and apply Colombian law. This could take as long as six months. It could take longer, but not in this case.

When the Supreme Court approves the request, it is sent to the President for his signature. Next, the defendant has an opportunity to oppose his

28 “Extradición o JEP? Detalles de lo que sigue en el caso de alias ‘Otoniel’”, *SEMANA*, January 6, 2022.

extradition. He sought admission to the JEP, which, under the Constitutional amendments resulting from the Peace Agreement, has authority to prohibit extradition in certain very limited circumstances. However, the JEP has already denied his request.<sup>29</sup> He had claimed the status of civilian third party, but the JEP found that he had acted continuously as a paramilitary and drug trafficker.

## Otoniel will be extradited. Will his story be told?

The Colombian government reached the decision to extradite Otoniel to the United States in record time, less than six months after he was captured. *EL TIEMPO* called it “extradition express”, and noted a number of recent extraditions that took more than a year.<sup>30</sup> General Barrero and other members of the military rejoiced at the news.<sup>31</sup>

The victims have requested that he not be extradited until he has revealed everything he knows about the violence in Urabá.<sup>32</sup>

In the past, when the big drug bosses were sent from Colombia to the United States, the victims were left without seeing justice. Many believe they were extradited in a hurry by the Uribe administration in order 29 “JEP rechaza el sometimiento de ‘Otoniel’, líder del Clan del Golfo,” *EL ESPECTADOR*, March 25, 2022.

30 “Proceso exprés convertirá a ‘Otoniel’ em el preso 36 extraditado este año”, *EL TIEMPO*, April 10, 2022.

31 “General Barrero y otros militares, de fiesta con la extradición de Otoniel,” *Las2orillas*, April 6, 2022.

32 *Bluradio.com*, by Mateo Piñera, December 22, 2021.

to keep them from telling what they know. Some of them have returned to Colombia, ostensibly willing to name names, but expressing fear for their lives and the lives of their families. Meanwhile, witnesses in their cases have disappeared or died, and the truth will never be complete.

Shortly after Otoniel’s capture, the victims requested that he appear before the JEP, and the JEP summoned him to appear. At his first appearance, the Justices made clear that he had not been admitted to the Special Jurisdiction, and that his appearance had nothing to do with extradition.<sup>33</sup> The JEP quickly scheduled several more appearances. The Police regularly interfered during his testimony, both before the JEP and before the Truth Commission. The home of a member of the Truth Commission staff was entered and records of his testimony were stolen.<sup>34</sup> Finally, the JEP cited General Fernando Murillo, Director of the Judicial Police, the *Djín*, for contempt, the Truth Commission requested the JEP to provide guarantees against further interference with Otoniel’s testimony, and those were imposed in late March.<sup>35</sup>

## Conclusion: All is not lost in the victims’ search for the truth

What Otoniel has already revealed has given the Colombian military, the 33 *EL TIEMPO*, December 23, 2021.

34 “Robaron grabadoras con material de entrevista a ‘Otoniel’: Comisión de Verdad,” *EL ESPECTADOR*, February 19, 2022.

35 JEP impone medidas cautelares para salvaguardar el testimonio de Otoniel,” *Colprensa, Cambiocolombia.com*, March 24, 2022.

## “Otoniel” cont.

governing party, and all Colombians something to think about. It was shocking to learn that Colombian generals and other military officers were on the payroll of the Clan del Golfo. And that the Attorney General’s Office knew about it and did nothing. It’s very likely that, with a presidential election just several weeks away, with Otoniel’s revelations and his fulsome promises of more to come, there will be public demand to hear him out.

And there is hope for that. In the decision of the Supreme Court of Justice that his extradition would take place soon, the Court makes clear that it recognizes the rights of the victims of his many crimes to learn the truth, and that technology should be used to allow him to testify before the Truth Commission, and the Unit for the Search for Disappeared Persons. The court even points out that that can be done before he actually leaves the country, and that it ought to be continued while he is in the United States.<sup>36</sup>

It’s to be hoped that U.S. courts respect the wishes of Colombia’s Supreme Court. It’s also of the highest importance that he be well guarded at all times, because his life will continue to be in danger from people who have

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36 “Otoniel”: los argumentos de la Corte Suprema para autorizar su extradición”, EL TIEMPO, April 6, 2022.

## CSN newsletter designer gains international recognition for Peace Poster



Randy Clark, a professor at Wenzhou Kean University and long time CSN member, and the designer who has put together the CSN newsletter for the last 20 years, recently received recognition for his recent work, “Ukraine Dove.”

“When I joined CSN in 1999, I was still a nontraditional graduate student at Utah State University. Now 23 years later, and having taught at 3 different universities in that time span, I’ve had to ‘publish’ which in my field of graphic

design meant peer reviewed work appearing in graphic design journals in order to keep my job in academia.

“As with many of you, I was horrified at what is happening in Ukraine. Certainly, if there was ever an unnecessary war, this would qualify,” stated Professor Clark.

Recently, the poster, *Ukraine Dove*, was accepted in the Dallas Society of Visual Communications national show, and *Graphis*, the journal of Design’s Design and Poster Annual for 2023.

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# Is Legalization a Sensible Answer to the Damage Caused by the “War on Drugs” in Colombia?

by *Jack Laun, Program Director,  
Colombia Support Network*

The traffic in coca in Colombia and to the world market has had many destructive and deleterious results. Organizations of many kinds have engaged in the trafficking of coca, making cocaine out of coca paste grown by campesinos. And the competition for coca production areas has produced violence in the Colombian countryside for many years. Guerrilla forces, such as the FARC (Revolutionary Armed Forces of Colombia) and the ELN (National Liberation Army), have depended upon the income they receive from the production and sale of cocaine to fund their activities for many years. Units of the Colombian Army have often collaborated with drug traffickers; indeed the great profitability of the sale of coca paste made into powder for sale to the United States and Europe has for many years tempted military officers to supplement their pay with income from trafficking, or in looking the other way while drug cartels engage in trafficking. Coca paste is purchased from campesinos, who grow coca in the absence of meaningful alternatives, such as production of rice, coffee, cacao, fruits and other crops, because of the lack of farm-to-market roads, agricultural credit services, and agricultural marketing initiatives for small-scale producers.

A Colombia Support Network (CSN) delegation to Putumayo province

back in 2001 heard the testimony of numerous campesinos at a community meeting in Santa Ana, near the city of Puerto Asis. One after another said they did not wish to depend upon growing coca, which they would sell to persons working for drug-traffickers who would come to their farms to buy the coca paste they produced from plantings of coca interspersed among legal crops, such as coffee, cacao, or bananas. They maintained there was no viable alternative, since there were no roads from the areas of their farms to markets in towns where they could sell their crops. This situation has continued virtually unchanged to the present day.

Near the end of his term as President of Colombia in 2018 Juan Manuel Santos took up the theme of legalizing the growing of coca and regulating the trade in coca through government legislation. Unfortunately, Santos’s successor, President Ivan Duque, has continued the Colombian government’s focus upon eradication of coca through manual removal of coca plants while seeking a return to aerial fumigation of coca plantings with the herbicide Round-Up, produced by Bayer-Monsanto and containing glyphosate, which has been reliably identified as producing cancer in persons exposed to it. The Duque strategy has failed to reduce the volume of coca production in Colombia, which has actually expanded during his term as President.

As the Washington Office on Latin America (WOLA) concluded in a

March 30, 2022 statement signed by several nongovernmental organizations, not only has the manual removal of coca plants not reduced the amount of coca produced, but crop-spraying with glyphosate resulted in injury and illness to hundreds of campesino families in Colombia, without decreasing coca production as a result of the crop-fumigation program which President Duque has sought to restart.

There are alternatives available, as is shown in the coca-use reduction programs of two countries: Portugal and Bolivia. These countries

have focused upon drug treatment programs with government management of cocaine sales. In 2001 Portugal decriminalized the personal use of all drugs, as it focused government policy on health and treatment, decriminalizing the personal possession of all drugs. A study of Portugal’s experience concludes as follows: “Four decades of targeted destruction of coca crops have had no lasting effect on drug supply. The policy has, however, come at a high human cost. Even at the height of eradication and fumigation campaigns eight years ago, crop-growing areas grew smaller but never came close to disappearing from Colombia’s countryside. With coca cultivation reaching new peaks in recent years and competition between armed groups also on the rise, the pressure from Bogota and Washington to eradicate has returned. The assumption is that uprooting or poisoning coca

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# Legalization cont.

plants will erase the sources of criminal greed and violence. In practice, however, official efforts to destroy the crops impoverish rural Colombians and entrench their resentment of a state whose most prominent manifestation is punitive. Caught between the authorities, traffickers and violent outfits, farmers—the most vulnerable link of the supply chain—suffer for any perceived non-compliance.” (“Drug Decriminalization in Portugal: Setting the Record Straight”, May 13, 2021.)

Citing the 2016 Peace Agreement between the FARC guerrillas and the Colombian government of President Juan Manuel Santos, the article concludes that it “set forth an alternative route to weaning Colombia’s countryside off the plant, resting on voluntary consent from coca farmers and including ambitious proposals to boost rural economies, connect them to urban markets, curb inequality and protect coca farmers while they switch to other crops.”

As Nicholas Kristof of the New York Times stated in a September 22, 2017 opinion piece in the New York Times, “Decades ago, the United States and Portugal both struggled with illicit drugs and took decisive action---in diametrically opposed directions. The U.S. cracked down vigorously, spending billions of dollars incarcerating drug users. In contrast, Portugal undertook a monumental experiment: It decriminalized the use of all drugs in 2001, even heroin and cocaine, and unleashed a major public health campaign to tackle addiction. Ever since in Portugal, drug addiction has been treated more as a medical challenge than as a criminal justice issue.

“After more than 15 years, it’s clear which approach worked better. The United States drug policy failed spectacularly, with about as many

Americans dying last year of overdoses---around 64,000---as were killed in the Vietnam, Afghanistan and Iraq Wars combined.”

“In contrast, Portugal may be winning the war on drugs---by ending it. Today the Health Ministry estimates that only about 25,000 Portuguese use heroin, down from 100,000 when the policy began.”

Portugal switched to its health focus under the leadership of Socialist Prime Minister Antonio Guterres, who is now the Secretary General of the United Nations.

In an interview with journalist Yamid Amat, reported on January 9, 2022 in *El Espectador*, Colombia’s ex-President and Nobel Peace Prize winner Juan Manuel Santos indicated that he believes that legalizing drugs is the only way to solve the drug problem in Colombia. He observed that “Drug trafficking, or at least the violence that it generates, will end when we adopt a policy different from prohibition and repression.” Asked by Amat what policies the Colombian government should adopt,

Santos replied “Treating the consumers as sick people and not like criminals. Have a human rights focus. The overcrowding of the prisons in the world is, in good part, because of the prisoners whose crimes were not violent but were related to drug-trafficking.

“In Colombia it’s pathetic. The campesinos that plant coca are victims, and we have to offer them an alternative so that they don’t re-plant like what is established in the Peace Agreement. Voluntary substitution does not produce re-planting. That has been proven.”

Yamid Amat then asked “Should Colombia think about legalization?”

Santos answered “Yes. I know it’s difficult because, politically, it’s easier and more popular, or populist, to keep

on offering the ‘iron fist’, but after having tried all of that for half a century without success, legalizing is the way.” Santos went on to say that regulating the market “is the only way”. “And regulate means legalize”.

A 2018 report, titled “Coca Industrialization: A Path to Innovation, Development and Peace in Colombia”, published by the U.S.-based Open Society Foundation, suggested that coca should be viewed as an agricultural product “with ample opportunities to transform coca into natural medicine, agro-industry uses, and as a nutritional supplement...Coca farmers, who often live below the poverty line, would be granted legal means of earning a living. The coca reform suggested in this report is seen to be a key part of building peace in Colombia. But there are other issues that need to be addressed, such as land concentration, poverty and political exclusion that triggered Colombia’s war and were aggravated from the profits of cocaine-trafficking, which will remain as long as cocaine is illegal”. The report concluded that “Colombia’s many-layered, complicated conflicts need to be handled piecemeal---and addressing coca via a community-centered approach is a necessary and urgent matter.” The report concludes that “now is the time to try community-centered reform: the peace agreement provides the legal and institutional framework necessary to try such a pioneering process.”

It is instructive to see how another Latin American country has instituted a policy of legalization of coca in order to control the market and reduce the illicit trade in coca. Under the administration of President Evo Morales Bolivia began to establish legal limits on growing coca. According to an article in Volume 146 of *World Development* of October 2021, “Between 2006 and

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2019, Bolivia emerged as a world leader in formulating a participatory, non-violent model to gradually limit coca production in a safe and sustainable manner while simultaneously offering farmers realistic economic alternatives to coca. Our study finds that not only has this model reduced violence, but it has effectively expanded social and civil rights in hitherto marginal regions.”

The authors of this report, which contrasted the Bolivian program with efforts at drug crop control in Peru, focused upon “participatory development with a special emphasis on the role of local organizations and the relationship between growers and the state ... We find that for community control to have any chance of success in Peru, grassroots organizations must be strengthened and grower trust in the state created. The study also demonstrates that successful participatory development in drug crop regions is contingent on land titling and robust state investment, which strengthens farmer resolve to participate so as to avoid a return to the repression of the past.”<sup>1</sup>

How can the policies adopted in Bolivia, and the ideas upon which the program in Portugal is based, be applied to Colombia? Coca production and the coca trade are much greater in Colombia than in Peru. And the corruption surrounding the production and export of cocaine is very substantial,

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1 Thomas Grisaffi, Linda Farthing, Kathryn Ledebur, Maritza Paredes and Alvaro Pastor,” From Criminals to Citizens: The applicability of Bolivia’s community-based coca control policy to Peru. *World Development*, Volume 146, October 2021. I had the pleasure of meeting with Linda Farthing and Kathryn Ledebur as a participant on a National Lawyers Guild election observer delegation to Bolivia in 2015.

with billions of dollars involved in the production, shipping, and marketing of the product abroad.

A very important additional characteristic in Colombia is the involvement of paramilitary forces in production and marketing of Colombian cocaine. The creation of these forces was suggested to Colombian authorities by a military mission sent to Colombia in 1962 by President John F. Kennedy and led by Army General William Yarborough. The rationale for this mission was to prevent popular support for the Cuban Revolution among residents of the Colombian countryside. Several paramilitary groups developed in the years following 1962 and they are today in effective control of many parts of rural Colombia. In Uraba and other regions of the country they have collaborated with units of the Colombian military forces and have carried out attacks on civilians in company with Colombian military officers. In addition, many politicians have collaborated and supported these attacks on rural communities where coca is grown.

Suggestions for a solution to this problem were included in the Peace Agreement that the Administration of President Juan Manuel Santos entered into agreement with leaders of Colombia’s largest guerrilla organization, the Revolutionary Armed Forces of Colombia (FARC) in 2015. The Peace Agreement created the system of “Justice, Equity, and Peace” (JEP) and it provided for land titling for residents of rural areas, marketing services for campesino crops, and construction of farm-to-market roads, which would permit campesino communities to bring their crops to markets in towns and cities. Credit sources, not so clearly identified in the Peace Agreement,

would be needed for the campesinos to switch from coca-growing to cultivation of other crops, such as cacao, coffee, avocados, and bananas.

The current Colombian government of President Ivan Duque, who opposed the Peace Agreement before he was elected President in 2018, has done very little to implement the principal points of the Agreement, while his government has also failed successfully to oppose paramilitary forces which have carried out attacks on many rural communities, often in coordination with local military units. Among these is the Seventeenth Brigade of the Colombian Army, with headquarters in Carepa, Antioquia, which has for many years threatened the Peace Community of San Jose de Apartado. In the first weekend in May this year the paramilitary organization known as the “Clan del Golfo” or “Gulf Clan”, carried out a “paro armado” or “armed stoppage”, which closed roads and shut down commerce in many parts of the country. The Clan chose this way of showing its displeasure with the capture of its leader, alias “Otoniel”, and his extradition to the United States on drug-trafficking charges. Besides ending the power of the paramilitaries, a part of the solution must also be cleaning up of the Colombian military and an end to unquestioned huge annual multimillion-dollar grants to the Colombian military from the United States Government.

What can we expect from the next Presidential Administration, which is scheduled to take office on August 7, 2022? The candidate who is leading in the polls as of mid-May, Gustavo Petro of the Pacto Historico, has called the policies followed by the Colombian government to be “ineffective”. As reported in Telesur on May 3, 2018, Petro said then that Colombia needs to develop its own policies and move

# Legalization cont.

away from the “subordination to the drug war and the assistance it receives to continue its current policies. The militaristic approach to drugs has been ineffective.” A March 24, 2022 article in the Washington Post reports that “Petro argues that counterdrug policies over the last several decades have been a failure and that aerial fumigation for eradication of coca has done nothing to reduce the flow of cocaine to the United States. He would focus instead on crop substitution.” (“Former guerrilla member running for president of Colombia envisions new Latin American left”, The Washington Post, March 24, 2022).

Candidate Petro’s Pacto Historico (Historic Pact) Party’s Vice Presidential candidate, Francia Marquez, has been more explicit. Before being chosen by Gustavo Petro as his Vice Presidential running mate, Ms. Marquez was a candidate for President. She is an Afro-Colombian woman who was born in Yolombo, Cauca in 1982. Her active opposition to illegal mining brought her international attention and she was awarded the Goldman Environmental Prize in 2018. A single mother, she is an activist, not a career politician, and survived an attempt on her life in 2019. Asked before Gustavo Petro chose her as his running mate what she would do as President if elected, she said she would “implement a foreign policy and cooperation with a South-South focus, emphasizing environmental and climate justice, peace, drug legalization, and

global economic justice.” (The Bogota Post, “Colombia needs environmental restoration of Biden’s Jobs Plan: Presidential pre-candidate Francia Marquez.” (Interview, March 9, 2022)

The former mayor of Bucaramanga, Rodolfo Hernandez, a late entrant into the Presidential race, has passed to a final runoff against the Petro-Marquez ticket. His views on drug-trafficking focus on two policies: 1) Create centers of attention to addicts, and 2) “secure the protection of the citizenry in frontier areas and preservation of national sovereignty and control of transnational crimes with emphasis on drug-trafficking, contraband and treatment of persons.”<sup>2</sup>

It is clear that ending the violence around the coca trade will not be at all easy. Whether Colombian government actions to end paramilitary violence and military corruption—including a change in permissive United States government policy supporting without serious question a corrupted Colombian military with multimillion dollar budgetary grants—might end the drug trade and its associated violence is an open question. It will be very interesting to see if the new Presidential Administration which is to take office on August 7 of this year will follow Francia Marquez’s determination that legalization of coca production must be tried.

<sup>2</sup> “Lo que Petro y Hernandez proponen en temas claves de justicia y seguridad”, El Tiempo, June 1, 2022.

## The Colombia Support Network

*Action on Colombia*

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