

United States Senate  
WASHINGTON, DC 20510

September 22, 2022

VIA ELECTRONIC TRANSMISSION

Dr. Rahul Gupta  
Director  
Office of National Drug Control Policy  
1800 G St. N.W.  
Washington, DC 20006

Dear Director Gupta,

On August 23, 2022, you met with newly-elected Colombian President Gustavo Petro to discuss collaboration between the United States and Colombia.<sup>1</sup> As you know, President Petro has a history of violence. In 1977 he joined M-19, a rebel group formed on allegations of presidential election fraud, which led an attack on a government building that killed 94 people.<sup>2</sup> The M-19's 27 hour siege on the Colombian Supreme Court killed 11 Supreme Court justices<sup>3</sup> and was allegedly backed by Pablo Escobar.<sup>4</sup> President Petro was in jail at the time of the attack. He was arrested three weeks earlier, "dressed as a woman to avoid recognition and found with guns, home-made explosives and propaganda material."<sup>5</sup> On June 21, 2022, President Biden "underscored that he looks forward to working with the President-elect to continue strengthening bilateral cooperation[.]"<sup>6</sup> This is despite President Biden's recent statement that "willingness to engage in political violence is fatal to democracy."<sup>7</sup>

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<sup>1</sup> Press Release, The White House, *ONDCP Director Dr. Rahul Gupta Leads U.S. Delegation to Colombia* (Aug. 26, 2022) [ONDCP Director Dr. Rahul Gupta Leads U.S. Delegation to Colombia - The White House](#)

<sup>2</sup> Megan Janetsky, The New York Times, *Before he was a politician, Gustavo Petro was part of an urban guerrilla group* (June 19, 2022) [Before He Ran for President, Gustavo Petro Was a Guerrilla Fighter - The New York Times \(nytimes.com\)](#)

<sup>3</sup> Bradley Graham, The Washington Post, *27 Hours That Shook Bogota* (Nov. 13, 1985) [27 Hours That Shook Bogota - The Washington Post](#)

<sup>4</sup> Christopher Woody, Insider, *33 years ago, rebels allegedly backed by Pablo Escobar stormed Colombia's Palace of Justice—here's how the terrifying siege went down* (Nov. 8, 2018) [Colombia Palace of Justice Siege Pablo Escobar-Backed Leftist Rebels \(businessinsider.com\)](#)

<sup>5</sup> Adriaan Alsema, *Colombia Reports*, *When Gustavo Petro was a guerrilla* (Mar. 15, 2018) [When Gustavo Petro was a guerrilla \(colombiareports.com\)](#)

<sup>6</sup> The White House, *Statements and Releases, Readout of President Biden's Call with President-Elect Gustavo Petro of Colombia* (June 21, 2022) [Readout of President Biden's Call with President-Elect Gustavo Petro of Colombia - The White House](#)

<sup>7</sup> The New York Times, *Full Transcript of President Biden's Speech in Philadelphia* (Sept. 1, 2022) [Read the Full Transcript of Biden's Speech in Philadelphia - The New York Times \(nytimes.com\)](#)

President Petro’s drug policy and posture towards the United States is alarming. Shortly after assuming office, President Petro suspended arrest warrants and extraditions for members of the National Liberation Army (“ELN”)<sup>8</sup>—a U.S. designated terrorist organization<sup>9</sup> with roughly 3,000 active members.<sup>10</sup> Most recently, members of Petro’s administration have met with members of Segunda Marquetalia, a dissident part of the Revolutionary Armed Forces of Colombia (“FARC”), and an entity designated as a Foreign Terrorist Organization by the United States.<sup>11</sup> Cocaine production funds the ELN’s and FARC’s terrorist activities<sup>12</sup> and reached record levels as of 2020.<sup>13</sup> Even so, President Petro has publicly lauded the decriminalization of cocaine and formulated a plan to end aerial eradication of coca.<sup>14</sup>

President Petro’s embrace of Nicolás Maduro is equally concerning. As you know, the United States indicted Mr. Maduro for his nearly 20-year narcoterrorism partnership with the FARC.<sup>15</sup> Unsurprisingly, the ELN and FARC dissidents have enduring refuge in Venezuela under the illegitimate Maduro regime.<sup>16</sup> Still—at the direction of President Petro and in contravention of Colombia’s commitment to support the democratic aspirations of the Venezuelan people —Colombian Ambassador Benedetti met with Mr.

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<sup>8</sup> News Wires, Colombia President Gustavo Petro paves the way to restart peace talks (Aug. 21, 2022) [Colombian President Gustavo Petro paves the way to restart peace talks \(france24.com\)](https://www.france24.com/en/colombia/20220821-colombia-president-gustavo-petro-paves-the-way-to-restart-peace-talks)

<sup>9</sup> U.S. Department of State, Foreign Terrorist Organizations, [Foreign Terrorist Organizations - United States Department of State](https://www.state.gov/terrorism/fto/)

<sup>10</sup> Bureau of Counterterrorism, *Country Reports on Terrorism 2019: Colombia*, [Colombia - United States Department of State](https://www.dhs.gov/terrorism/country-reports/2019/colombia)

<sup>11</sup> Semana, “The search for peace is always criticized”: President Petro defended contacts with Iván Márquez (Sept. 18, 2022) <https://www.semana.com/nacion/articulo/la-busqueda-de-la-paz-siempre-se-critica-presidente-petro-defendio-contactos-con-ivan-marquez/202246/>

<sup>12</sup> See, Press Release, United States Attorney’s Office for the Southern District of Texas, *SIX ELN Members and Associates Charged with Narco-Terrorism and International Cocaine Distribution Conspiracy* (Sept. 21, 2020) [SIX ELN Members and Associates Charged With Narco-Terrorism and International Cocaine Distribution Conspiracy | USAO-SDTX | Department of Justice](https://www.justice.gov/usao-sdtx/record-644871)

<sup>13</sup> United Nations Office on Drugs and Crime, Cocaine Insights 4 launched with spotlight on COVID-19 impacts on regional and transatlantic cocaine routes through Brazil (July 20, 2022) [Cocaine Insights 4 launched with spotlight on COVID-19 impacts on regional and transatlantic cocaine routes through Brazil \(unodc.org\)](https://www.unodc.org/en/news/news-releases/cocaine-insights-4-launched-with-spotlight-on-covid-19-impacts-on-regional-and-transatlantic-cocaine-routes-through-brazil)

<sup>14</sup> Samantha Schmidt and Diana Duran, *Colombia, largest cocaine supplier to the U.S. considers decriminalizing* (Aug. 20, 2022) [Colombia cocaine: Petro pursues decriminalization - The Washington Post](https://www.washingtonpost.com/news/energy-environment/wp/2022/08/20/colombia-cocaine-petro-pursues-decriminalization/)

<sup>15</sup> Press Release, Dept. of Justice Office of Public Affairs, Nicolás Maduro and 14 Current and Former Venezuelan Officials Charge with Narco-Terrorism, Corruption, Drug Trafficking and Other Criminal Charges (Mar. 26, 2020) [Nicolás Maduro Moros and 14 Current and Former Venezuelan Officials Charged with Narco-Terrorism, Corruption, Drug Trafficking and Other Criminal Charges | OPA | Department of Justice](https://www.justice.gov/opa/record-644871)

<sup>16</sup> InSight Crime, *ELN in Venezuela* (Jan. 28, 2020) [ELN in Venezuela \(insightcrime.org\)](https://www.insightcrime.org/news-releases/eln-in-venezuela/)

Maduro to “reestablish the ties of friendship that should never have been broken.”<sup>17</sup>

President Petro now seeks to renegotiate Colombia’s alliance with the United States, which both he and President Biden disparaged as lacking equity.<sup>18</sup> At your meeting, President Petro requested a reform in our countries’ long-standing extradition procedures. According to the press, he proposed limiting extraditions to those defendants “who do not negotiate with the State” of Colombia.<sup>19</sup> This limitation is not only at odds with our current treaty,<sup>20</sup> which was approved by a 96-0 vote in the Senate,<sup>21</sup> but also incentivizes criminals to avoid extradition by bribing or coercing the sitting political regime.

As you noted in this meeting, “[i]t is important to make sure that the Department of Justice and other entities are included in this decision making.”<sup>22</sup> As the Senate is one of those entities, we look forward to discussing your meetings with President Petro and his cabinet this month. In anticipation of our conversation, please provide the following:

1. A complete list of United States government officials who accompanied the U.S. Delegation that you led to Colombia during the week of August 22<sup>nd</sup> (collectively, “U.S. Delegation”).
2. A copy of any documents provided by President Petro and his administration to the U.S Delegation.
3. An explanation of what consultation, if any, you sought from the Department of Justice’s Organized Crime Drug Enforcement Task Force, Narcotics and Dangerous Drug Section, or the Special Operations Division of the Drug

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<sup>17</sup> New Colombian Ambassador Arrives in Venezuela After 3 years (Aug, 29, 2022) [New Colombian Ambassador Arrives in Venezuela After 3 Years | News | teleSUR English](#)

<sup>18</sup> Yamith Mariño, What Joe Biden’s Quick Call to Gustavo Petro Means (June 21, 2022) [What Joe Biden's quick call to Gustavo Petro means | Change Colombia \(cambiocolombia.com\); Gustavo Petro on Twitter: "En el camino de una más intensa y normal relación diplomática he sostenido ahora una conversación muy amistosa con el presidente Biden de los EEUU. En sus palabras una relación "más igualitaria" en provecho de los dos pueblos." / Twitter](#)

<sup>19</sup> Adriaan Alsema, Colombia Reports, *Colombia and US renegotiating extradition of drug trafficking suspects*, (Aug. 26, 2022) [Colombia and US renegotiating extradition of drug trafficking suspects \(colombiareports.com\)](#)

<sup>20</sup> Extradition Treaty Between the United States of America and The Republic of Colombia, Article 1 Section (1)(a)(Sept. 14, 1979)(“[T]he Requested State shall grant extradition, subject to the provisions of this Treaty, if Its laws would provide for the punishment of such an offense in similar circumstances.”)

<sup>21</sup> Library of Congress, Extradition Treaty with Colombia, [Treaty Document 97-8 - EXTRADITION TREATY WITH COLOMBIA | Congress.gov | Library of Congress](#)

<sup>22</sup> Adriaan Alsema, Colombia Reports, *Colombia and US renegotiating extradition of drug trafficking suspects*, (Aug. 26, 2022) [Colombia and US renegotiating extradition of drug trafficking suspects \(colombiareports.com\)](#)

Enforcement Administration either before or after engaging in conversations with President Petro regarding federal drug prosecution.

4. What, if any, comments were made by the U.S. Delegation with respect to extraditions from Colombia to the United States and potential future policy regarding extraditions.
5. What, if any, discussions were had around potential negotiations with violent organizations, like the National Liberation Army (ELN) and Segunda Marquetalia.
6. What, if any, discussion were had around the recognition of Nicolás Maduro's regime in Venezuela.

Sincerely,



Charles E. Grassley  
Ranking Member  
Senate Committee on the Judiciary



Marco Rubio  
U.S. Senator

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