

N.M.I. 156-1732

Document dated 23 July
1944.

ISSUED BY THE INTELLIGENCE SECTION
OFFICE OF CHIEF OF NAVAL STAFF, ONE
NAVY DEPARTMENT

INTELLIGENCE REPORT

(b)(3):10
USC 424

Serial R-180-44
(Start new series each year, I. C. 1-3, 2-4)

Monograph Index Guide No. 407-1100
(To correspond with SUBJECT given below. See O. C. 1, Index Guide. Also categorize report for each main title.)

From [redacted] Date 23 JULY 1944

Reference (a) Serial R-154-44
(Directive, correspondence, previous related report, etc., if applicable)

Source Daily Press Evaluation [redacted]
(As official, personal observation, publication, press, conversation with—
Knowledge, source, etc., if applicable)

Subject COLOMBIA INDUSTRIAL RELATIONS MINERALS (PLATINUM)
(Main item reported on) (Main title as per Index Guide) (Sub-title) (Main separate report for each title)

NOTE:—(Here enter concise summary of report, containing substance succinctly stated; include important facts, names, places, dates, etc.)

(b)(3):10
USC 424

(b)(3):10 USC 424, (b)(3):50 USC 3024(i)
**THE PRESIDENT OF COLOMBIA ISSUES A DECREE DESIGNED TO
PREVENT THE SMUGGLING OF PLATINUM.**

The Bogotá newspaper "El Tiempo" on 20 July 1944 published the text of a decree promulgated by the President of Colombia, which decree is intended to wipe out platinum smuggling in Colombia. The text of the decree as published in "El Tiempo" is submitted as enclosure (A), a liberal translation of which is given below:

"The President of the Republic, in use of extraordinary powers granted him by Article 17 of the Constitution, and considering that:

1. That since the 23 of November 1943 a state of war has existed between the Republic and the German Reich;

2. That platinum is an element of prime importance in war industries and because of that fact all acts that serve, either directly or indirectly to deliver it to those nations which are at war with Colombia constitutes an attack against the external security of this nation and an act of military intelligence on behalf of the enemy;

"It is decreed:

Article 1. - No one can deal in platinum (or other precious metals) within the national territory without permission (written) of the Prefectura de Control de Cambio (Exchange Control Office) or the Inspecciones Nacionales de Oro y Platino (Government control offices for gold and platinum). These permits will be granted only when the following requirements are satisfied:

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(b)(3):10
USC 424, (b)
(3):50 USC
3024(i)

(a) That the person asking permission presents ample proof of financial responsibility to satisfy the judgment of the Prefectura de Control de Cambios that the applicant will fulfill all legal requirements, and especially that he will, in obedience to the laws and decrees now in existence, sell all platinum acquired in any form to the Bank of the Republic by means of the branch of the bank nearest to the place in which the platinum was produced, or to one of the official agencies of the Intendencia del Chocó when the platinum has been in that Intendencia, and

(b) That the applicant shall be a person of excellent commercial character and shall present acceptable proofs of that character in the judgment of the official issuing the permit.

Article 2 - The person to whom the permit or license referred to in Article 1 is issued must have a (account) book registered by the Prefectura de Control de Cambio, or the Inspector Nacional de Comercio de Oro y Platino, or the mayor of the municipality in which the permit was issued, which will show without changes, erasures and in accordance with the requirements of legally registered commercial books the details of all transactions in platinum in chronological order, indicating in each case the name of the seller, or the bearer, the amount of platinum, the manner of exchange (whether cash or in trade goods), the value, and the amounts paid in cash and in goods.

Article 3 - Said book will be presented by the dealer in platinum on the first business day of each week to the mayor, magistrate, or police inspector of the locality, who will note in the book that all legal requirements have been met, or who will, in case of evidence of violation, notify immediately the proper inspector of control of gold and platinum.

Article 4 - All dealers in platinum must forward to the Prefectura de Control de Cambios on the 10th, 20th and last day of each month a copy of their records of purchases for the previous ten days, along with receipts showing their sales of platinum to the Bank of the Republic for the same period.

Article 5 - Only those persons or entities who have obtained permits or licenses to deal in gold or platinum may have in their possession, in the platinum producing regions, balances or measures for previous metals. Such persons as have in their possession such balances or measures and who have no license or permits, must deposit the balances or measures with the mayor, magistrate, or Police Inspector of the region in which they reside within fifteen days following the placing in effect of this decree.

Article 6 - The following persons will be liable to imprisonment of six months to five years, fines of 5,000 pesos (U.S. \$2,365), the loss of all bail bonds or sureties, and the seizure of the platinum concerned:

(a) Those who perform any type of commercial operation with platinum without the corresponding license, or who fail to perform in those operations any of the requirements established by the laws and decrees covering platinum.

(b) Those who make false entries in the books referred to in article 1 of this decree, or who make alterations in the entries.

(c) Those who fail to sell to the Bank of the Republic all platinum they have acquired by licensed buying.

(d) Those who export or attempt to export platinum from Colombia in any quantity.

(e) Those who facilitate or assist in negotiations in platinum in violation of the prescribed laws, or who cooperate in any form in such violations.

Article 7 - Those who, in violation of article 5 of this decree, retain in their possession balances or measures for precious metals, are liable to fines of 100 to 1,000 pesos (U.S. \$57.50 to \$575.00).

The same fines may be levied against those who delay more than ten days the sale to the Bank of the Republic platinum acquired through licensed buying.

Article 8 - Those who fail to carry the book in the form prescribed in article 2, or who violate the requirements of articles 3 and 4, are liable to suspension of their licenses referred to in article 1 for a period of six months to two years, without affecting the other punishments provided for special cases. In case a second violation occurs, suspension shall be permanent.

Article 9 - It is established that violations referred to in article 6 shall be referred directly to a Superior Judge, without intervention of a jury.

Article 10 - Officials having jurisdiction in those cases shall be the Office of Exchange Control, the Office of the National Inspector of Gold and Platinum and, when it is requested by the Prefectura del Control de Cambios, the criminal judges of the national courts.

Article 11 - In these investigations superior and circuit judges cannot exercise rights given them by articles 264 and 277 of the Code of Penal Procedure within the specified term provided by the law for completing the indictments, except in cases of unusual gravity.

Article 12 - Defendants held for violations defined in article 6 may be placed under custody (preventive) pending completion of investigation of charges against them, providing re-

requirements of Article 379 of the Code of Penal Procedure are fulfilled, and need not be liberated within the 180-day period referred to in Article 23 of the Law No. 4 of 1943.

Article 13 - It is established that for the violations mentioned in Articles 7 and 3 above fines collected shall be credited to the special exchange fund as provided in Article 2 of Decree 1,611 of 1942.

Article 14 - For preparation of indictments and the judging of defendants for violations referred to above, procedure will be followed as established by Articles 623 and 632 of the Code of Penal Procedure.

Article 15 - Pertinent sections of the Code of Penal Procedure shall apply to these cases when they are in agreement with the terms of this decree.

Article 16 - Foreigners residing in Colombia who are suspected of illegal negotiations in platinum may be expelled from the country by order of the Director General of National Police, and on recommendation of the Prefectura de Control de Cambios. Such orders once dictated by the Director General of National Police will not be subjected to any appeal.

Article 17 - All persons, citizens or residents, who now possess licenses for negotiating in platinum are given a period of 30 days from the effective date of this decree to comply with its terms, and they may continue in possession and use of their licenses.

Article 18 - The Director General of National Police will place at the orders of the Prefectura del Control de Cambios the necessary personnel to apprehend and prosecute those responsible for contraband traffic in platinum.

Article 19 - Expenses incurred in enforcement of this decree shall be paid from the Stabilization Fund, and a special account shall be set up to determine the exact balance resulting from payments and fines collected under Decree No. 2622 of the 20th of December, 1943.

The Minister of Finance and Public Credit will authorize by means of resolutions, these expenses, and will determine the formalities for their payment from the Stabilization Fund.

Article 20 - There are suspended all regulations contrary to this decree which will be in effect from the time of its publication in the Diario Oficial.

R. A. COMMENT

The promulgation of this decree, is believed to be a direct consequence of the attempted revolution of 10 to 12 July. On his return to office President LOPEZ asked Ambassador LAM what, specifically, Colombia could do to help more directly in the war against the Axis. The Ambassador replied that in his opinion the two most pressing matters were the cessation of platinum smuggling, and the further deportation and internment of Axis sympathizers.

Although other decrees have been passed by the Colombian Government, designed to control the smuggling of platinum, none has proved to be effective. It is hoped and believed that the above decree will effectively eliminate, or at least materially reduce, platinum smuggling in Colombia.

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