

E1306

ORIGIN POL/2 INFO AMP DCM ECON CONS USIS LATT MILG  
DEA AGAT AID WAS RSO POL-II /15

RELEASED

VZCZCCTI #57  
RR RUEHC RUEXJCS RHLBAAA RUEKJCS  
DE RUEHGT #1861/81 3261715  
ZNY CCCCC ZZH  
R 221714Z NOV 91  
FM AMEMBASSY GUATEMALA  
TO RUEHC / SECSTATE WASHDC 3425  
INFO RUEXJCS / SECDEF WASHDC  
RHLBAAA / USCINCSO QUARRY HEIGHTS PM  
RUEXJCS / DIA WASHDC  
BT

CLASS: CONFIDENTIAL  
CHRG: PROG 11/28/91  
APPRV: AMBASSADOP  
DRFTD: POL:AMSP/LM  
CLFAR: DCM  
POL:GC  
FE  
DAO:AC  
MGP:PS  
POL3  
ORIGIN: WNG ID: 07968

C O N F I D E N T I A L SECTION 01 OF 04 GUATEMALA 11861

SECDEF FOR DSAA AND ISA; CINCSO ALSO FOR POLAD

Guatemala  
Political Affairs  
1990-1994  
Political Section  
#327227

E.O. 12356: DECL: OADR  
TAGS: MASS, MARR, PHUM, PREL, ,RGOY, GT  
SUBJECT: GOG MEETS MOST FMF HUMAN RIGHTS BENCHMARKS;  
- TIME FOR "SMALL STEPS" IN RESPONSE TO BIG ONES.

REFS: (A) 90 STATE 430003, (B) STATE 29485,  
- (C) GUATEMALA 6459, (D) STATE 228703

1. CONFIDENTIAL -- ENTIRE TEXT.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority MOSKOWITZ SAM  
Date 07/27/96  
Case ID 95122260

SUMMARY:  
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2. GOG HAS MADE MAJOR PROGRESS MEETING SPECIFIC AND GENERAL HUMAN RIGHTS TARGETS SET OUT BY USG. WHILE MAIN BENCHMARK, I.E., RESOLUTION OF THE DEVINE MURDER, REMAINS UNMET, THREE OTHER BENCHMARKS HAVE BEEN MET AND THERE IS PROGRESS ON THE REMAINING TWO BENCHMARKS FOR RESUMPTION OF MILITARY ASSISTANCE. MOREOVER, THREE OF FOUR LONG-TERM OBJECTIVES FOR GUATEMALA HAVE BEEN MET, WITH PROGRESS ON THE FOURTH. WE SUGGEST TAKING "SMALL STEPS" TO SHOW THAT WHILE STILL DISSATISFIED WITH STATE OF RESPECT FOR HUMAN RIGHTS, WE RECOGNIZE ADVANCES. END SUMMARY

BACKGROUND:  
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3. IN RESPONSE TO STRONG USG HUMAN RIGHTS CONCERNS, IN PARTICULAR THE FAILURE OF THE CEREZO GOG TO RESOLVE THE BRUTAL JUNE 1990 MURDER OF AMCIT MICHAEL DEVINE BY MEMBERS OF THE ARMED FORCES, REF A GIVES BASIC POLICY GUIDANCE SUSPENDING FMF AND COMMERCIAL EXPORT LICENSES FOR SALES TO THE GUATEMALAN ARMY. REF B LISTS FIVE SPECIFIC HUMAN RIGHTS BENCHMARKS GOG MUST MEET BEFORE USG CAN RESUME FMF ASSISTANCE AND RE-ESTABLISH A NORMAL RELATIONSHIP WITH THAT ARMY; IN ADDITION, REF B PROVIDES FOUR GENERAL HUMAN RIGHTS OBJECTIVES ON WHICH THE USG WOULD LIKE TO SEE PROGRESS. REF C REPORTS PROGRESS BY GOG IN HITTING REF B TARGETS SIX MONTHS AFTER OUR AID SUSPENSION. REF D--"SMALL STEPS" CABLE--DISCUSSES POSSIBLE USG RESPONSES TO PARTIAL BUT SIGNIFICANT

## PROGRESS IN HUMAN RIGHTS.

4. NEARLY A YEAR AFTER OUR FREEZE ON MILITARY AID, THIS MESSAGE LOOKS AT WHERE GOG NOW STANDS IN COMPLYING WITH CONDITIONS IN REFS B AND D. IN GENERAL, WE SEE PROGRESS ON HUMAN RIGHTS ISSUES, INDICATIVE OF A GENUINE COMMITMENT BY THIS GOG, UNLIKE ITS PREDECESSOR, TO IMPROVING GUATEMALA'S TRADITIONALLY DEPLORABLE HUMAN RIGHTS RECORD.

## BENCHMARK 1: PROGRESS ON THE DEVINE CASE

5. WHILE WE HAVE SEEN PROGRESS ON THIS CASE (DETAILED IN PRIOR REPORTS), GETTING THE GOG TO INDICT AND TRY THOSE RESPONSIBLE FOR THE MURDER OF MR. DEVINE REMAINS THE SINE QUA NON FOR THE ESTABLISHMENT OF A GOOD US-GUATEMALA MILITARY RELATIONSHIP. THE ARMY HIGH COMMAND, INCLUDING ITS CURRENT MINISTER OF DEFENSE, HAS TRIED TO COVER-UP OFFICER INVOLVEMENT IN THE CRIME AND FRUSTRATE THE INVESTIGATION. WE MAKE THESE POINTS REPEATEDLY TO THE GOG (MOST RECENTLY THE DCM TO PRESIDENTIAL ADVISOR BERNARDO NEUMANN, NOVEMBER 19)--THE GOG HAS NO MISUNDERSTANDING IN THIS REGARD. WHILE WE HAVE AGREED TO GIVE THE GOG A "BREATHER" FROM PUBLIC USG CRITICISM ON DEVINE UNTIL RELEASE OF THE DEPARTMENT'S 1991 HUMAN RIGHTS PRACTICES REPORT, THE GOG KNOWS THE "DEAL" IS OFF AFTER THAT IF NO MAJOR PROGRESS IS SEEN.

6. WE HAVE SOME HOPE OF POSITIVE MOVEMENT IN THE NOT-TOO-DISTANT FUTURE. ACCORDING TO NEUMANN, THE PRESIDENT'S CABINET-LEVEL SPECIAL ADVISORY COMMISSION ON HUMAN RIGHTS (JUST BEGINNING TO FUNCTION UNDER NEUMANN'S DIRECTION) HAS RESOLVING THE DEVINE CASE AS ITS NUMBER ONE PRIORITY. IT IS ALSO LIKELY DEFENSE MINISTER MENDOZA WILL NOT BE IN HIS JOB MUCH LONGER; HIS DEPARTURE COULD FACILITATE ITS RESOLUTION.

## BENCHMARK 2: SANTIAGO DE ATITLAN MASSACRE

7. AS PER GUATEMALA 10644, LAST MONTH THE GOG ANNOUNCED THE CONVICTIONS OF A SERGEANT AND A LIEUTENANT FOR THE DECEMBER 1990 SANTIAGO KILLINGS. A MILITARY COURT

SENTENCED THE LIEUTENANT TO FOUR YEARS IMPRISONMENT AND THE SERGEANT TO THIRTY YEARS. CONVICTIONS AND SENTENCES AUTOMATICALLY GO FOR REVIEW TO A CIVILIAN APPEALS COURT; ATTORNEY GENERAL VALLADARES HAS SAID THE GOG WILL SPEAK TO HAVE THE LIEUTENANT'S SENTENCE INCREASED. THE GOG HAS COMPLIED WITH THE BENCHMARK.

BENCHMARK 3: ICRC AGREEMENT AND REGISTRY OF DETAINEES

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8. THE GUATEMALAN CONGRESS HAS RATIFIED THE 1989 AGREEMENT BETWEEN ICRC AND THE GOG. ICRC HAS AN OFFICE HEBF; ITS STAFF TRAVEL THROUGHOUT THE COUNTRY, INCLUDING TO GUERRILLA-CONTROLLED COMMUNITIES (CPPS), WITH THE KNOWLEDGE AND APPROVAL OF THE GOG AND THE ARMY.

9. FULL IMPLEMENTATION OF THE AGREEMENT HAS BECOME ENSNARED IN THE PEACE TALKS. AS READERS OF OUR REPORTING ON THE NEGOTIATIONS KNOW, THE URNG HAS MADE "IMMEDIATE APPLICATION OF INTERNATIONAL HUMANITARIAN LAW" TO THE INTERNAL ARMED CONFLICT A "NON-NEGOTIABLE" DEMAND. THE GOG HAS BALKED AT THE INTRODUCTION OF THIS THEME, MAKING TWO ARGUMENTS: ONE PROCEDURAL AND ONE SUBSTANTIVE. THE FIRST, BOTH PARTIES HAD AGREED IN MAY THE TALKS WOULD PRODUCE A "TOTAL ACCORD" TO BE IMPLEMENTED IN ITS ENTIRETY, I.E., THERE WAS TO BE NO PIECEMEAL IMPLEMENTATION OF PARTS OF THE ACCORD. THE SECOND IS THAT TO INCLUDE THIS ISSUE IN THE TALKS IMPLIES THE CONFLICT WILL GO ON. THE GOG, NEVERTHELESS, AGREED LAST SUMMER TO ALLOW AN ICRC VACCINATION PROGRAM IN AND AROUND THE CPP'S WITH TWO CAVEATS: (1) ICRC WOULD NOT SEEK URNG PERMISSION FOR THE PROGRAM, THUS IMPLYING URNG CONTROL OF TERRITORY, AND (2) THE GOG MINISTRY OF PUBLIC HEALTH WOULD TAKE PART. ICRC APPARENTLY VIOLATED THE FIRST STRICTURE BY CONTACTING THE URNG, VIA THE UN, RE ITS PLAN, AND THE SECOND BY REFUSING GOG PARTICIPATION. THE GOG PREVENTED ICRC FROM EXECUTING THE PLAN. IN ADDITION, THE URNG HAS BEGUN A CAMPAIGN DEMANDING ICRC/UN/INTERNATIONAL COMMUNITY INTERVENTION ON BEHALF OF CAPTURED GUERRILLA VERONICA ORTIZ HERNANDEZ (SEPTEL DISCUSSES THIS FURTHER).

10. GIVEN THIS BACKGROUND AND THE DELICATE STATE OF THE TALKS, THIS IS NOT A GOOD TIME TO PUSH ON ICRC. TO DO SO NOW WOULD IMPLY OUR SUPPORT FOR A URNG DEMAND. THE NATIONAL RECONCILIATION COMMISSION (CNR) IS TRYING TO DEVELOP A COMPROMISE PROPOSAL; LET'S LEAVE IT TO THE CNR.

11. ON THE ISSUE OF A "TRACKING SYSTEM," THANKS TO AID, THE HUMAN RIGHTS OMBUDSMAN HAS BEGUN TO IMPLEMENT ONE. THIS GOG HAS SHOWN ITSELF WILLING TO ALLOW ACCESS TO DETAINEES. THE BEST EXAMPLE (IN OUR 1991 HUMAN RIGHTS REPORT) IS THAT OF THE "BICYCLE GANG." INVESTIGATORS FROM THE ARCHBISHOP'S HUMAN RIGHTS OFFICE AND THE OMBUDSMAN'S OFFICE--AS WELL AS NEWSMEN--WERE ALLOWED TO INTERVIEW ARRESTED GANG MEMBERS WHO CLAIMED TO HAVE

UNCLASSIFIED

SUFFERED TORTURE IN CAPTIVITY. THEIR REPORTS SEVERELY CRITICIZED POLICE FOR RIGHTS VIOLATIONS, COST THE POLICE CHIEF, A RETIRED COLONEL, HIS JOB, AND LED TO THE NAMING OF A CIVILIAN DIRECTOR: THE FIRST TIME IN MEMORY THE INTERIOR MINISTER AND HIS POLICE CHIEF ARE CIVILIAN. THE GOG HAS SUBSTANTIALLY MET THIS BENCHMARK.

BENCHMARK 4: EXECUTIVE HELP TO THE OMBUDSMAN

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12. REF C DISCUSSES SOME OF THE CONSTITUTIONAL AND POLITICAL PROBLEMS WITH THIS BENCHMARK. AS MENTIONED ABOVE, THE GOG HAS NOW ESTABLISHED A CABINET-LEVEL HUMAN RIGHTS COMMISSION WITH PRESIDENTIAL ADVISOR BERNARDO NEUMANN AS ITS EXECUTIVE DIRECTOR AND JORGE CABRERA, THE FORMER AND HIGHLY ENERGETIC SEC GEN OF THE HUMAN RIGHTS OMBUDSMAN'S OFFICE, AS ITS SECRETARY GENERAL. A MAJOR FUNCTION OF THIS OFFICE WILL BE TO COORDINATE ITS ACTIVITIES WITH THAT OF THE OMBUDSMAN AND TO ENGAGE IN, ACCORDING TO CABRERA, "OPEN AND FRANK" EXCHANGES OF INFORMATION ON SPECIFIC CASES. IN ADDITION TO THIS COMMISSION, THE GOG HAS APPOINTED A SPECIAL PROSECUTOR AND INVESTIGATOR TO FOLLOW THE CASE OF AMCIT NUM SR. DIANA M. ORTIZ--THEY HAVE ENCOUNTERED LITTLE COOPERATION FROM ORTIZ, HOWEVER. THE GOG, VIA ITS HIGHLY ACTIVE ATTORNEY GENERAL, HAS REOPENED AND FOLLOWED THE MYRNA MACK CASE, INCLUDING ISSUING AN ARREST WARRANT FOR A

MILITARY SUSPECT AND COMPELLING FORMER PRESIDENT CERZO TO PROVIDE SWORN TESTIMONY (NOVEMBER 28) TO THE COURT ON WHAT HE DID OR DID NOT DO TO INVESTIGATE THIS CASE. THE COG HAS COMPLIED WITH THIS BENCHMARK.

**BENCHMARK 5: PERIODIC MEETINGS BETWEEN THE EXECUTIVE AND HUMAN RIGHTS GROUPS AND ACTIVISTS**

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13. AS PER REF C, PRESIDENT SEBRANO HAS MET THIS BENCHMARK. HE AND SENIOR MEMBERS OF HIS GOVERNMENT REGULARLY MEET HUMAN RIGHTS ACTIVISTS AND GROUPS. IN ADDITION, THE INTERIOR MINISTER HAS SHOWN HIMSELF VERY RESPONSIVE TO ACTIVISTS' CLAIMS OF THREATS, APPEARING, FOR EXAMPLE, ON NATIONAL TELEVISION WITH CERJ LEADER AMILCAR MENDEZ AND PROVIDING HIM POLICE ESCORTS IN THE WAKE OF REPORTED THREATS FROM THE "JJ" DEATH SQUAD.

**OTHER HUMAN RIGHTS OBJECTIVES**

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14. IN ADDITION TO THESE BENCHMARKS WHICH HAVE TO BE MET FOR RESUMPTION OF FMF, THE DEPARTMENT ALSO LISTED (PARA 10, REF B) THREE GENERAL AREAS IN WHICH WE WANT TO SEE PROGRESS. AS WILL BE SEEN, THE COG HAS MADE PROGRESS IN THESE AREAS AS WELL.

**GENERAL OBJECTIVE A: MAKE POLICE ACCOUNTABLE FOR ABUSES**

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15. AS MENTIONED, THE POLICE DIRECTOR HIMSELF LOST HIS JOB FOLLOWING ALLEGATIONS OF SERIOUS HUMAN RIGHTS VIOLATIONS BY HIS MEN. NUMEROUS POLICEMEN ARE UNDER INVESTIGATION FOR A VARIETY OF CRIMES AND ABUSES, INCLUDING THOSE RELATING TO THE "BICYCLE GANG" CASE. THE CURRENT AND PRIOR POLICE DIRECTORS HAVE MADE STATEMENTS CONDEMNING ABUSES BY POLICE AND VOWING TO FIGHT THEM. THE NEW POLICE DIRECTOR HAS APPEARED ON TELEVISION WITH GAM LEADER NINETH DE GARCIA AND THE DEPUTY HUMAN RIGHTS OMBUDSMAN EUGENIA MORALES DE SIERRA AND PROMISED TO ENSURE RESPECT FOR HUMAN RIGHTS BY THE POLICE. REPORTS OF SUCH ABUSES HAVE, IN FACT, DECLINED.

**GENERAL OBJECTIVE B: ESTABLISH CONSISTENT POLICE LEADERSHIP DISTINCT FROM THE MILITARY**

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16. THIS OBJECTIVE HAS NOT BEEN COMPLETELY MET ALTHOUGH, AGAIN, PROGRESS IS UNDERWAY. IN OCTOBER, POLICE RECEIVED THEIR FIRST MAJOR PAY RAISE IN YEARS, RAISING MORALE. THE REMOVAL OF RETIRED ARMY COL. PAIZ BOLANOS HAS, AS CAN BE EXPECTED, ONCE AGAIN THROWN THE POLICE INTO A STATE OF TURMOIL. FURTHER CHANGES IN POLICE HIERARCHY ARE EXPECTED AS THE NEW DIRECTOR SAMAYOA BEGINS TO ESTABLISH HIMSELF. NEVERTHELESS, AS STATED ABOVE, THE POLICE NOW HAVE A CIVILIAN DIRECTOR

APPARENTLY COMMITTED TO REFORMING THE INSTITUTION.

GENERAL OBJECTIVE C: REFORM THE CRIMINAL JUSTICE SYSTEM

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17. THIS IS A LONG-TERM PROJECT STILL UNDERWAY. THE GUATEMALAN CONGRESS HAS NOT YET COMPLETED ACTION ON A MAJOR CRIMINAL JUSTICE REFORM BILL INTRODUCED BY THE GOG AND PROBABLY WILL NOT DO SO UNTIL SOME TIME NEXT YEAR, ALTHOUGH IT IS VERY LIKELY A KEY PORTION OF IT ("PROYECTO DEL CODIGO PROCESAL PENAL") WILL BE APPROVED BY DECEMBER. EVEN WITHOUT THIS REFORM, THE ATTORNEY GENERAL'S OFFICE HAS INCREASED ITS VISIBILITY AND EFFECTIVENESS, HAS HAD ITS BUDGET SIGNIFICANTLY ENHANCED, AND, IF THE FISCAL REFORM BILL IS PASSED EARLY NEXT YEAR, WILL RECEIVE ANOTHER INCREASE. THE ATTORNEY GENERAL HAS ALSO ACTIVELY SOUGHT TO HAVE HARVARD'S ADMINISTRATION OF JUSTICE PROGRAM (OR SOMETHING LIKE IT) RESUME. IN REGARD TO THE SUGGESTION BE ESTABLISHING IN THE EXECUTIVE BRANCH "A CLEAR PLAN" TO MONITOR CASES IN WHICH SECURITY FORCES ARE SUSPECTED OF HUMAN RIGHTS ABUSE, THE CREATION OF THE GOG HUMAN RIGHTS COMMISSION, REPORTING TO SERRANO, HAS THIS AS A MAJOR COMPONENT OF ITS RESPONSIBILITIES.

COMMENT: THEY'VE COME A LONG WAY

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18. WHILE THERE IS STILL A DAUNTING AMOUNT TO BE DONE IN THE AREA OF RESPECT FOR HUMAN RIGHTS IN GUATEMALA, IT IS INTERESTING HOW MUCH HAS BEEN DONE BY THIS GOG IN A SHORT TIME. WITHOUT DOUBT, SERRANO'S GOG HAS HAD DIFFICULTIES PROVING HIS PROMISING INAUGURAL ADDRESS WAS NOT JUST WORDS. THE GOG HAS COME AROUND, SHOWING A COMMITMENT TO ENDING GUATEMALA'S TRADITIONAL VIOLENCE AND HUMAN RIGHTS ABUSES. THE USG GETS SOME OF THE CREDIT AS DOES THE HUMAN RIGHTS OMBUDSMAN AND THE CHANGED INTERNATIONAL SITUATION WHICH MAKES WORK ON HUMAN RIGHTS SOMEWHAT EASIER. THE MAIN CREDIT, NEVERTHELESS, GOES TO SERRANO AND TO THE PEOPLE AROUND HIM, SUCH AS ATTORNEY GENERAL VALLADARES, INTERIOR MINISTER HURTADO, AND NEUMANN, WHO ARE COMMITTED--APART FROM WHAT WE DO--TO CHANGE GUATEMALA FOR THE BETTER.

ACTION REQUEST:  
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19. THE GOG IS CLOSE TO MEETING OUR LIST OF SPECIFIC BENCHMARKS FOR RESUMPTION OF MILITARY ASSISTANCE. FURTHER, IT HAS MADE GREAT STRIDES IN ACHIEVING OUR SUGGESTED GENERAL OBJECTIVES. WE BELIEVE WE SHOULD TAKE A FEW "SMALL STEPS" TO ACKNOWLEDGE THIS SIGNIFICANT PROGRESS AND TO ENCOURAGE MORE. ONE USEFUL STEP WOULD BE TO BRIEF KEY U.S. CONGRESSMEN AND STAFF INFORMALLY ABOUT THE PROGRESS THAT HAS BEEN MADE AND WHAT WE EXPECT TO HAPPEN SOON; THIS WOULD BE DONE WITH AN EYE TOWARDS AVOIDING CONGRESS COMPLETELY ELIMINATING OUR MILITARY AID CARROT. ANOTHER STEP WOULD BE THE RELEASE OF EITHER THE BUSES NOW IN STORAGE IN VIRGINIA, OR OF THE PRE-FAB BARRACKS, AND INFORMING THE GOG (BERNARDO NEUMANN) THAT WE WILL BEGIN TO CONSIDER APPROVAL OF COMMERCIAL LICENSES FOR EXPORT OF NON-LETHAL GOODS TO THE MILITARY. WE WILL, OF COURSE, CONTINUE TO MAKE CLEAR THAT A SUBSTANTIAL THAW IN THE MILITARY AID PIPELINE IS NOT POSSIBLE WITHOUT A RESOLUTION OF THE DEVINE CASE. IF, HOWEVER, NEUMANN'S EFFORTS ON DEVINE BEAR FRUIT, WE HAVE TO BE TRUE TO OUR WORD AND TURN ON THE PIPELINE; WE WOULD ARGUE THAT THE DEPARTMENT SHOULD ALSO BE READY TO SEEK FUTURE FMF FUNDING FOR GUATEMALA. WE SHOULD NOT MOVE THE GOAL POSTS.

STROOCK##

BT

#1861

NNNN

ROUTINE  
ACTION

UNCLASSIFIED RELEASED  
DEPARTMENT OF STATE  
ARA/NEA REARCS

INCOMING  
MASS-1 (E2431)

PAGE #1 OF #2 QUATER #2145 #0 OF #3 281689Z #33841 5874613  
ACTION: GT (82)

QUATER #2145 #0 OF #3 281689Z #33841 5874613

INFO: LARA (82) DCEN (82) DEC (82) WCO (82) JS (82) SPA (82)  
ARA (82) PPC (82) OAS (82) PPA (82) RJ (82) RSC (82)  
----- 28/2858Z A2 L0 (TOTAL COPIES: 816)

ACTION ARA-88

INFO LOC-88 ACDA-15 AID-88 AHD-81 CIAE-88 C-81 EB-88  
BA-81 R-81 INDE-88 IRR-81 IO-13 IAB-81 I-88  
AOS-88 NSAC-88 OIC-82 OMB-81 PA-81 PR-88 PRS-81  
P-81 RP-18 SIL-88 SHP-88 SP-88 SR-88 SS-88  
STR-28 TRSE-88 T-81 USIE-88 DTC-81 FYP-88 /187W  
----- J1A350 282811Z /65 34

R 281559Z FEB 92  
FM AMEMBASSY GUATEMALA  
TO SECSTATE WASHDC 5545  
SECDEF WASHDC//ASD-ISA//ASD-ISA/OSAA//  
VETERINAR WASHDC  
USCINCSO GUARRY RIGHTS PM//SCCC/SCJS/SCJS-SA//

CONFIDENTIAL GUATEMALA #2145

E.O. 12356: DECL: OADR  
TAGS: MASS, PREL, PRR, EAID, GT  
SUBJECT: IHET GUATEMALA

STATE FOR ARA/ARA-CEN/ARA-PPC

WHITE HOUSE PASS TO NSC FOR R. HINLEY

DSAA FOR LTC ALLEN

1. CONFIDENTIAL -- ENTIRE TEXT. THIS MESSAGE IS AN  
UPDATE TO GUATEMALA 11585 (232343Z NOV 91) AND INCLUDES AN  
UPDATE ON THE STATUS OF SEVERAL HUMAN RIGHT CASES, CHANGES

IN THE GUATEMALAN HIGH COMMAND AND ADDITIONAL  
JUSTIFICATION FOR MAINTAINING AN ACTIVE IHET PROGRAM.

2. DURING HIS RECENT VISIT TO GUATEMALA, THE SECDEF SPOKE  
TO BOTH THE PRESIDENT AND THE MINISTER OF DEFENSE ABOUT  
HUMAN RIGHTS IN GUATEMALA AND RECEIVED ASSURANCES OF THEIR  
COMMITMENT TOWARD STAMPING OUT ABUSES. SECDEF ALSO MET  
WITH GUATEMALA'S HIGHLY RESPECTED HUMAN RIGHTS OMBUDSMAN  
RAMIRO DELEON WHO STRESSED THAT DESPITE THE SEVERE HUMAN  
RIGHTS PROBLEMS THAT REMAIN, THERE IS NO DOUBT THAT THE  
SERBANO ADMINISTRATION AND THE NEW MINISTER OF DEFENSE  
HAVE A SERIOUS COMMITMENT TO IMPROVING THE HUMAN RIGHTS  
SITUATION IN GUATEMALA. HE STATED THAT THE MILITARY HIGH  
COMMAND HAS A NEW ATTITUDE TOWARD HUMAN RIGHTS. DELEON  
BELIEVES THAT THE NEW ATTITUDE BY THE HQO SHOULD BE  
ENCOURAGED BY INCREASED CONTACT WITH "THE OUTSIDE WORLD",  
AND THE WORST THING FOR HUMAN RIGHTS IN GUATEMALA WOULD BE  
ISOLATION OF THE GUATEMALAN MILITARY. RELEASE OF THE  
REMAINING FY 92 IHET FUNDS AT THIS TIME WOULD SHOW A  
POSITIVE RESPONSE FROM THE USG AND ENCOURAGE THE HQO  
TOWARD FURTHER ACTION IN THE HUMAN RIGHTS ARENA.

3. ALL U.S. SENATE OBJECTIONS TO THE CT IHET PROGRAM WERE  
WITHDRAWN UPON AGREEMENT TO COMMIT ONE THIRD TO ONE HALF  
OF THE USDOLS 480K IHET PROGRAM TO EXPANDED IHET (IHET)  
COURSES. THE ENTIRE REMAINING USDOLS 230K WILL BE USED  
FOR IHET COURSES. OF THE ENTIRE FY 92 IHET PROGRAM OF  
480K, 7 CIVILIANS AND 11 MILITARY OFFICERS WOULD ATTEND  
SCHOOLS IN THE U.S. AND APPROXIMATELY 68 CIVILIANS AND 18  
MILITARY OFFICERS WOULD BE TRAINED IN GUATEMALA.

4. IHET IS IN THE U.S. GOVERNMENT'S INTEREST. IT IS THE  
MOST EFFECTIVE INSTRUMENT THE UNITED STATES HAS TO

INFLUENCE A BASIC CHANGE IN THE ATTITUDE OF THE GUATEMALAN  
MILITARY, NECESSARY FOR THE GROWTH OF DEMOCRACY IN  
GUATEMALA. IT COUNTERACTS THE EFFECTS OF ISOLATION, WHICH  
ONLY FEEDS THE PARANOIA OF THOSE OFFICERS WHO WISH TO  
PREVENT CHANGE AND MAINTAIN IMPUNITY FOR HUMAN RIGHTS  
VIOLATIONS. THE U.N.'S HUMAN RIGHTS EXPERT FOR GUATEMALA,  
PROFESSOR CHRISTIAN TOMUSCHAT (GERMANY), HAS STRONGLY  
ENDORSED TRAINING OF GUATEMALAN MILITARY OFFICERS IN  
DEMOCRATIC COUNTRIES AS A MEANS TO PREVENT A POTENTIALLY  
DANGEROUS SENSE OF ISOLATION FROM DEVELOPING WITHIN THE  
OFFICER CORPS. THE MATERIAL PORTION OF MILITARY SECURITY  
ASSISTANCE TO GUATEMALA WAS SUSPENDED IN DECEMBER 1990  
BECAUSE OF LACK OF PROGRESS IN SOLVING THE DEVINE MURDER  
CASE WHICH OCCURRED IN JUNE 1988. ALTHOUGH MILITARY AID  
WAS SUSPENDED, IHET WAS ALLOWED TO CONTINUE BECAUSE:

-- WE DID NOT WANT TO RETURN TO THE SITUATION WE HAD IN  
THE LATE 1970S WHEN WE HAD NO COMMUNICATION WITH THE  
GUATEMALAN MILITARY AND THE RESPECT FOR HUMAN RIGHTS IN  
GUATEMALA DETERIORATED.

-- IT WAS CONSIDERED ESSENTIAL TO MAINTAIN AN OPEN  
CHANNEL OF COMMUNICATION WITH THE GUATEMALAN MILITARY.

-- ALTHOUGH SOME SENIOR MILITARY OFFICERS HAVE BEEN  
DESTRUCTING JUSTICE IN THE DEVINE CASE, IT IS STILL  
CONSIDERED ESSENTIAL TO MAINTAIN CONTACT WITH THE NEXT  
GENERATION OF MILITARY LEADERS IF WE ARE TO HAVE ANY HOPE  
OF INFLUENCING THEIR VIEW OF CIVIL-MILITARY RELATIONSHIPS  
AND HUMAN RIGHTS.

5. FY 92 IHET FUNDS WERE NOT RELEASED UNTIL USDOLS 170K  
WAS RELEASED IN JAN 92 TO FUND SEVEN COMMAND AND STAFF  
COURSES AT SCHOOL OF THE AMERICAS. TO DATE THE REMAINING  
USDOLS 230K HAS NOT BEEN RELEASED. THE PLAN FOR THE  
REMAINING 230K WILL SEND CIVILIANS (130K) AND MILITARY  
OFFICERS 100K TO EXPANDED IHET COURSES

6. ALTHOUGH PROGRESS HAS BEEN VERY SLOW IN THE DEVINE  
CASE, SIGNIFICANT IMPROVEMENTS IN THE MILITARY'S HUMAN

RIGHTS PERFORMANCE HAVE OCCURRED IN OTHER MATTERS. WE  
ATTRIBUTE THE IMPROVEMENT, AT LEAST IN PART, TO THE LONG  
TERM EFFECTS OF EDUCATING MILITARY OFFICERS THROUGH IHET.  
FOR EXAMPLE:

-- THE SANTIAGO DE ATITLAN MASSACRE CASE HAS BEEN  
PROSECUTED AND THE MILITARY PARTIES, INCLUDING AN OFFICER,  
CONVICTED AND IMPRISONED.

-- SEVERAL NAVAL OFFICERS, INCLUDING THE COMMANDER OF THE  
PACIFIC NAVAL BASE WERE ARRESTED, RELIEVED OF THEIR DUTIES  
AND INCARCERATED WHILE THEY ARE BEING PROSECUTED FOR  
ELEVEN MURDERS NEAR THE TOWN OF ESQUIRIL.

-- THE COMMANDER OF THE AIR FORCE WAS FIRED AND REPLACED  
BY AN IHET GRADUATE BY THE PRESIDENT FOR AN INCIDENT IN  
WHICH THE AIR FORCE DISOBEYED AN ORDER TO GROUND MILITARY  
AIRCRAFT DURING THE VISIT TO THE CONFLICTIVE AREA BY U.N.

HUMAN RIGHTS EXPERT CHRISTIAN TOMUSCHAT, GUATEMALAN  
MILITARY OFFICERS SUPPORTED THEIR CIVILIAN PRESIDENT ON  
THIS FIRING.

-- THE ARMY HIGH COMMAND IS ACTIVELY AND CONSTRUCTIVELY  
INVOLVED IN PEACE TALKS WITH THE GUERRILLAS. TWO OF THE  
MILITARY NEGOTIATORS WERE RECENTLY APPOINTED TO THE POSTS  
OF HQO AND VICE CHIEF OF STAFF OF THE ARMY.

940574, 17935  
1992 MASS 1

UNCLASSIFIED

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 06/07/95



ROUTINE

UNCLASSIFIED  
DEPARTMENT OF STATE  
ARA/NEA REARCS

INCOMING

PAGE 02 OF 02 CUATEN 02145 00 OF 03 281600Z 83J041

5074413

CUATEN 02145 00 OF 03 281600Z 83J041

5074413

-- WE HAVE MAINTAINED THE PRESSURE. THE LACK OF PROGRESS IN THE DEVINE CASE IS A TOPIC IN ALMOST EVERY MEETING WITH GUATEMALAN CIVILIAN AND MILITARY OFFICIALS. MORE THAN US\$00LS 11 MILLION WORTH OF UNDELIVERED FMS ARTICLES ARE BEING HELD IN THE UNITED STATES PENDING RESOLUTION OF THAT CASE.

-- IN DECEMBER 1991 THE PRESIDENT FIRED BOTH THE MINISTER OF DEFENSE AND THE CHIEF OF STAFF OF THE ARMY. HE REPLACED BOTH OFFICERS WITH PROGRESSIVE, INET TRAINED OFFICERS. HE ALSO REPLACED THE VICE MINISTER OF DEFENSE SHORTLY THEREAFTER. WE CONSIDER IT TO BE ABSOLUTELY ESSENTIAL THAT WE MAINTAIN CONTACT AND ENCOURAGE PROGRESSIVE OFFICERS SUCH AS THESE THROUGH THE INET PROGRAM.

-- THE NEW HOD HAS REACTED QUICKLY TO REPORTS OF HUMAN RIGHTS VIOLATIONS BY HIS TROOPS. TWO SOLDIERS, FOR EXAMPLE, ARE CURRENTLY UNDER ARREST FOR THEIR PARTS IN THE KILLING OF FOUR PERSONS IN A GUATEMALA CITY SUBURB KNOWN AS "PERONIA"

-- UNLIKE THE PAST, THE MILITARY HAVE GIVEN PUBLICITY TO THEIR CAPTURE OF GUERRILLA COMBATANTS AND HAVE TURNED OVER SEVERAL TO THE OFFICE OF THE HUMAN RIGHTS OMBUDSMAN.

-- IN ORDER TO PROCEED WITH PEACE AND DEMOBILIZATION, WE NEED TO CONTINUE TO EDUCATE MID- AND SENIOR LEVEL OFFICERS. WAR COLLEGES, COMMAND AND STAFF AND ADVANCED COURSES (PNE) ARE THE PRIMARY MEANS OF TEACHING CIVIL-MILITARY RELATIONSHIPS. THESE COURSES CONTRIBUTE TO THE TRANSITION PROCESS AND SUPPORT FOR CIVILIAN LED DEMOCRACY.

-- THERE ARE A NUMBER OF JOINT CIVILIAN/MILITARY BONDING PROJECTS UNDERWAY IN GUATEMALA. THIS REPRESENTS A NEW LEVEL OF CIVIL-MILITARY RESPECT AND COOPERATION IN GUATEMALA.

-- THE MILITARY IS A CRITICAL COMPONENT IN THE PEACE NEGOTIATIONS WITH THE REBEL GUERRILLAS. THIS IS ANOTHER REASON WE MUST MAINTAIN OUR CONTACT AND INFLUENCE.

-- TO CONTINUE TO WITHHOLD INET AT THIS POINT WOULD BE A NEW SANCTION, IMPOSED WHEN THE HUMAN RIGHTS SITUATION IN GUATEMALA IS MOVING IN THE RIGHT DIRECTION.

-- WITHDRAWAL OF INET, AS A NEW SANCTION, COULD WELL UNDERMINE THE CURRENT WOLEHEARTED GUATEMALAN MILITARY SUPPORT AND COOPERATION FOR OUR ANTI-NARCOTICS EFFORTS.

7. INET IS A MODEST BUT HIGHLY IMPORTANT PROGRAM. ITS MAIN IMPACT IS LONG TERM, WORKING ON THE NEXT SEVERAL GENERATIONS OF MILITARY LEADERS.

-- THE COURSES ARE FOR THE PROFESSIONALIZATION OF THE MILITARY AND PROVIDE THE BASIS FOR CIVIL-MILITARY RELATIONSHIPS AND RESPECT FOR HUMAN RIGHTS.

-- THE GUATEMALAN AIR FORCE AND NAVY ALSO USE INET TECHNICAL COURSES. TECHNICAL COURSES FOR THE AIR FORCE PROVIDE TECHNICAL SKILLS FOR MAINTAINING AIRCRAFT WITH THE PRIMARY MISSION OF MEDICAL EVACUATION. TECHNICAL COURSES FOR THE NAVY PROVIDE TECHNICAL SKILLS FOR MAINTENANCE AND OPERATION OF PATROL CRAFT USED IN COUNTERNARCOTICS OPERATIONS.

8. THE ENTIRE COUNTRY TEAM STRONGLY RECOMMENDS THE

IMMEDIATE RELEASE OF FY-92 INET FUNDS FOR GUATEMALA. HOLDING INET NOW GIVES US NO ADVANTAGEOUS LEVERAGE OR IMPACT. THERE IS NOTHING TO BE GAINED BY THE INET SUSPENSION! THE GUATEMALAN ARMY CAN FIND MILITARY TRAINING IN THIRD COUNTRIES SUCH AS TAIWAN, ISRAEL, MEXICO OR VENEZUELA. THERE IS A LOT TO LOSE, HOWEVER, FROM OUR OWN STANDPOINT -- THE OPPORTUNITY TO INCREASE THE NUMBER OF PROGRESSIVE OFFICERS IN THE GUATEMALAN MILITARY AND TO INCREASE U.S. INFLUENCE WITH THEM.

9. IN VIEW OF THE ABOVE, REQUEST PURSUE IMMEDIATE RELEASE OF REMAINING US\$00LS 238K FY92 INET FUNDS TO COVER BELOW LISTED EXPANDED INET COURSES. INVITATIONS TO THE MILITARY COURSES WERE EXTENDED TO CCG BY THE RESPECTIVE U.S. CHIEFS OF STAFF PRIOR TO THE CURRENT CONGRESSIONAL INET HOLD AND ALL WERE ACCEPTED BY THE CCG. WAR COLLEGE AND COMMAND AND STAFF COURSES ARE THE PRIMARY TOOL THE U.S. HAS FOR

EDUCATING THE FUTURE HIGH COMMAND OF THE GUATEMALAN MILITARY IN CIVIL-MILITARY RELATIONS AND HUMAN RIGHTS. THESE FOUR COURSES START IN JUNE AND JULY 92 AND REQUIRE SUBSTANTIAL LEAD TIME FOR ADMIN AND LOGISTIC PREPARATION. IN ADDITION, IF THE CANDIDATES WILL NOT BE ATTENDING U.S. SCHOOLS, CCG MUST SCHEDULE THEM FOR COURSES IN THIRD COUNTRIES. AS LEAD TIME IS ALSO REQUIRED FOR THOSE COURSES, CCG WILL NOT BE ABLE TO WAIT UNTIL A WEEK AFTER THE COURSE START DATES TO FIND OUT IF THE COURSES WILL BE FUNDED (AS IN THE CASE OF THE SEVEN SCHOOL OF THE AMERICAS COMMAND AND GENERAL STAFF COURSES), AND WE WILL LOSE OUR OPPORTUNITY TO SHAPE THE ATTITUDES OF FOUR FUTURE MILITARY LEADERS. THE COURSES:

COURSE	STUDENT	DATE
A. DEFENSE RESOURCE MGMT	3 CIVILIANS	TBD
B. INT'L DEFENSE RES. MGMT	2 CIVILIANS	TBD
C. HAWPORN MGMT CRS	1 CIVILIAN	TBD
D. JOINT MID-LEVEL MGMT	1 CIVILIAN	TBD
E. DEFENSE RESOURCE MGMT	48 CIVILIANS & 100 MILITARY	TBD
F. MILITARY JUSTICE	28 CIVILIANS & 100 MILITARY	TBD
G. ARMY WAR COLLEGE FELLOW	1 MILITARY	18 JUN 92
H. ARMY COMMAND AND GENERAL STAFF COURSE	1 MILITARY	17 JUN 92
I. NAVY STAFF COLLEGE	1 MILITARY	16 JUL 92
J. AIR COMMAND AND STAFF COLLEGE	1 MILITARY	15 JUN 92
K. MILITARY JUSTICE COURSE FOR THE 4 MILITARY STUDENTS.		
L. REQUEST ADVISE STATUS/PROGNOSIS ASAP, TAYLOR.		