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DECAPTIONED

EXDIS

MILITARY ADDRESSEES TREAT AS SPECAT EXCLUSIVE FOR DIA DIRECTOR,
LTG HUGHES; FOR DIA DIRECTOR FOR OPERATIONS, BG KERRICK; FOR
USCINCSO, GEN CLARK, ALSO FOR POLAD

E.O. 12958: DECL: 12/20/01
TAGS: PHUM, PREL, SNAR, MASS, PGOV, CO
SUBJECT: INFORMAL TRANSLATION - COLOMBIAN ARMY'S "SUMMARY OF
HUMAN RIGHTS CASES" 1987-1993, DRAWN FROM AMNESTY
INTERNATIONAL'S 1994 LIST, AS ANNOTATED

REF: A) BOGOTA 12428, DAO BOGOTA 182010Z DEC96 B) BOGOTA 12432,
(C) BOGOTA 11735

1. (U) CLASSIFIED BY POL/ECON COUNSELOR JOSEPH MCBRIDE.
REASON: 1.5(D).

SUMMARY

2. (S) BASED ON A COLOMBIAN ARMY DOCUMENT PREPARED AT THE
DIRECTION OF GENERAL BEDOYA IN LATE NOVEMBER (TEXT AT PARA 8)
DEALING WITH 16 OF 18 ALLEGED HUMAN RIGHTS CASES IDENTIFIED BY
AMNESTY INTERNATIONAL BETWEEN 1987 AND OCTOBER 1993 -- IN WHICH
AT LEAST 68 PEOPLE WERE KILLED -- THE CURRENT STATUS IN THE
COLOMBIAN MILITARY JUSTICE SYSTEM IS AS FOLLOWS:

-- THREE CASES (NO. 2 HILDEGARD, NO. 7 LUIS FERNANDO AND NO.
11 LOS UVOS) HAVE RESULTED IN MILITARY DISCIPLINE/PUNISHMENT.
THE MOST SEVERE PUNISHMENT TAKEN TO DATE WAS DISMISSAL FROM THE
SERVICE (FOR SEVEN PERSONNEL), FOLLOWED BY SEVERAL 10-15 DAY
SUSPENSIONS FROM DUTY, "ANNOTATIONS" IN THE SOLDERS' PERSONNEL
FILES, AND ONE PROBATIONARY RELEASE. IN ADDITION, MORE THAN
FIVE YEARS AFTER 17 PEOPLE WERE MASSACRED IN 1991 AT LOS UVOS,
ONE JUAN CARLOS MUNOZ, AKA GUINEO, CHARGED AS BEING THE "MATERIAL
AUTHOR" OF THE KILLINGS, WAS DETAINED ON NOVEMBER 27, 1996 -- THE
VERY SAME DAY COMUSMILGP COL. NEUMANN MADE HIS CALL ON GENERAL
BEDOYA. UNITED STATES DEPARTMENT OF STATE

- TWO ACQUITTALS (NO. 3 MACARAVITA AND NO. 9 LLANA)
-- THREE CASES DISMISSED (NO. 13 LUIS NAPOLEON, NO. 14.
GREGORIO, AND NO. 16 ALVARO)
-- TWO CASES WHERE ALLEGEDLY MILITARY WAS NOT INVOLVED (NO. 1
ADELA AND NO. 6 LA URIBE)
-- ONE CASE WITH NO INFO AVAILABLE (NO. 5, HURE, ALLEGEDLY
INVOLVING THE UNSAVORY ARMY INTELLIGENCE UNIT)
-- TWO CASES WHERE NO MILITARY INVESTIGATION APPARENTLY TOOK
PLACE (NO. 10 HECTOR AND NO. 8 RAMON)

TO THE BEST OF OUR UNDERSTANDING, A SUBSEQUENT COLOMBIAN ARMY
DOCUMENT SHARED WITH USMILGP DOES NOT SUBSTANTIALLY ALTER THE
INFORMATION PROVIDED HERE WITH REGARD TO WHAT VERGES ON DE FACTO
IMPUNITY WITHIN THE MILITARY JUSTICE SYSTEM IN THESE CASES. REF
B PROVIDES INFORMATION DRAWN FROM CIVILIAN SOURCES ON THE
DISPOSITION SO FAR OF 13 OF THE CASES IN THE CIVILIAN JUSTICE
SYSTEM, ONE OF WHICH HAS RESULTED IN A CRIMINAL CONVICTION
(TWO-EIGHT YEARS FOR MULTIPLE RAPES, INCLUDING A TWO YEAR OLD)
AND SIX SUSPENSIONS FROM THE SERVICE (WE ARE NOT SURE IF
PERMANENT OR TEMPORARY), INCLUDING THREE MILITARY JUSTICE
OFFICIALS INVOLVED IN THE LOS UVOS COVERUP BUT NOT MENTIONED IN
THE BEDOYA DOCUMENT.

3. (S) AS LAID OUT IN COMMENT SECTION (PARAS 12-13) WE ARE
REPORTING THIS DOCUMENT IN A RESTRICTED CHANNEL NOT TO PROTECT
BEDOYA NOR THE ARMY -- FAR FROM IT -- BUT TO MAINTAIN THE UNIQUE
LEVERAGE THIS DE FACTO ADMISSION OF INSTITUTIONAL CULPABILITY
GIVES US TO TWIST HIS ARM INTO ADDRESSING SERIOUSLY FOR THE FIRST
TIME THE ARMY'S ABYSMAL RECORD WHEN IT COMES TO POLICING ITS OWN
HOUSE ON HUMAN RIGHTS ABUSES. WE ARE NOT SO POLITE AS TO REFRAIN
FROM HOLDING THIS DOCUMENT ABOVE BEDOYA'S HEAD AND WARN HIM THAT
GENUINE REFORM IS HIS ONLY OPTION IF HE WANTS A SUSTAINED AND
INTENSIFIED MILITARY ASSISTANCE RELATIONSHIP WITH THE U.S. IT
WOULD BE SELF-INDULGENT TO SACRIFICE THIS UNIQUE LEVERAGE OVER
BEDOYA BY GOING PUBLIC WITH THIS DOCUMENT NOW, BEFORE WE EXTRACT
EVERY POSSIBLE HUMAN RIGHTS ADVANTAGE FROM IT -- PARTICULARLY AS
WE ARE GETTING THE SUBSTANCE OF THE SAME INFORMATION FROM
CIVILIAN CHANNELS (REF B) THAT WE CAN, HAVE, AND WILL, USE TO
BUILD THE HEAT UNDER BEDOYA ET AL WITHOUT OSTENSIBLY BETRAYING
THE MILITARY'S CONFIDENCE.

END SUMMARY

4. (S) FOLLOWING AT PARA 8 IS AN INFORMAL TRANSLATION OF A
DOCUMENT (REPORTED IN REF A) PREPARED BY THE COLOMBIAN ARMY AT
THE INSTRUCTION OF THEN COMMANDING GENERAL (NOW ARMED FORCES
COMMANDER) BEDOYA IN RESPONSE TO A REQUEST BY USMILGROUP

COMMANDER ON NOVEMBER 27. (THE LIST GIVEN BY USMILG COMMANDER TO
GENERAL BEDOYA INCLUDED 18 ORIGINAL CASES IDENTIFIED BY AI, PLUS
TWO OTHERS ANNOTATED IN HANDWRITING BY POST SOMETIME AFTER THE
BEGINNING OF 1994. THE ARMY'S RESPONSE TO BEDOYA AS CONVEYED TO
US DOES NOT ADDRESS TWO OF THE ORIGINAL 18 AI TYPED CASES, WHICH
COULD HAVE BEEN AN OVERSIGHT, NOR THE POST'S TWO HANDWRITTEN
CASES, ONE OF WHICH OCCURRED IN FEBRUARY 1994.) THE DOCUMENT IS
THE REPORT OF BEDOYA'S STAFF ON THE STATUS AS OF LATE NOVEMBER OF
MILITARY INVESTIGATIONS, COURT MARTIALS OR OTHER DISCIPLINARY
ACTIONS TAKEN AGAINST ARMY PERSONNEL FROM 14 IDENTIFIED ARMY
UNITS (SEVEN BRIGADES AND SEVEN BATTALIONS) ALLEGED BY AMNESTY
INTERNATIONAL (AND LATER ECHOED BY HUMAN RIGHTS WATCH AND OTHERS)
AS HAVING COMMITTED MAJOR HUMAN RIGHTS VIOLATIONS BETWEEN AUGUST
1987 AND FEBRUARY 1994 -- 13 OF WHICH UNITS THE USG IN THE FALL
OF 1995 PUBLICLY ACKNOWLEDGED HAD RECEIVED U.S. COUNTERNARCOTICS
MILITARY ASSISTANCE BETWEEN 1989 AND 1993. (AS A TECHNICAL

CLASSIFIED BY DEPT. OF STATE L. R. LOHMAN, DAS, APT
THREE CASES PENDING OR STILL UNDER INVESTIGATION
REVIEW AUTHORITY: FRANK TUMMINIA

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CORRECTION TO REF C, WE NOTE AI'S ALLEGATIONS AS BEING AGAINST 14, VICE 15, ARMY UNITS, SEVEN BRIGADES AND SEVEN BATTALIONS, ALL BUT ONE BATTALION OF WHICH DID, IN FACT, RECEIVE U.S. ASSISTANCE.)

DURING A MILITARY OPERATION CARRIED OUT BY THE CABAL GROUP, FOUR INDIVIDUALS WERE KILLED IN THE SANDE ZONE, SANTACRUZ-GUACHAVES MUNICIPALITY, ON SEPTEMBER 9, 1990. AMONG THOSE INDIVIDUALS WAS HILDEGARD FELDMANN, A SWISS NUN.

5. (S) BEDOYA AUTHORIZED HIS STAFF TO PROVIDE THE UNCLASSIFIED DOCUMENT TO A USDAO OFFICER, APPARENTLY WITHOUT READING IT OR RECOGNIZING HOW DAMNING IT APPEARS TO BE -- WHEN TAKEN AT FACE VALUE -- AS AN IMPLICIT INDICTMENT OF THE MILITARY JUSTICE IN COLOMBIA, AT LEAST IN THESE CASES. THE INITIAL DOCUMENT DONE AT BEDOYA'S BEHEST MAY BE INCOMPLETE, BUT A FOLLOW-UP DOCUMENT PROVIDED BY THE MILITARY "AUDITOR" (THE CIVILIAN LAWYER WHO SERVES AS SENIOR JAG-ADVISOR TO THE HIGH COMMAND) TO MILGP ON DECEMBER 15 APPARENTLY DOES NOT CAST THE MILITARY JUSTICE SYSTEM IN MUCH BETTER LIGHT (SEE PARA 10).

LEGAL ACTION UNDERTAKEN

ON THE GROUNDS OF THE ABOVE-MENTIONED FACTS OF THE CASE, LT. GERMAN DARIO OTALORA-AMAYA AND SS RIGOBERTO MALDONADO-VELASCO WERE DISMISSED FROM THEIR MILITARY DUTIES THROUGH DECREE 002149 OF DECEMBER 5, 1995, AND RESOLUTION NO. 000464 OF DECEMBER 15, 1995, RESPECTIVELY. DISMISSAL WAS CARRIED OUT TO COMPLY WITH RESOLUTION NO. 000338 DATED AUGUST 22/96 ISSUED BY THE OFFICE OF THE ASSISTANT ATTORNEY GENERAL IN CHARGE OF OVERSEEING THE MILITARY.

6. (S) SOON AFTER GETTING THE INITIAL BEDOYA RESPONSE, THE EMBASSY HUMAN RIGHTS OFFICER SOLICITED AND REPORTED ON THE STATUS OF CIVIL INVESTIGATIONS/PROSECUTIONS FOR THE ORIGINAL CASES LISTED BY AMNESTY INTERNATIONAL IN 1994. THE CIVILIAN FOLLOW-UP WITH REGARD TO 13 OF THESE CASES (SUMMARIZED IN REF B) OVERLAPS WITH MOST OF THE 16 CASES ON THE ORIGINAL BEDOYA LIST AS GIVEN TO USDAO. THE CIVILIAN JUDICIAL SYSTEM HARDLY PROVIDED PROMPT, SWIFT JUSTICE, BUT ITS RECORD COMPARES QUITE FAVORABLY ON BALANCE WITH THAT OF THE MILITARY JUSTICE SYSTEM'S -- AT LEAST AS FAR AS CAN BE DETECTED FROM THE REPORT TO BEDOYA PROVIDED IN PARA 8 BELOW.

(EMBASSY COMMENT: SIC, THE EARLIER TWO 1995 MILITARY DECREES CANNOT HAVE BEEN IN COMPLIANCE WITH THE SUBSEQUENT 1996 ORDER BY THE CIVILIAN ATTORNEY GENERAL, UNLESS THEY WERE BACKDATED. END COMMENT)

THE RESOLUTION ORDERED A FULL SEPARATION OF THE TWO OFFICIALS FROM THE MILITARY FORCES. A DISCIPLINARY INVESTIGATION PROVED THE TWO OFFICIALS' LIABILITY FOR THE EVENTS.

7. (S) TRANSLATOR'S NOTE: WE COULD NOT FIND A SINGLE ENGLISH EQUIVALENT FOR THE SPANISH "MEDIDA DE ASEGURAMINETO." UNDER THE COLOMBIAN LEGAL SYSTEM, "MEDIDA DE ASEGURAMIENTO" MAY MEAN A PROHIBITION AGAINST LEAVING THE COUNTRY, BAIL, PROVISIONAL ARREST, HOUSE ARREST, OR EVEN A WARNING, DEPENDING ON THE CONTEXT. AS THE ISSUANCE OF AN ARREST WARRANT IS ONLY ONE OF SEVERAL POSSIBLE -- ALBEIT MOST PROBABLE IN MOST CASES HERE -- MEANINGS OF "MEDIDAS DE ASEGURAMIENTO," WE CHOSE TO LEAVE THESE WORDS IN SPANISH. WE HAVE ALSO NUMBERED THE CASES 1-16 FOR EASIER CROSS-REFERENCE. END TRANSLATOR'S NOTE.

CASE (3): "MACARAVITA - FIFTH BRIGADE"

FACTS

ON JUNE 7, 1990, IN THE ILARGUITA AND PAJARITO ZONES, MACARAVITA MUNICIPALITY, SANTANDER DEPARTMENT, 10 INDIVIDUALS WERE SHOT TO DEATH BY A MILITARY SQUAD OF THE GARCIA-ROVIRA BATTALION. THE MILITARY WERE IN THE ZONE CONDUCTING A PATROL MISSION. AT THE TIME, THE INDIVIDUALS APPEARED TO BE GUERRILLAS; HOWEVER, SOME PEASANTS MAY HAVE BEEN IN THE GROUP.

TEXT OF INFORMAL TRANSLATION

LEGAL ACTION UNDERTAKEN

8. (S) BEGIN TEXT:

CASE (1): "ADELA AGUDELO - FIRST BRIGADE"

THE OFFICE OF THE ASSISTANT ATTORNEY GENERAL FOR HUMAN RIGHTS INITIATED A DISCIPLINARY INVESTIGATION AGAINST VICE FIRST SERGEANT JOSE DORIAN MEZA-PIEDRAHITA, SECOND SERGEANT ALVARO RUIZ-IBANEZ, AND SECOND CORPORAL WILMAN ALFONSO LOPEZ-PEREZ. CURRENT STATUS OF SAID INVESTIGATION IS UNKNOWN.

FACTS

ON APRIL 5, 1992, ADELA AGUDELO-LOMBANA WAS FORCED TO GET OFF A BUS BY AN UNKNOWN CIVILIAN WHEN THE VEHICLE WAS PASSING LA GLORIETA SQUARE AT AVENIDA DE LOS LIBERTADORES IN THE CITY OF DUITAMA. THE BUS WAS IDENTIFIED AS A "LOS LIBERTADORES TRANSPORTATION CO." VEHICLE. THE INDIVIDUAL TOOK MS. AGUDELO-LOMBANA BY HER HAND AND PUT HER INTO A TAXI. HER FINAL WHEREABOUTS ARE UNKNOWN.

THE 8TH CRIMINAL INVESTIGATIVE COURT OF MALAGA RELEASED THE ALLEGED VIOLATORS. THE COURT DECIDED THERE WERE NO GROUNDS TO KEEP THEM IN CUSTODY SINCE THEIR MILITARY ACTION WAS FOUND TO BE JUSTIFIED.

LEGAL ACTION UNDERTAKEN

AN INVESTIGATION WAS NOT CONDUCTED SINCE NO MILITARY PERSONNEL WERE INVOLVED IN THE CASE.

SUBSEQUENTLY, THE CASE WAS BROUGHT UP TO THE 19TH CRIMINAL MILITARY INVESTIGATIVE COURT WHICH, IN TURN, TRANSFERRED IT TO THE 23RD CRIMINAL MILITARY INVESTIGATIVE COURT. THE 23RD COURT COMPLETED THE INVESTIGATION AND ABSTAINED FROM CALLING A COURT-MARTIAL ON JUNE 21, 1990. A WRIT OF CESSATION OF PROCEEDINGS WAS ISSUED BY THE COURT SINCE THE MOTIVES (OF THE MILITARY OPERATIONS) WERE FOUND TO BE JUSTIFIED. ON MAY 16, 1991, THE HIGHER MILITARY TRIBUNAL REVOKED THE WRIT OF CESSATION WHICH HAD BEEN ISSUED ON DECEMBER 20, 1990, BY THE COURT OF FIRST INSTANCE. THE TRIBUNAL ISSUED PROVISIONAL ARREST WARRANTS FOR THE DEFENDANTS AND ORDERED FURTHER LEGAL PROCEDURES TO BE ACCOMPLISHED.

CASE (2): "HILDEGARD MARIA FELDMANN - THIRD BRIGADE"

FACTS

ON JANUARY 23, 1992, A COURT-MARTIAL VERDICT FOUND THE DEFENDANTS NOT GUILTY. THIS DECISION WAS TRANSFERRED TO THE HIGHER MILITARY TRIBUNAL FOR CONSULTATION. ON FEBRUARY 9, 1993, THE TRIBUNAL CONFIRMED THE VERDICT.

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CASE (4): "13TH BRIGADE - ANTONIO PALACIOS"

FACTS

THE FACTS OF THE CASE ARE THAT IT TOOK PLACE ON AUGUST 18, 1991, AT "EL CAFETALITO" FARM, IN THE VICINITY OF FUSAGASUGA. (EMBASSY COMMENT: TO SUPPLEMENT THE ARMY NOTATION ABOVE, THE CASE AS

ALLEGED BY AI INVOLVED A UNION PATRIOTICA (UP) ACTIVIST AND HIS SON-IN-LAW WHO WERE SHOT DEAD ALONG WITH THREE OF ANTONIO PALACIOS'S CHILDREN, INCLUDING A BABY DAUGHTER IN CUNDINAMARCA DEPARTMENT SURROUNDING BOGOTA. END COMMENT)

LEGAL ACTION UNDERTAKEN

THE 115TH COURT ISSUED A "MEDIDA DE ASEGURAMIENTO" AGAINST SECOND LT. TOMAS EMILIO CRUZ-AMAYA, SECOND SERGEANT WILLIAM RAMIREZ-MORA AND FOUR SOLDIERS.

ON JANUARY 31, 1994, AN INSTANCE COURT (A LOWER COURT) TRANSMITTED A PETITION OF "CONFLICT OF JURISDICTION" RAISED BY THE 26TH ASSISTANT PROSECUTOR GENERAL/THIRD UNIT FOR PRELIMINARY INVESTIGATION, TO THE HIGHER JUDICIAL COUNCIL (CONSEJO SUPERIOR DE LA JUDICATURA) FOR RESOLUTION.

THE INSTANCE (LOWER) COURT OF THE 21ST BRIGADE TO WHERE THE LEGAL PROCEEDING WAS TRANSMITTED ISSUED RESOLUTION NO. 03 OF JUNE 12, 1995, CALLING A COURT-MARTIAL TO TRY LT. COL. VICTOR MANUEL CASTANO FOR ALLEGEDLY AIDING AND ABETTING VIOLATIONS, AND SECOND LT. TOMAS EMILIO CRUZ-AMAYA FOR MURDER CHARGES. THE COURT ABSTAINED FROM CALLING CRUZ-AMAYA FOR DISOBEDIENCE CHARGES.

A WRIT OF NOVEMBER 29, 1995, ISSUED BY THE HIGHER MILITARY TRIBUNAL MADE NULL THE RESOLUTION WHICH CALLED THE COURT-MARTIAL AND HAD THE PROCEEDING TURNED OVER TO THE 13TH BRIGADE COMMAND TO ASSUME JURISDICTION.

SUBSEQUENTLY, ANOTHER CONFLICT OF JURISDICTION WAS RAISED BY THE 8TH ASSISTANT ATTORNEY GENERAL FOR THE MILITARY FORCES. THIS "CONFLICT OF JURISDICTION" ISSUE WAS RESOLVED BY THE HIGHER JUDICIAL COUNCIL IN A WRIT OF NOVEMBER 14, 1996. THE COUNCIL DECIDED THAT THE INVESTIGATION SHOULD CONTINUE UNDER THE JURISDICTION OF A CRIMINAL MILITARY COURT, REPRESENTED BY THE 13TH BRIGADE. THE PROCEEDING HAS NOT BEEN YET TERMINATED.

CASE (5): "14TH BRIGADE - HURE, 1988"

THE FILES DO NOT SHOW ANY INFORMATION ON THIS CASE. (EMBASSY COMMENT: IF AI IS TO BE BELIEVED, THE CASE INVOLVED A CLANDESTINE CIVILIAN-MILITARY DEATH SQUAD SET UP BY THE ARMY B-2 INTELLIGENCE UNIT THAT ALLEGEDLY KILLED FIVE PEOPLE. THE ARMY'S 20TH ((INTELLIGENCE BRIGADE)) HAS AN UNSAVORY REPUTATION, AND [REDACTED] END COMMENT)

CASE (6): "MOBILE BRIGADE 1 - LA URIBE, META DEPARTMENT 1990"

FACTS

ALLEGED ARBITRARY DETENTIONS AND DESTRUCTION OF VILLAGES IN THE ABOVE-MENTIONED AREA.

LEGAL ACTION UNDERTAKEN

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THE FOLLOWING CLARIFICATION SHOULD BE MADE:

MOBILE BRIGADE 1 WAS CREATED BY RESOLUTION NO. 00009 OF MARCH 26, 1990. THE BRIGADE'S TRAINING WAS CONDUCTED AT THE FACILITIES OF THE 11TH BRIGADE. MOBILE BRIGADE 1 WAS ASSIGNED TO OPERATE IN CESAR DEPARTMENT.

ACCORDINGLY, MOBILE BRIGADE 1 DID NOT CARRY OUT OPERATIONS IN THE AREA OF LA URIBE, META DEPARTMENT IN 1990.

CASE (7): "MOBILE BRIGADE 2 - LUIZ FERNANDO MARTINEZ"

FACTS

SOLDIERS OF MOBILE BRIGADE 2 ARBITRARILY ENTERED THE RESIDENCE OF MR. LUIS FERNANDO MARTINEZ ON NOVEMBER 7, 1992, IN THE SABANA DE TORRES MUNICIPALITY, SANTANDER DEPARTMENT. THE SOLDIERS RAPED HIS WIFE, SENOBIA PINZON, AND COMMITTED SEXUAL ABUSE AGAINST HIS (EMBASSY COMMENT: TWO YEAR OLD, SEE REF B) DAUGHTER.

LEGAL ACTION UNDERTAKEN

THE 31ST PROSECUTOR OF THE SPECIAL UNIT FOR LIFE IN BARRANCABERMEJA ISSUED A "MEDIDA DE ASEGURAMIENTO" AGAINST VOLUNTEER SOLDIERS ABEL SORACA-AGAMEZ, PEDRO SUAREZ-CHIA, AND HAROLD SANCHEZ-BUITRAGO FOR SEXUAL ABUSE AND ILLICIT HARASSMENT.

A PERSONNEL ADMINISTRATIVE ORDER NO. 1-100 OF NOVEMBER 30, 1992, DISMISSED THE ABOVE-MENTIONED SOLDIERS FROM THE MILITARY INSTITUTION FOR BAD CONDUCT.

AN ADMINISTRATIVE PROCEEDING NO. 10288 AGAINST THE NATION/MINISTRY OF DEFENSE WAS FILED BY MS. SENOBIA PINZON-HERRERA BEFORE THE ADMINISTRATIVE TRIBUNAL OF SANTANDER DEPARTMENT TENDING TO OBTAIN AN APPROPRIATE INDEMNIFICATION.

CASE (8): "RAMON VILLEGAS, GUSTAVO CORONEL, LUIS ALFONSO ASCANIO, WILSON QUINTERO - JANUARY 1993."

FACTS

BETWEEN JANUARY 12-26, 1993, IN SAN JOSE DEL TARRA, NEAR HACARI, SANTANDER DEPARTMENT, 11 PEASANTS WERE SUBJECT TO FORCED DISAPPEARANCE AND HOMICIDE. AMONG THEM ARE: RAMON VILLEGAS, GUSTAVO CORONEL, LUIS ALFONSO ASCANIO, WILSON QUINTERO, LUIS ERNESTO ASCANIO, LUIS HORACIO QUINTERO, RAMON EMILIO QUINTERO, NAUN ELIAS SANCHEZ AND RAMON EMILIO SANCHEZ.

LEGAL ACTION UNDERTAKEN

ACCORDING TO INFORMATION RECEIVED FROM THE FIFTH BRIGADE COMMAND, NEITHER THE 23RD NOR THE 25TH CRIMINAL MILITARY INVESTIGATIVE COURT HAS UNDERTAKEN A CRIMINAL INVESTIGATION FOR THE ABOVE-MENTIONED FACTS. BOTH COURTS ARE ASSIGNED TO THE SANTANDER BATTALION AND THE MAZA GROUP. THE COMMAND HAS ALSO INDICATED THAT INFORMATION OBTAINED FROM SEVERAL PROSECUTOR'S OFFICES AT LOCAL AND REGIONAL LEVELS IN AGUACHICA AND OCANA AS WELL AS FROM THE OFFICE OF THE ATTORNEY GENERAL IN OCANA INDICATES THAT CHARGES HAVE NOT BEEN FILED BASED ON THE ABOVE-MENTIONED FACTS OF THE CASE.

CASE (9): "LLANA CALIENTE - D'ELHUYER BATTALION - 1988"

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ACTS

ON MAY 21, 1988, DURING A DEMONSTRATION ON THE OCCASION OF A TRIKE IN THE AREA OF LLANA CALIENTE, SAN VICENTE DE CHUCURI MUNICIPALITY, THE STRIKERS OPENED FIRE AGAINST MILITARY PERSONNEL WHO WERE MONITORING THE DEMONSTRATION. TC ROGELIO CORREA-CAMPOS, T CARLOS ALFONSO MORALES-DEL-RIO, CP PEDRO BELTRAN-CORONADO, SLOSE DE JESUS SUAREZ-ACEVEDO AND 9 CIVILIANS WERE KILLED; CS LBEIRO DURAN-CRUZ, AND ANOTHER 7 MILITARY AND 30 CIVILIANS WERE INJURED.

LEGAL ACTION UNDERTAKEN

A PRELIMINARY INQUEST HEARING WAS HELD BY THE 130TH CRIMINAL MILITARY INVESTIGATIVE COURT. THE COURT FOUND THAT THE MILITARY ACTED IN SELF-DEFENSE IN RESPONSE TO THE ATTACK SUFFERED FROM THE STRIKERS.

REGARDING HOMICIDES AND PERSONAL INJURIES TO THE MILITARY PERSONNEL, THE 7TH AND 21ST CRIMINAL INVESTIGATIVE COURTS OF THIS MUNICIPALITY CARRIED OUT PERTINENT INVESTIGATIONS AGAINST THOSE WHO WERE ALLEGEDLY LIABLE FOR THESE CRIMES.

CASE (10): "HECTOR AGUDELO-CHAPARRO, REINALDO EUSTORGIO RIVEROS-CHAPARRO, ISMAEL AMAYA - TARQUI BATTALION"

FACTS

THE ABOVE-MENTIONED INDIVIDUALS WERE ALLEGEDLY TORTURED AND SUBSEQUENTLY ASSASSINATED BY ALLEGED MEMBERS OF THE SILVA-PLAZAS GROUP. EVENTS TOOK PLACE AT THE TOQUILLA INSPECTION (STATION?), AQUITANIA MUNICIPALITY, BOYACA DEPARTMENT, ON OCTOBER 2, 1993.

LEGAL ACTION UNDERTAKEN

A PRELIMINARY INVESTIGATION UNDER NO. 19231 WAS CONDUCTED BY THE OFFICE OF THE REGIONAL PROSECUTOR OF SOGAMOSO. FINDINGS WERE TRANSMITTED TO THE OFFICE OF THE REGIONAL DIRECTOR OF PROSECUTORS IN BOGOTA WHERE THE CASE IS CURRENTLY UNDER INVESTIGATION.

THE SILVA-PLAZAS GROUP COMMAND HAS INDICATED THAT NEITHER A CRIMINAL NOR A DISCIPLINARY INVESTIGATION IS BEING CARRIED OUT BY THAT UNIT ON THE ABOVE EVENTS.

CASE (11): "LOS UVOS - JOSE HILARIO LOPEZ BATTALION"

FACTS

ON APRIL 7, 1991, IN THE MONTERREDONDO ZONE, LOS UVOS VICINITY, LA VEGA MUNICIPALITY, CAUCA DEPARTMENT, 17 PEASANTS WERE SHOT TO DEATH. THERE ARE THREE VERSIONS OF THE ALLEGED AUTHORS OF THE CRIME: THE PARAMILITARY, MEMBERS OF COORDINADORA GUERRILLERA SIMON BOLIVAR, OR MEMBERS OF THE NATIONAL ARMY.

LEGAL ACTION UNDERTAKEN

ACCORDING TO THE OFFICE OF THE 88TH ASSISTANT WAR AUDITOR, WHERE THE CASE IS BEING FOLLOWED, ON SEPTEMBER 25, 1995, THE THIRD BRIGADE COMMAND FILED A PETITION BEFORE THE REGIONAL OFFICE OF

THE PROSECUTOR GENERAL TO RESOLVE A "CONFLICT OF JURISDICTION" ISSUE.

THE PROSECUTOR'S REGIONAL OFFICE OF BOGOTA STATED ON NOVEMBER 3, 1995, THAT, ON THE GROUNDS OF A RULING BY THE HIGHER JUDICIAL COUNCIL DATED OCTOBER 22, 1992, THE "CONFLICT OF JURISDICTION" ISSUE SHOULD BE ADDRESSED AT THE TIME OF DECIDING WHETHER AN INDICTMENT SHOULD BE FILED OR NOT. ON DECEMBER 5, 1995, AN INDICTMENT WAS FILED AGAINST TC (R) PABLO ALFONSO BRICENO-LOVERA CHARGING HIM WITH "SUPPORTING" AND PROVIDING WEAPONS AND UNIFORMS OF EXCLUSIVE MILITARY USE; MY CESAR AUGUSTO SAAVEDRA-PADILLA, CP JOSE GUSTAVO MORA-PARRA, AND CIVILIANS JUAN CARLOS MUNOZ AND ASMED ORDONEZ-BURBANO WERE ALSO INDICTED.

THE HIGHER JUDICIAL COUNCIL RESOLVED THE "CONFLICT OF JURISDICTION" ISSUE ON OCTOBER 7, 1996, AND RULED THAT THE THIRD BRIGADE COMMAND WAS THE APPROPRIATE AUTHORITY TO INVESTIGATE AND PROSECUTE TC PABLO ALFONSO BRICENO-LOVERA.

ON NOVEMBER 19, 1996, THE CASE WAS TRANSFERRED TO THE OFFICE OF THE 88TH ASSISTANT WAR AUDITOR. THE 88TH ASSISTANT WAR AUDITOR REVIEWED THE CASE AND ON NOVEMBER 26, 1996, DRAFTED A WRIT OF ANNULMENT OF THE CASE FROM THE DATE ON WHICH THE INVESTIGATION WAS COMPLETED, I.E., SEPTEMBER 4, 1995. IN CONSEQUENCE, TC (R) BRICENO-LOVERA WAS RELEASED ON PROBATION.

ON NOVEMBER 27, 1996, JUAN CARLOS MUNOZ, A/K/A GUINEO, WAS DETAINED UNDER A DETENTION ORDER. HE IS CHARGED WITH BEING THE MATERIAL AUTHOR OF THE ABOVE ASSASSINATIONS.

THE ASSISTANT ATTORNEY GENERAL FOR HUMAN RIGHTS CONDUCTED A DISCIPLINARY INVESTIGATION OF THE SAME FACTS OF THE CASE. THIS INVESTIGATION WAS COMPLETED AND RESOLUTION NO. 005 OF JULY 29, 1994, WAS ISSUED. ACCORDINGLY, THE FOLLOWING SANCTIONS WERE IMPOSED:

TC (R) PABLO ALFONSO BRICENO-LOVERA: A NOTE (OF HIS ALLEGED PARTICIPATION IN THE ABOVE FACTS) SHOULD BE RECORDED IN HIS PERSONNEL FILE (MINISTERIAL RESOLUTION NO. 6917 OF MAY 28, 1996).

MY MANUEL RODRIGUEZ-DIAZGRANADOS: A 15-DAY SUSPENSION FROM DUTY SANCTION (RESOLUTION NO. 6754 OF MAY 23, 1996).

MY (R) CESAR AUGUSTO SAAVEDRA-PADILLA: A NOTE (OF HIS ALLEGED PARTICIPATION IN THE ABOVE FACTS) SHOULD BE RECORDED IN HIS PERSONNEL FILE (DECREE NO. 1004 OF JUNE 5, 1996).

TE EDILBERTO CORTES-VALERO: FULL DISMISSAL FROM MILITARY DUTY (DECREE NO. 960 OF MAY 29, 1996).

SS JOSE AGUSTIN CANON-GONZALEZ: FULL DISMISSAL FROM MILITARY DUTY (RESOLUTION NO. 335 OF APRIL 29, 1996).

CP PEDRO GOMEZ-BARRERA: FULL DISMISSAL FROM MILITARY DUTY (RESOLUTION NO. 337 OF APRIL 29, 1996).

CP MIGUEL ANTONIO GIL-DROZCO: A 10-DAY SUSPENSION FROM DUTY SANCTION (RESOLUTION NO. 336 OF APRIL 22, 1996).

CS (R) JOSE GUSTAVO MORA-PARRA: A NOTE (OF HIS ALLEGED PARTICIPATION IN THE ABOVE FACTS) SHOULD BE RECORDED IN HIS PERSONNEL FILE (RESOLUTION NO. 334 OF APRIL 29, 1996).

CASE (12): "NUMANCIA BATTALION - MARCH 1992"

FACTS

THE FACTS OF THE CASE ARE THAT IT ALLEGEDLY TOOK PLACE IN

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ORREGIMIENTO DE LA MESA, VICINITY OF PATIA MUNICIPALITY (CAUCA)
N MARCH 19, 1992.

CASE (15): "RIOFRIO - PALACE BATTALION"

LEGAL ACTION UNDERTAKEN

FACTS

N INVESTIGATION IS CURRENTLY BEING CONDUCTED BY THE 19TH
RIMINAL MILITARY INVESTIGATIVE COURT AGAINST LT. LUIS ARMANDO
OMEZ-RUGE AND OTHERS FOR HOMICIDE CHARGES. AS OF TODAY,
"MEDIDAS DE ASEGURAMIENTO" HAVE BEEN ISSUED AGAINST THE MILITARY.
FORENSIC REPORT ON INJURIES CAUSED TO SECOND CORPORAL LEOPOLDO
LOPEZ-HURTADO BY A SUBVERSIVE GROUP IS PENDING. DURING THE
OPERATION, THREE GUERRILLAS WERE KILLED. REGARDING THE DEATH OF
TWO MINORS, THERE IS NO INDICATION IN THE SUMMARY OF THE
PROCEEDING WHICH WOULD ALLOW US TO AFFIRM THAT THE AUTHORS WERE
MILITARY PERSONNEL. THE SUBVERSIVE GROUP THAT CONFRONTED THE
MILITARY TROOPS HAS BEEN DETERMINED TO BE THE AUTHORS.

THIRTEEN PEOPLE WERE SHOT TO DEATH IN EL BOSQUE ZONE,
CORREGIMIENTO DE PORTUGAL DE PIEDRAS, RIOFRIO MUNICIPALITY, VALLE
DEPARTMENT. REPORTEDLY, THE EVENTS TOOK PLACE ON OCTOBER 5, 1993,
AND ALLEGEDLY THE AUTHORS ARE ORGANIC PERSONNEL OF THE PALACE
BATTALION.

LEGAL ACTION UNDERTAKEN

THE OFFICE OF THE ASSISTANT ATTORNEY GENERAL FOR THE MILITARY
FORCES IS CONDUCTING A DISCIPLINARY INVESTIGATION OF THE SAME
FACTS. RESULTS ARE STILL UNKNOWN.

AN INVESTIGATION WAS INITIATED BY THE 16TH CRIMINAL MILITARY
INVESTIGATIVE COURT. THE REGIONAL OFFICE OF THE PROSECUTOR
GENERAL IN CALI CARRIED OUT THE REQUIRED ON-THE-SCENE LEGAL
PROCEDURES ATTEMPTING TO IDENTIFY THE BODIES. THE CASE WAS
TRANSFERRED TO THE 106TH CRIMINAL MILITARY INVESTIGATIVE COURT
AND SUBSEQUENTLY TO THE 17TH CRIMINAL INVESTIGATIVE COURT.

CASE (13): "LUIS NAPOLEON TORRES, ANGEL MARIA TORRES, HUGHES
CHAPARRO - LA POPA BATTALION"

CONCURRENTLY, THE REGIONAL OFFICE OF THE PROSECUTOR GENERAL IN
CALI ISSUED "MEDIDAS DE ASEGURAMIENTO" AGAINST MAJOR EDUARDO
DELGADO-CARRILLO, LT. ALFONSO VEGA-GARZON, FIRST CORPORAL
LEOPOLDO MORENO-RINCON, AND SECOND CORPORAL ALEXANDER CANIZALEZ
ON HOMICIDE CHARGES WITH TERRORIST PURPOSES. THE HIGHER JUDICIAL
COUNCIL RESOLVED A "CONFLICT OF JURISDICTION" PETITION AND RULED
THAT THE CASE SHOULD BE BROUGHT UP BEFORE THE CRIMINAL MILITARY
JURISDICTION.

FACTS

THE CASE IS CURRENTLY UNDER THE THIRD BRIGADE COMMAND FOR
ANALYSIS. THE COMMAND WILL DECIDE WHETHER IT SHOULD CALL A
COURT-MARTIAL TO ESTABLISH THE LIABILITY OF THE ABOVE MENTIONED
MILITARY.

THE ABOVE-MENTIONED INDIANS WERE KILLED IN INTURCO, VICINITY OF
CURUMANI, CESAR DEPARTMENT, ON NOVEMBER 28, 1990.

LEGAL ACTION UNDERTAKEN

A CRIMINAL INVESTIGATION (UNDER NO. 1477) WAS CONDUCTED AGAINST
LT. COL. LUIS FERNANDO DUQUE-IZQUIERDO AND LT. PEDRO ANTONIO
FERNANDEZ-OCAMPO BY THE 15TH CRIMINAL MILITARY INVESTIGATIVE
COURT. THE CASE WAS TRANSFERRED TO THE SECOND BRIGADE COMMAND
(LETTER NO. 473 OF MAY 31, 1991).

CASE (16): "ALVARO GARCES-PARRA - RICAURTE BATTALION"

FACTS

A WRIT OF CESSATION OF PROCEEDING WAS ISSUED. THIS DECISION WAS
TRANSMITTED TO THE HIGHER MILITARY TRIBUNAL FOR CONSULTATION. ON
JULY 12, 1993, THE TRIBUNAL CONFIRMED THE ABOVE DECISION.

ALVARO GARCES-PARRA, MAYOR OF SABANA DE TORRES MUNICIPALITY,
SANTANDER DEPARTMENT, WAS KILLED ON AUGUST 16, 1987, WHILE HE WAS
VISITING A CATTLE SALE BUSINESS NAMED "CASETA GANADERA."

LEGAL ACTION UNDERTAKEN

CASE (14): "GREGORIO NIEVES"

AN INVESTIGATION WAS INITIALLY CONDUCTED BY THE 11TH CRIMINAL
INVESTIGATIVE COURT AT-LARGE IN BUCARAMANGA CITY FOR VIOLATIONS
ALLEGEDLY COMMITTED BY MAJOR OSCAR DE JESUS ECHANDIA-SANCHEZ AND
CAPTAIN LUIS CARLOS ARDILA-ORJUELA; COPY OF THE INITIAL FINDINGS
WAS TRANSMITTED TO THE 109TH CRIMINAL MILITARY INVESTIGATIONS
COURT FOR INVESTIGATION OF THE CASE. ON FEBRUARY 23, 1989, THIS
COURT ISSUED WARRANTS FOR THE PROVISIONAL ARREST OF THE ALLEGED
DEFENDANTS.

FACTS

GREGORIO NIEVES, A MEMBER OF THE ARZARIO INDIAN TRIBE, WAS KILLED
IN MALOCASO DE SAN JUAN DEL CESAR, GUAJIRA DEPARTMENT, ON APRIL
13, 1993. HE WAS KILLED ALLEGEDLY BY ORGANIC PERSONNEL OF LA
POPA BATTALION IN COORDINATION WITH THE UNASE GROUP.

ON OCTOBER 29, 1989, THE FIFTH BRIGADE COMMAND ISSUED RESOLUTION
NO. 30 CALLING FOR A COURT-MARTIAL. DEFENDANTS WERE ACQUITTED BY
THE MEMBERS OF THE COURT-MARTIAL. ON OCTOBER 3, 1996, THE
CHAIRMAN OF THE COURT-MARTIAL ISSUED A WRIT OF CESSATION OF
PROCEEDING IN FAVOR OF THE DEFENDANTS.

LEGAL ACTION UNDERTAKEN

A CRIMINAL INVESTIGATION (UNDER NO. 1582) WAS CONDUCTED AGAINST
LT. COL. ALFREDO RUIZ-SILVA BY THE 15TH CRIMINAL MILITARY
INVESTIGATIVE COURT. THE CASE WAS TRANSFERRED TO THE SECOND
BRIGADE COMMAND ON JUNE 22, 1993.

ON DECEMBER 4, 1989, THE HIGHER MILITARY TRIBUNAL ABSTAINED FROM
ACCEPTING A CONSULTATION OF THE ABOVE-MENTIONED DECISION ON THE
GROUNDS OF ARTICLE 434 OF THE CRIMINAL MILITARY CODE." END TEXT

A WRIT OF CESSATION OF PROCEEDING WAS ISSUED BY THE INSTANCE
(LOWER) COURT ON FEBRUARY 8, 1994. THIS DECISION WAS TRANSMITTED
TO THE HIGHER MILITARY TRIBUNAL FOR CONSULTATION. ON MAY 9,
1994, THE TRIBUNAL CONFIRMED THE ABOVE DECISION.

COMMENT

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9. (S) COMMENT: THE FIRST MEETING OF THE EMBASSY'S TASK FORCE THAT THE AMBASSADOR ESTABLISHED TO DEAL WITH ALLEGATIONS OF HUMAN RIGHTS ABUSES IN THE CONTEXT OF U.S. MILITARY ASSISTANCE TOOK PLACE ON NOVEMBER 27. AT THAT TIME THE GROUP ROUNDLY ENDORSED THE SUGGESTION BY THE USMILGP COMMANDER THAT HE SHOULD DIRECTLY

PRESENT GENERAL BEDOYA WITH THE 1994 AMNESTY INTERNATIONAL LIST (OF ALLEGED ABUSES BY COLAR UNITS THAT HAD, WITH ONE EXCEPTION, RECEIVED OUR MILITARY EQUIPMENT) AND ASK HIM POINTBLANK FOR A REPORT ON WHAT THE COLAR HAD DONE TO INVESTIGATE, TRY, PUNISH, AND/OR DISCIPLINE THOSE SUPPOSEDLY INVOLVED IN THESE EVENTS. BEDOYA'S STAFF PREPARED A CANDID, ALBEIT WEAK, RESPONSE (THE FULL TEXT OF WHICH IS PROVIDED ABOVE).

10. (S) WE CONCUR THAT BEDOYA CANNOT HAVE READ THE REPORT AND RECOGNIZED JUST HOW MUCH IT IMPLICITLY INDICTED THE MILITARY JUSTICE SYSTEM FOR A PATTERN VERGING ON DE FACTO IMPUNITY (OR AT MOST A SLAP ON THE WRIST) FOR THOSE COMMITTING CAPITAL OFFENSES AS LATE AS 1993. IN RESPONSE TO USMILGP COMMANDER'S SECOND APPROACH WARNING BEDOYA THAT THE FIRST, POSSIBLY INCOMPLETE, DOCUMENT HARDLY CAST COLOMBIAN MILITARY JUSTICE IN A FAVORABLE LIGHT, THE CIVILIAN "AUDITOR" (THE COLAR'S SENIOR LEGAL ADVISOR) MET TWICE WITH MILGP AND/OR DAO OFFICER(S). THE SECOND TIME, THE "AUDITOR" PROVIDED A MILGP OFFICER ON DECEMBER 15 WITH A FOLLOW-UP DOCUMENT; WE UNDERSTAND THIS SECOND DOCUMENT, ALSO CLEARLY NOT STAFFED OR REVIEWED BY SENIOR COLAR LEADERS, APPARENTLY PROVIDES LITTLE NEW INFORMATION. (EMBASSY WILL REPORT ON THIS DOCUMENT AS WELL, WHEN IT IS SHARED WITH US.)

11. (S) AT THE SAME TIME, THE EMBASSY HUMAN RIGHTS OFFICER HAS FOLLOWED UP SEPARATELY WITH A VARIETY OF CIVILIAN HUMAN RIGHTS AGENCIES AND NGO'S ON THESE CASES. REF B IS AN ANALYTICAL SUMMARY OF THE INVESTIGATIVE OR PROSECUTORIAL STATUS OF 12 OF THOSE CASES, DRAWN FROM INFORMATION PROVIDED BY THE PRESIDENCY'S OFFICE OF HUMAN RIGHTS. FURTHER REPORTS WILL FOLLOW ON THE STATUS OF CIVILIAN PROSECUTIONS AS THEY BECOME AVAILABLE IN JANUARY.

12. (S) SINCE USMILGP COMMANDER'S INITIAL APPROACH TO GEN BEDOYA ON NOVEMBER 27, THE COLAR HAS BEEN ENGAGED WITH THE MISSION IN A PROACTIVE HUMAN RIGHTS DIALOGUE FOR THE FIRST TIME IN RECENT MEMORY. BEDOYA'S DETAILED COMMUNICATIONS WITH US -- MUCH OF WHICH IS SIMPLY SHAMEFUL TO ANY CONCERNED MILITARY MAN -- PRESENT US WITH A UNIQUE AND POWERFUL TOOL TO PROD THE COLAR INTO PRYING DEEPLY INTO THINGS THAT IT HAS LONG FAILED TO ADDRESS SERIOUSLY. WHILE REPORTING THE FULL RECORD OF THESE COMMUNICATIONS (WITH SPECIAL CAPTIONS TO PROTECT THEM), IT WOULD BE SELF-INDULGENT TO SPREAD TOO WIDELY THE DETAILS OF THE BEDOYA INFORMATION -- NOT BECAUSE IT WOULD DISTURB COUNTERPART RELATIONS -- BUT BECAUSE OUR OVERRIDING CONCERN SHOULD BE TO USE THIS MATERIAL TO PRESSURE HIM INTO BEGINNING TO GENUINELY CLEAN UP THE COLAR'S SORDID PERFORMANCE ON HUMAN RIGHTS, PARTICULARLY THE PATTERN OF QUASI-IMPUNITY POSING AS MILITARY JUSTICE.

13. (S) IN THE MEANTIME, THE DETAILED AND EXPLICIT INFORMATION WE ARE DEVELOPING THROUGH CIVILIAN SOURCES ON MANY OF THESE SAME CASES IS A MATTER OF PUBLIC RECORD -- AND CAN BE USED AS SUCH, ALLOWING US TO HOLD BEDOYA'S FEET TO THE FIRE -- WITHOUT GIVING UP OUR LEVERAGE OVER HIM BY OVERTLY COMPROMISING HIS OSTENSIBLY PRIVILEGED COMMUNICATIONS WITH US. WE SHOULD NOT SHIRK AT SOME GENTLEMANLY BLACKMAIL, IF THAT IS WHAT IT TAKES TO GET OUR HUMAN RIGHTS AGENDA MOVING FORWARD, AND TO PROTECT OUR COUNTERNARCOTICS MILITARY ASSISTANCE PROGRAMS THAT ARE LINKED INCREASINGLY TO IT. END COMMENT. GARZA

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