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Case Number: 200202461

RELEASED IN PART
B1, 1.5(B), 1.5(D)

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ACTION ARA-01

INFO	LOG-00	ACDA-08	ACDE-00	INLB-01	AID-00	ACQ-01	INL-01
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	SP-00	SGHD-00	PMB-00	DSCC-00	DRE#04	SAS-00	/017W
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R 062320Z MAR 98
 FM AMEMBASSY BOGOTA
 TO SECSTATE WASHDC 1841
 INFO DEPT OF JUSTICE WASHDC
 SECDEF WASHDC
 USIA WASHDC 3999
 NSC WASHDC
 USCINCSO MIAMI FL
 DIRONDCP WASHDC
 CIA WASHDC
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 FBI WASHDC
 DIRNSA FT GEORGE G MEADE MD
 SECDEF WASHDC//OCDEPS//
 NDIC JOHNSTOWN PA
 DEA WASHDC

S E C R E T SECTION 01 OF 11 BOGOTA 002520

STATE FOR ARA/AND, ARA/PPC, ARA/USOAS, INL, DRL, S/P, PM
 NSC FOR JAMES DOBBINS, TED PICONE, JEFF DELAURENTIS
 ONDCP FOR JANET CRIST, BOB BROWN
 SOUTHCOM ALSO FOR POLAD

SECRET UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: APPEALS REVIEW PANEL
 APPEAL ACTION: ADDITIONAL INFORMATION RELEASED
 REASON(S): B1, 1.4(B), 1.4(D)
 DATE/CASE ID: 15 SEP 2004 200202461

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UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: MELVIN E. SINN
 DATE/CASE ID: 12 FEB 2003 200202461

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DEA FOR OF, OFL, OC, AX
JUSTICE FOR CRIM. WARREN, RICHARD AND NDDS/VAN VLIET
FBI FOR CID/IRS/IRU2
USIA FOR AR, I/GAR

ORCON

E.O. 12958: DECL: 3/6/08
TAGS: PHUM, SNAR, MASS, PREL, CO
SUBJECT: COLOMBIA EUM: ANALYSIS OF SPECIFIC HUMAN RIGHTS CASES

REFS: A) BOGOTA 2071 B) "CASE DOCUMENTATION IN SUPPORT OF MOD --
H.R. CERTIFICATION" (FAXED TO ARA/AND, MARCH 6, 1997)
C) BOGOTA 1608 (AND PREVIOUS) D) BOGOTA 2035
E) 96 BOGOTA 12758 (NOTAL) F) BOGOTA 2017
G) BOGOTA 1199 H) BOGOTA 589 I) 96 BOGOTA 12432

CLASSIFIED BY CHARGE O.P GARZA. REASONS: 1.5(B&D).

1. (C) SUMMARY AND ACTION REQUEST: IN SUPPORT OF REF A ANALYSIS AND RECOMMENDATIONS, POST PROVIDES HEREIN AN OVERVIEW OF KNOWN RECENT HUMAN RIGHTS CASES INVOLVING COLOMBIAN ARMY UNITS PROPOSED TO RECEIVE U.S. COUNTER-NARCOTICS ASSISTANCE. THIS SUPPLEMENTS DATA MATRIX OF SUPPORTING DOCUMENTATION FOR ALL FIFTY CASES INCLUDED IN THE MINISTER OF DEFENSE'S HUMAN RIGHTS CERTIFICATION (REF B). IT REVIEWS, WHERE POSSIBLE, CRIMINAL, DISCIPLINARY AND CIVIL CASES BROUGHT IN RELATION TO SOME OF THESE INCIDENTS. POST ALSO RECOMMENDS DEPARTMENT CONSULT WITH THE OAS' INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, NOW IN SESSION IN WASHINGTON -- WHERE SOME OF THESE CASES ARE LIKELY TO BE UNDER INVESTIGATION AS WELL. PLEASE ADVISE. END SUMMARY AND ACTION REQUEST.

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2. (C) REF A PROVIDED POST'S SUMMARY ANALYSIS AND RECOMMENDATIONS RE PROVISION OF COUNTER-NARCOTICS ASSISTANCE TO

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SIX PROPOSED COLOMBIAN ARMY RECIPIENT UNITS. IN AN EFFORT TO PROVIDE WASHINGTON WITH THE RELEVANT BACKGROUND NECESSARY TO MAKE AN INFORMED DECISION, THIS MESSAGE PROVIDES AN OVERVIEW OF WHAT WE KNOW OF THE HUMAN RIGHTS SITUATION OF EACH OF THE PROPOSED RECIPIENT UNITS, COVERING KEY CASES INCLUDED IN THE MOD'S CERTIFICATION AND OTHER INFORMATION ON THESE OR OTHER CASES POST MAY HAVE. SOME OF THIS INFORMATION MAY OR MAY NOT BE DIRECTLY PERTINENT, DEPENDING UPON HOW THE WASHINGTON COMMUNITY INTERPRETS THE EUM AGREEMENT AND RELEVANT U.S. LEGISLATION AND ANSWERS QUESTIONS SUCH AS, "HOW OLD A CASE IS 'TOO OLD'?" THIS INFO IS INCLUDED, HOWEVER, SO THAT WASHINGTON IS AWARE, IF NOTHING ELSE, OF SOME OF THE LEGAL AND POLITICAL "BAGGAGE" RELATED TO SOME OF THESE CASES AND UNITS, AND TO HELP WASHINGTON RESPOND TO THE INEVITABLE PRESS AND PUBLIC ENQUIRIES IF AND WHEN IT IS DETERMINED TO PROCEED WITH ASSISTANCE TO THESE UNITS.

3. (C) THE PROPOSED AID RECIPIENT UNITS ARE: THE EASTERN SPECIFIED COMMAND ("CEO"), THE 3RD, 7TH, 12TH, AND 24TH BRIGADES, AND THE 2ND MOBILE BRIGADE ("BRIM2"). THEY WILL BE ADDRESSED NOW IN THE ORDER OF POST'S RECOMMENDATIONS (REF A): "IMMEDIATE AID" (THE "CEO"); "CONDITIONAL AID" (THE 24TH BRIGADE, IF TWO INDIVIDUALS ARE REMOVED FROM THE BRIGADE), AND "WE LEAVE IT TO WASHINGTON" (3RD, 7TH, 12TH AND 2ND MOBILE BRIGADES). WHERE POSSIBLE, WE NOTE THE PROGRESS MADE IN THE VARIOUS FORA RESPONSIBLE FOR THE ADMINISTRATION OF JUSTICE HERE: PENAL, EITHER BY THE CIVILIAN "FISCALIA" (PROSECUTOR GENERAL), OR BY THE MILITARY COURTS (COURT OF FIRST INSTANCE IS OVERSEEN BY THE BRIGADE COMMANDER HIMSELF, APPEALS BY THE "TRIBUNAL SUPERIOR

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MILITAR"); DISCIPLINARY, BY THE "PROCURADURIA" (ATTORNEY GENERAL, BUT ACTUALLY MORE AKIN TO AN INSPECTOR GENERAL); AND CIVIL/REPARATIONS, EITHER CIVIL CASES FILED WITH ADMINISTRATIVE TRIBUNALS OR RECOMPENSE MADE UNDER 1996 LAW PERMITTING MONETARY DAMAGES FOR PERSONS WHOSE HUMAN RIGHTS HAVE BEEN VIOLATED. WE ALSO RECOMMEND THAT THE DEPARTMENT ENQUIRE OF THE OAS INTER-AMERICAN HUMAN RIGHTS COMMISSION, NOW IN SESSION IN WASHINGTON -- WHERE SOME OF THESE CASES ARE CURRENTLY UNDER CONSIDERATION. IN THIS CONTEXT, AND GIVEN THE COMPLEXITY OF SOME OF THESE CASES, WE

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LEAVE TO WASHINGTON TO DETERMINE WHAT CONSTITUTE "EFFECTIVE MEASURES" AND "JUSTICE" -- EITHER BY U.S. OR COLOMBIAN STANDARDS.

THE "CEO"

4. (C) THE UNIT: THIS REGIONAL, NOMINALLY JOINT HEADQUARTERS IS LOCATED AT PUERTO CARRENO, VICHADA DEPARTMENT (ON THE VENEZUELAN BORDER), AND IS CONSIDERED AN OPERATIONAL UNIT OF THE FOURTH DIVISION. ORIGINALLY ESTABLISHED IN 1995 AS A UNIFIED MILITARY COMMAND, IT WAS CONVERTED TO A SPECIFIED (ARMY) COMMAND IN THE SPRING OF 1996. DESIGNED PRIMARILY TO DEAL WITH UNFORESEEN

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ACTION ARA-01

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FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC 1842
INFO DEPT OF JUSTICE WASHDC
SECDEF WASHDC
USIA WASHDC 4000
NSC WASHDC
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FBI WASHDC
DIRNSA FT GEORGE G MEADE MD
SECDEF WASHDC//OCDEPS//

NDIC JOHNSTOWN PA
DEA WASHDC

S E C R E T SECTION 02 OF 11 BOGOTA 002520

STATE FOR ARA/AND, ARA/PPC, ARA/USOAS, INL, DRL, S/P, PM
NSC FOR JAMES DOBBINS, TED PICONE, JEFF DELAURENTIS
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ONDCP FOR JANET CRIST, BOB BROWN
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ORCON

E.O. 12958: DECL: 3/6/08
TAGS: PHUM, SNAR, MASS, PREL, CO
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CONTINGENCIES IN THE BORDER AREA (AN IMPORTANT TRANSSHIPMENT AREA

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FOR NARCOTICS, EVEN THOUGH THE DEPARTMENT'S ENTIRE POPULATION ONLY APPROXIMATES 40,000), THE COMMAND HAS BUT A MINIMAL NUMBER OF FULL-TIME TROOPS ASSIGNED TO IT. WHEN THERE ARE IMPORTANT COUNTER-NARCOTICS OPERATIONS TO CONDUCT IN THE REGION, BATTALIONS FROM OTHER UNITS ARE "OP-CONNED" TO THE CEO FOR THE DURATION OF LOCAL OPERATIONS. ITS MAJOR GROUND UNIT IN THE VICINITY IS THE 43RD INFANTRY BATTALION "EFRAIN ROJAS ACEVEDO", LOCATED AT CUMARIBO (VICHADA), WHICH OWNS THE COUNTERGUERRILLA COMPANY WHICH PROVIDES MOBILE PATROL SECURITY AROUND THE U.S. GROUND-BASED RADAR SITE AT MARANDUA.

5. (C) THE CERTIFICATION: THE MOD CERTIFICATION INCLUDES NOT A SINGLE CASE AGAINST EITHER CURRENT OR FORMER MEMBERS OF THE CEO (AS NOTED IN REF A).

6. (C) OTHER POST INFORMATION: POST IS NOT AWARE OF ANY CEO-RELATED CASES OR INFORMATION WHICH SHOULD HAVE BEEN BUT WERE NOT
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INCLUDED IN THE CERTIFICATION.

7. (C) POST COMMENT: AS NOTED (REF A), WE RECOMMEND IMMEDIATE INITIATION OF COUNTER-NARCOTICS MILITARY ASSISTANCE.

THE 24TH BRIGADE
=====

8. (C) THE UNIT: THE THIRD DIVISION'S 24TH BRIGADE IS HEADQUARTERED IN SANTA ANA, PUTUMAYO DEPARTMENT (JUST NORTH OF PUERTO ASIS). IT HAS FOUR BATTALIONS: INFANTRY BATTALION NO. 9 ("BATALLA DE BOYACA", BASED IN PASTO, NARINO DEPT.); MECHANIZED CAVALRY GROUP NO. 3 ("GENERAL JOSE MARI CABAL", BASED IN IPIALES, NARINO), COUNTERGUERRILLA BATTALION NO. 31 ("SEBASTIAN DE BELALCAZAR", BASED IN LA HORMIGA/VALLE DE GUAMES, PUTUMAYO), AND COUNTERGUERRILLA BATTALION NO. 48 ("HEROES DE TRINCHERAS", BASED IN SANTA ANA, PUTUMAYO). THE 24TH BRIGADE WAS ONLY FIRST ESTABLISHED IN JANUARY 1997, INCORPORATING AND/OR REFASHIONING UNITS PREVIOUSLY ASSIGNED TO OTHER BRIGADES AND THE SO-CALLED "PUTUMAYO SPECIFIED COMMAND." NAS-SUPPORTED DANTI TROOPS OCCUPY A SMALL INSTALLATION IN PUERTO ASIS. FOR THE FIRST TIME EVER,

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NAS-SUPPORTED FUMIGATION EFFORTS ARE EXPECTED TO GET UNDERWAY IN THIS BRIGADE'S AREA OF OPERATIONS IN MID-1998 (SEE REF F).

9. (C) THE CERTIFICATION: THE CERTIFICATION INCLUDES NOT A SINGLE CASE INVOLVING ALLEGED GROSS HUMAN RIGHTS VIOLATIONS COMMITTED BY PERSONS WHILE SERVING IN THE UNIT. IT DOES, HOWEVER, INCLUDE TWO CASES OF INDIVIDUALS CURRENTLY SERVING IN THE 24TH BRIGADE WHILE UNDER INVESTIGATION FOR GROSS ABUSES (TORTURE AND MURDER) ALLEGEDLY COMMITTED WHILE EARLIER SERVING IN OTHER UNITS. (THE CASES ARE NUMBERS 42 AND 43 ON CASE DOCUMENTATION FAXED TO ARA/AND, REF B.)

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10. (C) OTHER POST INFORMATION: POL/ECONCOUNS RECENTLY RETURNED FROM A TRIP TO PUERTO ASIS, WHERE HE MET WITH, INTER ALIA, THE CURRENT BRIGADE COMMANDER (REF D). COL. DIEGO GANTIVIA ARIAS, WHO HAS A MASTER'S DEGREE IN HUMAN RESOURCES FROM A U.S. UNIVERSITY, STRUCK POL/ECONCOUNS AS VERY-WELL VERSED, AND GENUINELY CONCERNED, IN HUMAN RIGHTS MATTERS. (THIS VIEW OF GANTIVIA WAS SHARED BY THE LOCAL REPRESENTATIVE OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS.) DESPITE THE PUBLIC ALLEGATIONS NOW FLOATING AROUND IN PUERTO ASIS THAT THE ARMY WAS INVOLVED IN TRANSPORTING PARAMILITARIES INTO TOWN VIA OFFICIAL HELICOPTER, POL/ECONCOUNS COULD FIND ABSOLUTELY NO CORROBORATION TO THAT RUMOR (INDEED, THE MAIN SOURCE CITED BY A NUMBER OF INTERLOCUTORS AS SUPPOSEDLY HAVING "SOLID PROOF" TO THAT EFFECT ADAMANTLY DENIED TO POL/ECONCOUNS THAT HE HAD SUCH PROOF OR EVEN BELIEVED THE RUMOR HIMSELF). THIS IS NOT TO SAY THAT THINGS ARE NOT DIFFICULT IN PUERTO ASIS: THE MARCH 3 BOGOTA PAPERS ANNOUNCED THAT ALL FOUR RESIDENT PROSECUTORS ("FISCALES") HAVE QUIT THEIR JOBS AND DEPARTED THE AREA DUE TO FEARS FOR THEIR SAFETY.

11. (C) POST COMMENT: AS NOTED REF A, WE RECOMMEND THAT POST BE

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	SP-00	SGHD-00	PMB-00	DSCC-00	DRL-04	SAS-00	/017W
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R 062320Z MAR 98
 FM AMEMBASSY BOGOTA
 TO SECSTATE WASHDC 1843
 INFO DEPT OF JUSTICE WASHDC
 SECDEF WASHDC
 USIA WASHDC 4001
 NSC WASHDC
 USCINCSO MIAMI FL
 DIRONDCP WASHDC
 CIA WASHDC
 DIA WASHDC
 FBI WASHDC
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 SECDEF WASHDC//OCDEPS//

NDIC JOHNSTOWN PA
DEA WASHDC

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STATE FOR ARA/AND, ARA/PPC, ARA/USOAS, INL, DRL, S/P, PM
 NSC FOR JAMES DOBBINS, TED PICONE, JEFF DELAURENTIS
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 ONDCP FOR JANET CRIST, BOB BROWN
 SOUTHCOM ALSO FOR POLAD
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 FBI FOR CID/IRS/IRU2
 USIA FOR AR, I/GAR

ORCON

E.O. 12958: DECL: 3/6/08
 TAGS: PHUM, SNAR, MASS, PREL, CO
 SUBJECT: COLOMBIA EUM: ANALYSIS OF SPECIFIC HUMAN RIGHTS CASES

AUTHORIZED TO PURSUE WITH THE MOD THE OFFER OF IMMEDIATE AID TO
 THE 24TH BRIGADE ONCE THE TWO INDIVIDUALS BEING INVESTIGATED FOR
 PAST GROSS VIOLATIONS OF HUMAN RIGHTS ARE TRANSFERRED TO NON-
 RECIPIENT UNITS.

3RD BRIGADE

=====
 12. (C) THE UNIT: THE 3RD BRIGADE (OF THE THIRD DIVISION) IS
 HEADQUARTERED IN CALI (VALLE DEL CAUCA DEPARTMENT). IT
 INCORPORATES 9 BATTALIONS (OR EQUIVALENTS): INFANTRY BATTALION
 NO. 7 ("GENERAL JOSE HILARIO LOPEZ," BASED IN POPAYAN, CAUCA);
 INFANTRY BATTALION NO. 8 ("BATALLA DE PICHINCHA", BASED IN CALI);
 ARTILLERY BATTALION NO. 3 ("BATALLA DE PALACE", BASED IN BUGA,
 VALLE); ENGINEERING BATTALION NO.3 ("CORONEL AGUSTIN CODAZZI",
 BASED IN PALMIRA, VALLE); MILITARY POLICE BATTALION NO. 3 ("GEN.
 EUSEBIO BORRERO ACOSTA", BASED IN CALI); COMBAT SERVICES AND
 SUPPORT (AKA, "A.S.P.C.") BATTALION NO. 3 ("POLICARPA
 SALAVARRIETA", BASED IN CALI); THE THIRD ZONE RECRUITMENT COMMAND

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(BASED IN CALI); COUNTERGUERRILLA BATTALION NO. 3 ("PRIMERO DE
NUMANCIA", BASED IN CALI); AND AN ANTI-KIDNAPPING/ANTI-EXTORTION
(AKA, "GAULA") GROUP (BASED IN POPAYAN).

13. (C) THE CERTIFICATION: INCLUDES ELEVEN OPEN CASES AGAINST
INDIVIDUALS FOR ALLEGED GROSS VIOLATIONS COMMITTED WHILE SERVING
IN THE 3RD BRIGADE (CASES 1-11, REF B). IT ALSO INCLUDES FOUR
CASES AGAINST CURRENT BRIGADE MEMBERS FOR ALLEGED VIOLATIONS
COMMITTED PRIOR TO SERVICE IN THE 3RD BRIGADE (CASES 34-37).
POST ALSO NOTES THAT TWO OF THESE LATTER CASES (CASES 35 AND 37)
RELATE TO A SIX-YEAR-OLD CASE OF KIDNAP/MURDER (I.E.,
"DISAPPEARANCE"), YET THE PROCURADURIA'S INVESTIGATION IS ONLY AT
THE STAGE OF HAVING FORMALLY NOTIFIED THOSE IMPLICATED THAT THEY
ARE UNDER INVESTIGATION. STILL, THERE APPEARS TO HAVE BEEN SOME
RECENT MOVEMENT IN THE CASE, AS THE FISCALIA FILED CRIMINAL
CHARGES AS RECENTLY AS DECEMBER 1997 AGAINST ONE PERSON
IMPLICATED.

14. (C) OTHER POST INFORMATION: ONE OF THE FIRST ELEVEN CASES
INVOLVING THE BRIGADE (NO. 11, REF B) INVOLVES A PARTICULARLY
NOTORIOUS INCIDENT: THE OCTOBER 1993 "RIO FRIO MASSACRE" BY
MEMBERS OF THE "PALACE" ARTILLERY BATTALION. THE 1993 ANNUAL
HUMAN RIGHTS REPORT STATES: "THE ARMED FORCES CONTINUED TO BE
RESPONSIBLE FOR EXTRAJUDICIAL KILLINGS, INCLUDING ONE REPORTED
MASSACRE. LT. COL. LUIS BECERRA WAS DISMISSED FROM THE ARMY AND
PLACED UNDER INVESTIGATION BY THE ATTORNEY GENERAL FOR HIS
ALLEGED ROLE IN THE OCTOBER MASSACRE OF 13 UNARMED PEASANTS IN
RIO FRIO BY A PARAMILITARY UNIT. UNIT MEMBERS ALSO RAPED SIX
WOMEN AMONG THE PEASANTS BEFORE KILLING THEM, AND THERE WERE
SIGNS OF TORTURE. AN ARMY UNIT UNDER BECERRA'S COMMAND WAS

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REPORTED TO HAVE PLACED WEAPONS ON THE PEASANTS AND DRESSED THEM
IN GUERRILLA-STYLE UNIFORMS AFTER THE MASSACRE."

15. (C) THE "RIO FRIO" CASE IS CURRENTLY AWAITING THE DECISION
OF THE MILITARY COURT CONVENED BY THE ARMY'S 3RD BRIGADE (AND
PRESIDED OVER BY THE BRIGADE'S CURRENT COMMANDER). WHEN THE CASE
WAS TRANSFERRED TO MILITARY COURTS, THE CHARGE AGAINST THE
SENIOR-MOST MILITARY OFFICERS WAS DOWNGRADED FROM "HOMICIDE WITH
TERRORIST ENDS" TO "OBSTRUCTION OF JUSTICE" ("ENCUBRIMIENTO").
THE 3RD BRIGADE CONVOKED A "CONSEJO VERBAL DE GUERRA" (PUBLIC
COURT HEARING) ON THE COVER-UP CHARGE, AND CLEARED THE MEN.
THOSE DETAINED WERE RELEASED FROM CUSTODY.

16. (C) IN JANUARY 1997 THE TRIBUNAL SUPERIOR MILITAR OVERRULED
THE ORIGINAL DECISION BY THE 3RD BRIGADE COMMANDER, AND ORDERED
LT. COL. BECERRA BOHORQUEZ AND MAJ. DELGADO RETRIED FOR HAVING
FILED FALSE STATEMENTS AND ORDERED THEY BE INVESTIGATED FOR
HAVING BEEN PAID (BY NARCOTICS TRAFFICKERS) TO COMMIT THE
KILLINGS. NONETHELESS, THE CURRENT CHARGE OF "COVER-UP" IS ALL
THAT STANDS, AS THE MILITARY COURTS ARGUE (PERVERSELY, IN OUR
OPINION), THAT BECERRA BOHORQUEZ CANNOT BE TRIED FOR HOMICIDE
UNTIL IT HAS BEEN PROVEN THAT HE CONSPIRED WITH THE MATERIAL

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FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC 1844
INFO DEPT OF JUSTICE WASHDC
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SECDEF WASHDC//OCDEPS//

NDIC JOHNSTOWN PA
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STATE FOR ARA/AND, ARA/PPC, ARA/USOAS, INL, DRL, S/P, PM
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ORCON

E.O. 12958: DECL: 3/6/08
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AUTHORS OF THAT HOMICIDE. (BUT THE MILITARY COURTS HAVE ALSO FAILED TO PURSUE CONSPIRACY CHARGES AGAINST BECERRA BOHORQUEZ.) THE FAMILIES OF "RIO FRIO" VICTIMS HAVE ALSO FILED A CIVIL SUIT, SEEKING DAMAGES FROM THE GOVERNMENT. THAT SUIT, WE BELIEVE, IS STILL PENDING.

B1

17. (C) THE INFAMY OF THE "RIO FRIO" CASE IS SUCH THAT FOUR BOGOTA-BASED HUMAN RIGHTS GROUPS BANDED TOGETHER, UNDER THE DIRECTION OF THE CATHOLIC CHURCH, AND UNDERTOOK THEIR OWN INVESTIGATION OF THE CASE. THE RESULTS OF THEIR INVESTIGATION WERE PUBLISHED IN A DUAL SPANISH-ENGLISH LANGUAGE BOOK (A TRUE RARITY HERE). THAT REPORT CONCLUDES THAT THE OPERATION "WAS DESIGNED AND PLANNED IN THE PALACE BATTALION UNDER THE COMMAND OF LT. COL. LUIS FELIPE BECERRA BOHORQUEZ (I.E., THE BATTALION COMMANDER), WITH THE EXPLICIT KNOWLEDGE OF HIS IMMEDIATE SUPERIORS IN THE ARMY'S 3RD BRIGADE, BRIG. GEN. RAFAEL HERNANDEZ LOPEZ, AND 3RD DIVISION, (MAJOR) GENERAL JESUS MARIA VERGARA."

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(NOTE: GENERAL VERGARA LEFT ACTIVE DUTY IN JANUARY 1997)

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MAJOR GENERAL HERNANDEZ LOPEZ CURRENTLY SERVES AS INSPECTOR GENERAL OF THE MILITARY FORCES. END NOTE.) MEMBERS OF THE POLICE, AS WELL AS SEVERAL CIVILIANS WORKING FOR A MAJOR CALI-BASED NARCOTRAFFICKER (AKA, "BANANAS"), ARE ALSO BELIEVED TO HAVE

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PARTICIPATED IN THE KILLINGS AND THE SUBSEQUENT ATTEMPT TO COVER IT UP. (THEY CLAIMED, FOR EXAMPLE, THAT THE TWO PEASANT FAMILIES, INCLUDING 60- AND 75-YEAR-OLD GRANDFATHERS AND THEIR WIVES, WERE ACTUALLY ARMED ELN GUERRILLAS KILLED IN COMBAT.)

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(SEE FOLLOWING PARAS)

18. (C) IT ALSO TURNS OUT THAT BECERRA HAD BEEN DENOUNCED FOR TORTURE IN 1979, AS WELL AS IMPLICATED IN THE 1988 "LA NEGRA" AND "HONDURAS" MASSACRES OF 20 BANANA WORKERS IN THE URABA REGION OF ANTIOQUIA (SEE 1988 ANNUAL HUMAN RIGHTS REPORT, AS WELL AS VARIOUS AMNESTY INTERNATIONAL AND HUMAN RIGHTS WATCH REPORTS COVERING THAT PERIOD). IN THE 1988 CASE, THEN-MAJOR BECERRA USED HIS PERSONAL CREDIT CARD TO PAY THE HOTEL BILL OF THE PARAMILITARIES FLOWN IN FROM THE MAGDALENA MEDIO TO PERFORM THE KILLINGS. (THE HEAD OF THAT PARAMILITARY GROUP, LUIS ALFREDO RUBIO ROJAS, A FORMER MAYOR OF PUERTO BOYACA AND LONG-TIME ENFORCER FOR NARCOTRAFFICKER GONZALO RODRIGUEZ GACHA, WAS ONLY RECAPTURED THIS PAST APRIL -- SEE 1997 HUMAN RIGHTS REPORT.)

19. (C) AS THE CASE AGAINST BECERRA BOHORQUEZ PROCEEDED, THE FIRST PUBLIC ORDER JUDGE FLED THE COUNTRY AFTER THREATS ON HER
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LIFE, ONLY TO HAVE HER FATHER KILLED. AFTER THE NEXT PUBLIC ORDER JUDGE ASSIGNED TO THE CASE WAS ALSO KILLED, THE LA NEGRA/HONDURAS CASE AGAINST BECERRA WAS TRANSFERRED TO THE MILITARY COURTS. (NOTE: BECAUSE THEY WERE NOT MEMBERS OF THE MILITARY, THE CASES AGAINST BECERRA'S PARAMILITARY CO-INDICTEES (INCLUDING FIDEL CASTANO, THE FOUNDER OF THE "ACCU" PARAMILITARIES,) WERE MAINTAINED IN THE CIVILIAN COURTS. CASTANO WAS CONVICTED IN ABSENTIA AND SENTENCED TO A LONG PRISON TERM (NEVER SERVED AND NOW BELIEVED TO BE DEAD). END NOTE).

20. (C) BECERRA, EVEN WHILE UNDER INDICTMENT HERE FOR THE LA NEGRA/HONDURAS MASSACRE, WAS SENT TO FT. BENNING, GEORGIA, FOR

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U.S. MILITARY TRAINING (ALTHOUGH IT IS NOT CLEAR WHETHER HE ACTUALLY UNDERTOOK THE TRAINING ONCE HE GOT TO THE STATES). UPON HIS RETURN TO COLOMBIA, BECERRA WAS ABSOLVED ENTIRELY BY THE MILITARY COURT SYSTEM, PROMOTED TO LT. COL. AND GIVEN COMMAND OF THE PALACE BATTALION -- WHICH SUBSEQUENTLY COMMITTED THE RIO FRIO MASSACRE.

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21. (C) THE "RIO FRIO" CASE IS ALSO ONE OF THE CASES OF "IMPUNITY" HIGHLIGHTED BY AMNESTY INTERNATIONAL IN ITS 1994 PUBLICATION, "COLOMBIA POLITICAL VIOLENCE: MYTH AND REALITY".

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INFO DEPT OF JUSTICE WASHDC
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STATE FOR ARA/AND, ARA/PPC, ARA/USOAS, INL, DRL, S/P, PM
NSC FOR JAMES DOBBINS, TED PICONE, JEFF DELAURENTIS
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ONDCP FOR JANET CRIST, BOB BROWN
SOUTHCOM ALSO FOR POLAD
DEA FOR OF, OFL, OC, AX
JUSTICE FOR CRIM. WARREN, RICHARD AND NDDS/VAN VLIET
FBI FOR CID/IRS/IRU2
USIA FOR AR, I/GAR

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TAGS: PHUM, SNAR, MASS, PREL, CO
SUBJECT: COLOMBIA EUM: ANALYSIS OF SPECIFIC HUMAN RIGHTS CASES

(SIXTEEN OF THESE CASES BECAME THE BASIS FOR A CONTINUING EXCHANGE BETWEEN THE EMBASSY AND THE MOD ON THE ISSUE OF IMPUNITY (SEE REF E; RIO FRIO IS "AI CASE" NO. 15). AS REF B NOTES, SIX MILITARY PERSONNEL (INCLUDING MAJ. GEN. RAFAEL HERNANDEZ LOPEZ, THE CURRENT INSPECTOR GENERAL OF THE MILITARY FORCES), PLUS A

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POLICE OFFICER, ARE STILL UNDER INVESTIGATION BY THE PROCURADURIA FOR THIS INCIDENT. THE MOST THE PROCURADURIA CAN NOW DO TO BECERRA, HOWEVER, SINCE HE LEFT THE ARMY SHORTLY AETER THE "RIO FRIO" INCIDENT, IS A "SYMBOLIC" FINDING OF GUILT.

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22. (C) THE FISCALIA CONFIRMED MARCH 4 THAT IT HAS NO SEPARATE CASE PENDING AGAINST BECERRA BOHORQUEZ, SINCE HE WAS ACQUITTED BY MILITARY COURTS IN THE LA NEGRA/HONDURAS CASE, AND SINCE IT ALSO
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LOST JURISDICTION OF THE "RIO FRIO" CASE TO THE 3RD BRIGADE. THIS CASE IS LIKELY TO BE ONE OF THOSE UNDER CONSIDERATION DURING THE CURRENT SESSION OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS IN WASHINGTON.

23. (C) THREE OTHERS OF THE AMNESTY INTERNATIONAL "IMPUNITY" CASES ALSO INVOLVE THEN-MEMBERS OF THE 3RD BRIGADE. PER REF E, "AI CASE 2" INVOLVES THE SEPTEMBER 1990 KILLING IN SANTA CRUZ, NARINO, OF FOUR INDIVIDUALS, INCLUDING A SWISS NUN (HILDEGARD MARIA FELDMAN). ACCORDING TO MOD INFORMATION PROVIDED TO POST (REF E), A LIEUTENANT AND A SERGEANT WERE DISMISSED FROM ACTIVE DUTY AS PUNISHMENT. SIXTEEN MEMBERS OF THE 3RD MECHANIZED CAVALRY BATTALION WERE INVESTIGATED BY THE BRIGADE'S PROSECUTORS AND COMMANDER; THE LATTER DISMISSED THE CHARGES ON 17 MAY 1991 AND DECLINED TO CONVOKE A CONSEJO VERBAL DE GUERRA. (NOTE: UNTIL MID-1991, THE 3RD BRIGADE COMMANDER WAS BRIG. GEN. MANUEL JOSE BONETT, NOW COMMANDING GENERAL OF MILITARY FORCES. END NOTE.) THIS DECISION WAS CONFIRMED TWO MONTHS LATER BY THE TRIBUNAL SUPERIOR MILITAR.

24. (C) AT THE TIME, THE PROCURADURIA'S DELEGATE FOR MILITARY FORCES (ATTACHED TO THE BRIGADE) SIMILARLY ABSOLVED THE MILITARY PERSONNEL. BUT IN LATE 1995 THAT DECISION WAS REVOKED BY THE PROCURADURIA, WHICH SOUGHT AND OBTAINED THE DISMISSAL FROM ACTIVE

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DUTY OF A LIEUTENANT AND A SERGEANT -- NEITHER OF WHOM HAD BEEN AMONG THE SIXTEEN PERSONS PREVIOUSLY CLEARED BY THE MILITARY COURTS.

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25. (C) THE FELDMAN CASE ALSO WAS SUBMITTED TO THE OAS INTER-AMERICAN HUMAN RIGHTS COMMISSION, WHICH, IN REPORT 15/95, RULED AGAINST THE GOVERNMENT OF COLOMBIA AND RECOMMENDED COMPENSATION
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BE PAID TO THE ESTATES OF THE DECEASED. IN PART BECAUSE OF THIS CASE, "LAW 288" WAS PASSED IN 1996; FOR THE FIRST TIME IN COLOMBIA, THAT LAW PROVIDES FOR GOC COMPENSATION TO VICTIMS OF HUMAN RIGHTS VIOLATIONS. A CIVIL SUIT WAS FILED SEEKING RECOMPENSE, AND THE GOC ORDERED PAYMENT IN 1996. THE BOTTOM LINE IN THIS CASE: THE MILITARY REFUSED TO PURSUE CASES AGAINST ALL IMPLICATED; THE OAS RULED AGAINST THE GOVERNMENT AND ARMY'S VERSION OF EVENTS; TWO ARMY PERSONNEL LOST THEIR JOBS; THE ESTATES HAVE PROBABLY BEEN PAID SOME RECOMPENSE; AND, THERE HAS BEEN NO MURDER TRIAL, CIVILIAN OR MILITARY. THE CASE DOES NOT APPEAR IN THE MOD CERTIFICATION BECAUSE GOC AUTHORITIES CONSIDER IT CLOSED.

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26. (C) TWO OTHER AI CASES INVOLVING THE 3RD BRIGADE DO NOT APPEAR IN THE MOD CERTIFICATION, ALTHOUGH WE BELIEVE THERE ARE STILL ONGOING INVESTIGATIONS RELATED TO THEM. "AI CASE 12" INVOLVES THE "NUMANCIA" BATTALION AND KILLINGS WHICH OCCURRED IN PATIA, CAUCA, ON 19 MARCH 1992. MILITARY COURTS ABSOLVED THOSE SIX IMPLICATED OF HOMICIDE AND OTHER CHARGES, RULING THAT ARMED INSURGENTS WERE RESPONSIBLE FOR THE DEATHS. REF E NOTED, HOWEVER, THAT A SEPARATE INVESTIGATION BY THE PROCURADURIA FOR MILITARY FORCES WAS STILL ONGOING (AS OF DEC 96). WE ARE SEEKING

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STATE FOR ARA/AND, ARA/PPC, ARA/USOAS, INL, DRL, S/P, PM
NSC FOR JAMES DOBBINS, TED PICONE, JEFF DELAURENTIS
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ONDCP FOR JANET CRIST, BOB BROWN
SOUTHCOM ALSO FOR POLAD
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JUSTICE FOR CRIM. WARREN, RICHARD AND NDDS/VAN VLIET
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TO CONFIRM THE STATUS OF THIS INVESTIGATION.

27. (C) THE FINAL AI CASE NOT MENTIONED BY THE MOD CERTIFICATION IS ONE THAT POST IS CERTAIN SHOULD HAVE BEEN INCLUDED: THE "LOS UVOS MASSACRE." IN CAUCA DEPARTMENT ON 7 APRIL 1991, SEVENTEEN UNARMED PEASANTS WERE PULLED FROM A PUBLIC BUS AND KILLED BY MEMBERS OF THE 3RD BRIGADE'S JOSE HILARIO LOPEZ BATTALION -- WHICH INITIALLY CLAIMED THAT GUERRILLAS WERE RESPONSIBLE FOR THE KILLINGS. (INDEED, THE BATTALION COMMANDER SUED A COLOMBIAN HUMAN RIGHTS GROUP FOR SLANDER WHEN IT PUBLICLY ASSERTED THAT THE BATTALION HAD COMMITTED THE MASSACRE.) THE PROCURADURIA (WHICH, AT MOST, CAN APPLY ADMINISTRATIVE SANCTIONS AND REFER A CASE TO THE FISCALIA FOR CRIMINAL PROSECUTION) OPENED DISCIPLINARY PROCEEDINGS AGAINST EIGHT BATTALION MEMBERS IN MAY 1993. THE BATTALION COMMANDER AND HIS DEPUTY/OPERATIONS OFFICER WERE CHARGED, INTER ALIA, WITH PROVIDING THE WEAPONS AND AMMUNITION FOR THE ATTACK AS WELL AS SUBSEQUENTLY COVERING UP THE ACTIONS OF THEIR SUBORDINATES. IN 1994, THE PROCURADURIA OBTAINED THE

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RETIREMENT OF THREE ENLISTED PERSONNEL FROM ACTIVE DUTY, SUSPENDED A MAJOR FOR TEN DAYS AND A CAPTAIN FOR FIFTEEN DAYS, AND PLACED FORMAL LETTERS IN THE PERSONNEL FILES OF THREE OTHERS (INCLUDING THE BATTALION COMMANDER AND DEPUTY COMMANDER).

28. (C) AMIDST A CONTINUING SERIES OF CONFLICT OF JURISDICTION CHALLENGES FILED BY THE 3RD BRIGADE, THE FISCALIA ISSUED NUMEROUS CRIMINAL INDICTMENTS AGAINST THE BATTALION COMMANDER, TEN OF HIS MEN, AND TWO CIVILIANS, FOR THEIR ACTIONS IN THE LOS UVOS MASSACRE. IN A RARITY, DISCIPLINARY CHARGES FOR MISCARRIAGE OF JUSTICE WERE FILED AGAINST THE 3RD BRIGADE COMMANDER, BRIG. GEN. VICTOR AREVALO PINILLA; THE BRIGADES' MILITARY PROSECUTOR, ANTONIO JOSE BOLIVAR CARDON; AND THE 19TH JUDGE OF MILITARY PENAL INSTRUCTION, MAJOR ALVARO OCHOA BARRERA. ON 20 FEBRUARY 1995, THEN-MINISTER OF DEFENSE FERNANDO BOTERO SANCTIONED THE TWO LOWER-RANKING OFFICIALS: TEN DAYS WITHOUT PAY. ON 3 AUGUST 1995, PRESIDENT SAMPER FORMALLY PASSED SENTENCE ON THE GENERAL: FIVE DAYS WITHOUT PAY.

29. (C) ON 7 SEPTEMBER 1995, THE INTER-AMERICAN COMMISSION FOR HUMAN RIGHTS SIGNED AN AGREEMENT WITH THE GOC AND VARIOUS PETITIONERS TO ESTABLISH THE "COMITE DE IMPULSO PARA LA ADMINISTRACION DE JUSTICIA EN LOS CASOS DE LOS UVOS, CALOTO Y VILLATINA". MEETING IN D.C. IN FEBRUARY 1996, THE IACHR MEMBERS, IN SEARCH OF AN AMICABLE SOLUTION, CREATED A SECOND COMMISSION TO FULFILL THE RECOMMENDATIONS ISSUED BY THE COMITE DE IMPULSO. IN OCTOBER 1996, THE HIGHER JUDICIAL COUNCIL ANNULLED THE FISCALIA CASES AGAINST THE BATTALION COMMANDER AND DEPUTY COMMANDER, AND TRANSFERRED THEM BACK TO THE 3RD BRIGADE. (IT IS POSSIBLE THAT SOME CASES AGAINST CERTAIN LOWER-LEVEL MILITARY PERSONNEL MAY HAVE REMAINED WITH THE FISCALIA, BUT NO ONE SEEMS TO KNOW FOR

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SURE.) A CIVIL SUIT WAS ALSO FILED.

30. (C) JUST THIS PAST WEEK, ON FEBRUARY 28, 1998, A MILITARY COURT OF FIRST INSTANCE ("CONSEJO VERBAL DE GUERRA"), PRESIDED OVER BY BRIG. GEN. JAIME ERNESTO CANAL, CURRENT COMMANDER OF THE 3RD BRIGADE, ABSOLVED THE TWO SENIOR MOST INDICTEES (LT. COL. PABLO ALFONSO BRICENO LOBRERA, THEN-COMMANDER OF THE BATTALION, AND LT. COL. CESAR AUGUSTO SAAVEDRA PADILLA, THEN-BATTALION OPERATIONS OFFICER), OF ANY CULPABILITY IN THE SLAUGHTER. THE TWO OFFICERS WERE ALSO CLEARED OF THE CHARGES OF COVERUP. THE MILITARY COURT THREW OUT SEVERAL LESSER CHARGES AGAINST THE MILITARY COMMANDERS AS WELL, GIVEN THAT THE STATUTE OF LIMITATIONS HAD RUN OUT BEFORE THE COURT HAD REACHED A DECISION.

31. (C) THE MILITARY COURT NONETHELESS DID SENTENCE SEVERAL ENLISTED PERSONNEL TO LONG PRISON TERMS (TWO TO SERVE 27 YEARS, AND ONE TO SERVE 18 YEARS). THE ONLY ARMY OFFICER CONVICTED IN RELATION TO THESE CRIMES, LT. JOSE EDILBERTO CORTES VALERO, WAS SENTENCED TO 28 YEARS IN PRISON. CORTES VALERO WAS CONVICTED IN ABSENTIA, HOWEVER, SINCE HE FLED MILITARY CUSTODY SOME TIME AGO; HIS CURRENT WHEREABOUTS ARE UNKNOWN. POST ALSO NOTES THAT THIS DECISION BY THE 3RD BRIGADE'S MILITARY TRIBUNAL -- CLEARING THE

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	SP-00	SGHD-00	PMB-00	DSCC-00	DRL-04	SAS-00	/017W

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R 062320Z MAR 98
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INFO DEPT OF JUSTICE WASHDC
SECDEF WASHDC
USIA WASHDC 4005
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DIRNSA FT GEORGE G MEADE MD
SECDEF WASHDC//OCDEPS//

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DEA WASHDC

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STATE FOR ARA/AND, ARA/PPC, ARA/USOAS, INL, DRL, S/P, PM
NSC FOR JAMES DOBBINS, TED PICONE, JEFF DELAURENTIS
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ONDCP FOR JANET CRIST, BOB BROWN
SOUTHCOM ALSO FOR POLAD
DEA FOR OF, OFL, OC, AX
JUSTICE FOR CRIM. WARREN, RICHARD AND NDDS/VAN VLIET
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COMMANDERS INVOLVED WHILE INCULPATING LOW-RANKING PERSONNEL -- COMES SEVEN MONTHS AFTER THE CONSTITUTIONAL COURT RULED THAT ALL CASES OF HUMAN RIGHTS ABUSE MUST BE TRIED IN CIVILIAN, NOT MILITARY, COURTS. THIS CASE IS UNDOUBTEDLY ONE OF THOSE UNDER CONSIDERATION DURING THE ONGOING SESSION OF THE IACHR IN WASHINGTON.

32. (C) THERE IS ONE LAST CASE RELATED TO THE 3RD BRIGADE OF WHICH THE DEPARTMENT SHOULD BE AWARE: "THE TRUJILLO MASSACRE" (AKA, "TRUJILLO I" OR "OAS CASE 11,007" TO DIFFERENTIATE IT FROM THE SUBSEQUENT "TRUJILLO II" MASSACRE). A LANDMARK OF BOTH COLOMBIAN AND OAS JURISPRUDENCE, THE TRUJILLO CASE ACTUALLY INVOLVES A SERIES OF INCIDENTS FOLLOWING A 29 MARCH 1990 ELN ATTACK ON AN ARMY PATROL IN TRUJILLO, VALLE DEPARTMENT. SOME FIFTY PERSONS WERE KILLED DURING A THREE-WEEK PERIOD. SOME OF THEM, INCLUDING THE LOCAL JESUIT PRIEST, WERE TORTURED AND CHAIN-SAWED TO DEATH BY MILITARY, POLICE AND PARAMILITARY PERSONNEL ON A FARM BELONGING TO A NATIONAL-LEVEL NARCOTRAFFICKER, DIEGO

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34. (C) A SPECIAL INTER-INSTITUTIONAL COMMISSION WAS SET UP UNDER THE AUSPICES OF THE INTER-AMERICAN HUMAN RIGHTS COMMISSION TO INVESTIGATE THE CASE. IN ITS JANUARY 1995 FINAL REPORT, THE "TRUJILLO COMMISSION" DETERMINED THAT "THE COLOMBIAN STATE IS RESPONSIBLE FOR THE ACTS OF OMISSION OR COMMISSION OF PUBLIC SERVANTS IN THE VIOLENT ACTS WHICH OCCURRED AT TRUJILLO", INCLUDING "THE DIRECT PARTICIPATION" OF ARMY MAJOR ALIRIO ANTONIO URUENA JARAMILLO, THEN SERVING AS S-3 (OPERATIONS) OFFICER OF THE 3RD BRIGADE'S "BATALLA DE PALACE" BATTALION.

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35. (C) IN ORDER TO AVOID INTERNATIONAL CONDEMNATION, AND FOR THE FIRST TIME, THE COLOMBIAN GOVERNMENT ACCEPTED RESPONSIBILITY FOR A MASSACRE. PRESIDENT SAMPER PROMISED TO FULFILL ALL THE RECOMMENDATIONS OF THE OAS, INCLUDING: PROSECUTE AND PUNISH THOSE RESPONSIBLE; REVOKE THE WHITEWASHED FINDINGS OF THE ATTORNEY GENERAL'S DELEGATE FOR HUMAN RIGHTS; PURSUE CRIMINAL TRIALS AGAINST THOSE 3RD BRIGADE AND JUDICIAL AUTHORITIES WHO HAD PERVERTED THE INITIAL INVESTIGATIONS; AND, PROVIDE RECOMPENSE TO THE FAMILIES OF THE VICTIMS.

36. (C) THE ONLY ARMY OFFICER INDISPUTABLY IMPLICATED BY THE OAS COMMISSION AS A DIRECT PARTICIPANT IN THE CHAIN-SAW MASSACRE WAS ARMY MAJOR ALIRIO ANTONIO URUENA. (OTHERS WERE IMPLICATED IN VARIOUS EXTRA-JUDICIAL EXECUTIONS.) DESPITE THE FINDINGS OF THE TRUJILLO COMMISSION, MAJOR URUENA WAS FORMALLY ABSOLVED BY THE 3RD BRIGADE'S OWN MILITARY COURT OF ANY INVOLVEMENT IN THE MASSACRE. (NOTE: THIS OCCURRED AFTER A KEY WITNESS, A CIVILIAN GUIDE/INFORMANT FOR THE ARMY AGAINST THE GUERRILLAS, WAS HIMSELF MURDERED AFTER HE AGREED TO TESTIFY AGAINST OTHER PARTICIPANTS IN

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 THE MASSACRE. END NOTE.) POST IS NOT AWARE OF ANY CRIMINAL OR DISCIPLINARY PROCEEDINGS EVER ACTUALLY UNDERTAKEN (MUCH LESS CONCLUDED) -- AS RECOMMENDED BY THE COMMISSION -- AGAINST THE BRIGADE'S MILITARY PROSECUTOR ("JUEZ NUMERO 16 DE INSTRUCCION PENAL MILITAR") OR AGAINST THE BRIGADE'S MILITARY JUDGE OF FIRST INSTANCE: I.E., THE BRIGADE'S THEN-COMMANDER, BRIG. GEN. MANUEL JOSE BONETT LOCARNO. BONETT, OF COURSE, SERVES TODAY AS THE COMMANDING GENERAL OF THE MILITARY FORCES.

37. (C) THE TRUJILLO CASE WAS NOT MENTIONED IN THE MOD CERTIFICATION, PRESUMABLY BECAUSE THE GOC CONSIDERS THE CASE CLOSED, ALTHOUGH POST RECOMMENDS DEPARTMENT CHECK WITH THE OAS ON THE STATUS OF THE CASE BEFORE THE IACHR. THE CURRENT STATUS OF GOVERNMENT COMMITMENTS IN THE CASE IS ALSO THE SUBJECT OF AN INVESTIGATION BY THE BOGOTA OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS, WHICH IS LIKELY TO INCLUDE THE CASE IN ITS FORTHCOMING REPORT TO THE UNITED NATIONS.

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7TH BRIGADE

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38. (C) THE UNIT: THE 7TH BRIGADE (OF THE FOURTH DIVISION) IS
HEADQUARTERED IN VILLAVICENCIO, META. THE BRIGADE INCORPORATES

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STATE FOR ARA/AND, ARA/PPC, ARA/USOAS, INL, DRL, S/P, PM
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FBI FOR CID/IRS/IRU2
USIA FOR AR, I/GAR

ORCON

E.O. 12958: DECL: 3/6/08
TAGS: PHUM, SNAR, MASS, PREL, CO
SUBJECT: COLOMBIA EUM: ANALYSIS OF SPECIFIC HUMAN RIGHTS CASES

SEVEN BATTALIONS: AIRMOBILE INFANTRY BATTALION NO. 19 ("GENERAL JOAQUIN PARIS," BASED IN SAN JOSE DEL GUAVIARE); INFANTRY BATTALION NO. 20 ("GENERAL ROERGAS SERVIEZ," BASED IN APIAY, META); AIRBORNE INFANTRY BATTALION NO. 21 ("BATALLON PANTANO DE VARGAS," BASED IN GRANADA, META); AIRBORNE ENGINEERING BATTALION NO. 7 ("GENERAL CARLOS ALBAN," BASED IN APIAY); COMBAT SERVICES AND SUPPORT BATTALION NO. 7 ("ANTONIA SANTOS," BASED IN VILLAVICENCIO), COUNTERGUERRILLA BATTALION NO. 7 ("HEROES DE ARAUCA," BASED IN VILLAVICENCIO); AS WELL AS AN ANTI-

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KIDNAPPING/ANTI-EXTORTION "GAULA" GROUP AND THE 7TH RECRUITMENT ZONE COMMAND (BOTH BASED IN VILLAVICENCIO).

39. (C) THE CERTIFICATION: THE MOD'S CERTIFICATION DETAILED SIX CASES OF OPEN HUMAN RIGHTS CASES AGAINST PERSONS FOR ACTS ALLEGEDLY COMMITTED WHILE SERVING IN THE 7TH BRIGADE (CASES 12-17, REF B), AS WELL AS ONE OTHER (CASE 38, REF B) FOR ACTS COMMITTED PRIOR TO CURRENT SERVICE IN THE 7TH BRIGADE. CHIEF AMONG THE CASES INVOLVING BRIGADE MEMBERS IS THE JULY 1997

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 MAPIRIPAN MASSACRE (CASE 15, REF B). THE OLDEST OF THE CASES (NO. 16) INVOLVES A 1992 CASE OF TORTURE AND HOMICIDE; YET THE CASE IS ONLY AT THE POINT OF THE ACCUSED HAVING BEEN INFORMED THAT HE IS UNDER INVESTIGATION BY THE PROCURADURIA.

40. (C) OTHER POST INFORMATION: RE MAPIRIPAN: WHEN THE PROCURADURIA'S DISCIPLINARY INVESTIGATION WAS FIRST ANNOUNCED, IT WAS STATED THAT FOUR MILITARY OFFICERS, ALONG WITH FIVE CIVILIAN OFFICIALS, WERE BEING INVESTIGATED. IT IS NOT CLEAR WHY THE PROCURADURIA INFORMATION (CASE NO. 15, REF B) NOW INDICATES THAT ONLY TWO MILITARY PERSONNEL ARE BEING INVESTIGATED (FYI: THE TWO ARE BRIG. GEN. USCATEGUI, THEN-COMMANDER OF THE 7TH BRIGADE (NOW REASSIGNED AS CHIEF OF ARMY OPERATIONS), AND MAJOR OROZCO, THEN-ACTING COMMANDER OF THE BRIGADE'S JOAQUIN PARIS BATTALION AT SAN JOSE DEL GUAVIARE. ANOTHER GENERAL OFFICER ORIGINALLY UNDER INVESTIGATION WAS 4TH DIVISION COMMANDER MAJOR GENERAL AGUSTIN ARDILA (USCATEGUI'S BOSS), WHO RETIRED FROM THE ARMY AFTER HE WAS REASSIGNED FOLLOWING THE OPENING OF THE INVESTIGATION.)

41. (C) IN ADDITION TO THE PROCURADURIA INVESTIGATION, THE FISCALIA HAS OPENED A CRIMINAL INVESTIGATION. SINCE THE FISCALIA HAS NOT FORMALLY INDICTED ANY PARTICULAR INDIVIDUALS YET, THERE IS NO FORMAL, PUBLIC LINKING OF THAT INVESTIGATION TO PARTICULAR MEMBERS OF THE 7TH BRIGADE (OR TO BRIM2, SEE BELOW) -- EVEN THOUGH THAT IS WHERE FISCALIA INVESTIGATORS PRIVATELY TELL US THEIR LEADS ARE DIRECTING THEM. AS SUCH, IT MAKES PERFECT SENSE THAT THE FISCALIA'S INVESTIGATION IS NOT INCLUDED AMONG THE CASES IN THE MOD'S CERTIFICATION. POST IS ENDEAVORING TO OBTAIN

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INFORMATION ON THE INTERNAL INVESTIGATIONS UNDERTAKEN BY THE POLICE, THE AIR FORCE AND THE ARMY AND DETERMINE WHEN THAT INFORMATION IS TO BE SHARED WITH THE PROCURADURIA AND FISCALIA --
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WHICH HAS NOT YET OCCURRED, MORE THAN SEVEN MONTHS AFTER THE MASSACRE.

42. (C) FURTHERMORE, AS NOTED BELOW (UNDER BRIM2), THE 7TH BRIGADE OFFICER IN CHARGE OF THE ARMY COMPANY AT THE TIME OF THE OCTOBER 1997 MIRAFLORES INCIDENT WAS "ON LEAVE," ONLY TO BE REPLACED (BY HIS OWN ACCOUNTING) BY LT. COL. SANCHEZ OF THE BRIM2 -- A MOST IRREGULAR VIOLATION OF MILITARY CHAIN OF COMMAND. LT. COL. SANCHEZ HAS ALSO BEEN IMPLICATED SEPARATELY BY THE POLICE AS POSSIBLY HAVING BEEN INVOLVED IN FACILITATING THE PARAMILITARY ARRIVAL AT SAN JOSE DEL GUAVIARE, EN ROUTE TO MAPIRIPAN. IT IS OUR UNDERSTANDING THAT IN JANUARY LT. COL. SANCHEZ ROTATED TO HIS NEXT ASSIGNMENT, AND NOW SERVES WITHIN THE MOD SECRETARIAT IN BOGOTA.

12TH BRIGADE

=====

43. (C) THE UNIT: THE FOURTH DIVISION'S 12TH BRIGADE IS HEADQUARTERED IN FLORENCIA, CAQUETA DEPARTMENT. THE BRIGADE INCORPORATES SEVEN BATTALIONS: JUNGLE INFANTRY BATTALION NO. 34 ("JUANAMBU", BASED IN FLORENCIA); JUNGLE INFANTRY BATTALION NO. 35 ("HEROES DEL GUEPI", BASED IN LARANDIA, CAQUETA); MOUNTAIN

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FBI FOR CID/IRS/IRU2
USIA FOR AR, I/GAR

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TAGS: PHUM, SNAR, MASS, PREL, CO
SUBJECT: COLOMBIA EUM: ANALYSIS OF SPECIFIC HUMAN RIGHTS CASES

INFANTRY BATTALION NO. 36 ("CAZADORES", BASED IN SAN VICENTE DEL CAGUAN, CAQUETA); ENGINEERING BATTALION NO. 12 ("GENERAL LIBORIO MEJIA", BASED IN VENECIA, ANTIOQUIA); COMBAT SERVICES AND SUPPORT BATTALION NO. 12 ("GENERAL FERNANDO SERRANO", BASED IN FLORENCIA); COUNTERGUERRILLA BATTALION NO. 12 ("CHAIRA", BASED IN FLORENCIA); AND AN ANTI-KIDNAPPING/ANTI-EXTORTION "GAULA" GROUP (BASED IN FLORENCIA).

44. (C) THE CERTIFICATION: CONTAINED SEVEN CASES (REF B, NOS. 18-24) AGAINST PERSONS FOR CRIMES ALLEGED TO HAVE OCCURRED WHILE SERVING IN THE BRIGADE AND THREE ADDITIONAL CASES (NOS. 39-41) AGAINST CURRENT BRIGADE MEMBERS FOR OFFENSES COMMITTED PRIOR TO SERVICE IN THE BRIGADE. THE OLDEST OF THE CASES (NO. 18) DATES FROM 1992 BUT IS ACTUALLY QUITE ADVANCED: THE ACCUSED PARTY (A COLONEL) IS CURRENTLY APPEALING THE PROCURADURIA'S PAST FINDING OF GUILT AND ADMINISTRATIVE PUNISHMENT (THE PUNISHMENT IS NOT KNOWN TO US).

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45. (S/ORCON/NOFORN/WNINTEL) OTHER POST INFORMATION: ORA HAS PREVIOUSLY REPORTED INFORMATION THAT BRIG. GEN. GABRIEL CONTRERAS AGREED TO SHARE ARMY INTELLIGENCE WITH PARAMILITARIES WHILE HE SERVED AS THE BRIGADE'S COMMANDER IN 1997 (HE HAS SINCE BEEN REASSIGNED TO THE 2ND BRIGADE, BARRANQUILLA). WE ARE NOT AWARE, HOWEVER, OF ANY CONCRETE, CREDIBLE INFORMATION THAT CONTRERAS PERSONALLY COMMITTED, OR ORDERED THE COMMISSION OF, GROSS VIOLATIONS OF HUMAN RIGHTS. THAT SAID, IT DOES NOT TAKE MUCH OF A STRETCH TO IMAGINE WHAT LOCAL PARAMILITARIES DID WITH THE ARMY INTELLIGENCE PASSED TO THEM.

46. (C) POST COMMENT: GIVEN THE MOD'S CERTIFICATION, POST FINDS THAT THERE IS CREDIBLE EVIDENCE OF GROSS VIOLATIONS OF HUMAN RIGHTS HAVING BEEN COMMITTED BY 12TH BRIGADE MEMBERS. POST ALSO FINDS THAT, WHILE THE GOVERNMENT HAS MADE A NUMBER OF STEPS IN PURSUIT OF JUSTICE, WE ARE NOT SURE WHETHER SUCH EFFORTS TO DATE AMOUNT TO "EFFECTIVE MEASURES" (IN THE SENSE OF MEASURES WHICH "PRODUCE A DEFINITE OR DESIRED RESULT") AND THUS SEEKS WASHINGTON'S VIEWS/GUIDANCE.

"BRIM2"

=====

47. (C) THE UNIT: LIKE THE 1ST AND 3RD MOBILE BRIGADES, THE 2ND MOBILE BRIGADE RESPONDS DIRECTLY TO NATIONAL ARMY COMMANDERS IN BOGOTA, RATHER THAN TO A REGIONAL COMMANDER, AND CAN BE DEPLOYED ANYWHERE THROUGHOUT COLOMBIA. IN THE EARLY 1990S, FOR EXAMPLE, IT SAW MUCH DUTY IN THE MAGDALENA MEDIO REGION. MORE RECENTLY, HOWEVER, IT HAS DEPLOYED PRINCIPALLY IN AREAS WITHIN "THE BOX", WITH ITS FOUR MOBILE COUNTER-GUERRILLA BATTALIONS BASED OUT OF SAN JOSE DEL GUAVIARE.

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UNLIKE MOST ARMY UNITS IN WHICH

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CONSCRIPTS PREDOMINATE, THE MOBILE BRIGADES ARE COMPOSED OF CAREER SOLDIERS WHO HAVE VOLUNTEERED FOR "BRIM" SERVICE.

BI

48. (C) THE CERTIFICATION: INCLUDES FOUR CASES (NOS. 25-28) CONCERNING ALLEGED CRIMES COMMITTED BY PERSONS THEN SERVING IN THE BRIGADE, AND FIVE CASES (NOS. 29-33) CONCERNING CURRENT BRIGADE MEMBERS UNDER INVESTIGATION FOR ALLEGED CRIMES COMMITTED PRIOR TO JOINING THE BRIGADE. THE OLDEST OF THE CASES (NO. 26) DATES TO 1993.

49. (SBU) OTHER POST INFORMATION: FAIRLY OR NOT, THE MOBILE BRIGADES HAVE ACQUIRED A POOR PUBLIC PERCEPTION WITH REGARD TO HUMAN RIGHTS. AFTER THE EUM AGREEMENT WAS SIGNED AND IT WAS KNOWN THE USG WAS CONSIDERING WHICH UNITS TO PROVIDE MILITARY ASSISTANCE TO, HUMAN RIGHTS WATCH/AMERICAS WENT SO FAR AS TO SEND EMBASSY HUMAN RIGHTS OFFICER A COPY OF THEIR DECEMBER 1993 BOOK, "STATE OF WAR: POLITICAL VIOLENCE AND COUNTERINSURGENCY IN COLOMBIA" -- HAVING DOG-EARED A 50-PAGE CHAPTER COVERING ALLEGED

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HUMAN RIGHTS ABUSES COMMITTED BY THE 1ST AND 2ND MOBILE BRIGADES.

50. (C) THAT REPORT ASSERTS THAT "DESPITE THE GOVERNMENT AND MILITARY'S ASSERTIONS THAT MOBILE BRIGADES DO NOT COMMIT SYSTEMATIC ABUSES, SOME GOVERNMENT AGENCIES AND INDEPENDENT HUMAN RIGHTS GROUPS HAVE DOCUMENTED A BROAD, CONSISTENT AND OFTEN SHOCKING PATTERN OF SERIOUS VIOLATIONS." THE REPORT WENT SO FAR AS TO STATE "AMERICAS WATCH BELIEVES THAT SPREADING TERROR AMONG CIVILIANS IS AN INTEGRAL PART OF BRIGADE STRATEGY AND APPEARS TO BE TOLERATED AND SOMETIMES OPENLY ARTICULATED BY BRIGADE COMMANDERS." WHILE THIS BOOK IS NOW FOUR YEARS OLD AND THE JUDGMENTS CERTAINLY DEBATABLE, ITS CONCLUSIONS CAN BE EXPECTED TO BE DEPLOYED BY CRITICS OF MILITARY AID IF AND WHEN MILITARY AID IS PROVIDED TO BRIM2.

B1

51. (C) MAPIRIPAN/MIRAFLORES: IN PRIVATE, SENIOR POLICE OFFICIALS HAVE PREVIOUSLY POINTED THE FINGER AT SENIOR OFFICERS OF THE BRIM2 AS HAVING COLLABORATED WITH PARAMILITARIES WHO

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 COMMITTED THE MAPIRIPAN MASSACRE. IN PARTICULAR, THE BRIM'S CHIEF OF STAFF DURING 1997, LT. COL. LINO SANCHEZ, WAS SINGLED OUT AS A KEY LIAISON OFFICER WITH PARAMILITARIES INVOLVED IN MAPIRIPAN (SEE REFS G-H). THEY HAVE NOT YET, HOWEVER, PROVIDED EMBASSY WITH CONCRETE SUBSTANTIATION. SEPARATELY, POLOFF INVESTIGATION OF THE OCTOBER PARAMILITARY INCURSION INTO MIRAFLORES HAS ENCOUNTERED RELIABLE SOURCES (I.E., THE MIRAFLORES ARMY COMPANY COMMANDER WHO SANCHEZ REPORTEDLY REPLACED WHILE HE WAS "ON LEAVE", THE ICRC REP WHO ARRIVED IN MIRAFLORES IN THE IMMEDIATE AFTERMATH OF THE INCURSION, AND THE UN HUMAN RIGHTS OFFICE INVESTIGATOR WHO JUST RETURNED FROM MIRAFLORES) WHO ALL PLACE LT. COL. SANCHEZ AS BEING IN CHARGE OF THE ARMY UNIT IN MIRAFLORES DURING THE DAYS IN QUESTION -- EVEN THOUGH HIS UNIT (THE BRIM 2) HAD SHIPPED OUT THE MONTH BEFORE.

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52. (C) LT. COL. SANCHEZ TOLD UN INVESTIGATORS IN MID-FEBRUARY (WHO RAN INTO HIM IN SAN JOSE DEL GUAVIARE) THAT HE HAD BEEN IN MAPIRIPAN AFTER THE MASSACRE AND THAT "ONLY THREE" PERSONS WERE KILLED AT ALL. THE REST, HE ASSERTED, WAS GUERRILLA DISINFORMATION. THIS IS DIRECTLY CONTRADICTED BY ICRC ASSESSMENTS, AS WELL AS BY MULTIPLE POLOFF INTERVIEWS OF REFUGEES FROM MAPIRIPAN. AS NOTED ABOVE (7TH BRIGADE), THE FISCALIA HAS YET TO FILE CHARGES AGAINST ANY MILITARY MEMBERS, AS THEY HAVE NOT BEEN PROVIDED ACCESS TO POLICE, AIR FORCE AND ARMY INTERNAL INVESTIGATIONS INTO THE TWO CASES. THESE CASES WILL BE RAISED PROMINENTLY DURING A MARCH 9 EMBASSY/MILGROUP MEETING WITH THE INSPECTOR GENERAL OF THE ARMED FORCES, MAJ. GEN. RAFAEL HERNANDEZ LOPEZ.

53. (C) ONE OF AMNESTY INTERNATIONAL'S SIXTEEN CASES ("AI NO-7") ALSO CONCERNS A PARTICULARLY HEINOUS INCIDENT INVOLVING
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SOLDIERS FROM BRIM2: THE NOVEMBER 7, 1992, RAPE OF SONEBIA PINZON HERRERA AND HER TWO-YEAR-OLD DAUGHTER, MARCELA, BY SOLDIERS OF THE CIMARRONES BATTALION. (NOTE: THE CASE IS ALSO ONE OF THE CASES REVIEWED IN THE HRW/A BOOK MENTIONED ABOVE. END NOTE.) AI'S BOOK STATES THAT FOUR SOLDIERS WERE ARRESTED AND CHARGED WITH RAPE AND CONSPIRACY TO COMMIT A CRIME. THE MOD'S DECEMBER 1996 UPDATE TO THE EMBASSY ON THE AI CASES REPORTED THAT THREE (SIC) SOLDIERS HAD BEEN ARRESTED AND DISMISSED "FOR BAD CONDUCT" AND THAT MRS. PINZON HAD FILED AN ADMINISTRATIVE COMPLAINT WITH THE MINISTRY TO SEEK COMPENSATION. THE PRELIMINARY INVESTIGATION BY THE 2ND BRIM DETERMINED THAT THE CRIMES WERE NOT "ACTS OF SERVICE" AND TRANSFERRED THE CASE TO THE CIVILIAN FISCALIA FOR CRIMINAL PROSECUTION. THE THREE SOLDIERS WERE SUBSEQUENTLY FOUND GUILTY OF ILLEGAL CONSTRAINT (OF THE HUSBAND) AND OF RAPING THE WIFE AND TWO-YEAR-OLD DAUGHTER. THEY WERE SENTENCED TO SERVE FROM TWO TO EIGHT YEARS IN PRISON.

54. (C) CURIOUSLY, THE PRESIDENTIAL COUNSELOR FOR HUMAN RIGHTS INFORMED THE EMBASSY IN DECEMBER 1996 THAT THE PROCURADURIA'S DELEGATE FOR MILITARY FORCES OPENED A SEPARATE DISCIPLINARY INVESTIGATION, "BUT CONCLUDED THAT THOSE RESPONSIBLE FOR THE

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ILLICIT ACT BELONGED TO THE CATEGORY OF 'VOLUNTEER SOLDIER', A

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NSC FOR JAMES DOBBINS, TED PICONE, JEFF DELAURENTIS
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CONDITION FOR WHICH THEY ARE NOT SUBJECT TO DISCIPLINE BY THE
ATTORNEY GENERAL OF THE NATION, AS THEY DO NOT HOLD THE STATUS OF
PUBLIC FUNCTIONARIES" (SIC).

FINAL COMMENTS

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55. (C) POST NOTES THE CLEAR INTENT OF THE MOD TO COOPERATE IN
THIS PROCESS AND THAT THE MOD HAS INDEED "ISSUE(D) TO THE EMBASSY
A CERTIFICATION FROM THE COMPETENT COLOMBIAN AUTHORITY REGARDING
ANY ONGOING FORMAL INVESTIGATIONS OR PROSECUTIONS" AS REQUIRED
UNDER THE EUM AGREEMENT SIGNED IN WASHINGTON. AS WE READ THE
AGREEMENT, THAT IS ALL THE GOC MUST DO IN GOOD FAITH IN ORDER TO
SEEK THE ASSISTANCE. HOWEVER, UNILATERAL U.S. REQUIREMENTS, SUCH

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AS THE NEW LEAHY LAW, CAUSE US TO BELIEVE THAT THE STANDARD IMPOSED ON THE USG BEFORE AID CAN BE GRANTED IS HIGHER. POST STANDS READY TO CONTINUE TO ASSIST THE GOC TO TAKE THE NECESSARY EFFECTIVE MEASURES TO ENSURE THAT, INDEED, THE RESPONSIBLE MEMBERS OF THE SECURITY FORCES ARE BROUGHT TO JUSTICE. PLEASE
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ADVISE.

56. (C) POST CONCLUDES BY SIMPLY DRAWING WASHINGTON'S ATTENTION TO WHAT POST REPORTED IN DECEMBER 1996 (REF I) WITH REGARD TO THE AMNESTY INTERNATIONAL CASES MENTIONED HEREIN: "POST HAS REPORTED ON SOME OF THE MORE WELL KNOWN CASES (THE RIO FRIO, SOGAMOSO, EL CALOTO, LOS UVOS MASSACRES), AND WHEN AI FIRST PUBLISHED ITS LIST IN 1994 WE SAID THAT AI'S BASIC POINTS CONCERNING JUDICIAL IMPUNITY FOR STATE AGENTS COMPROMISED IN HUMAN RIGHTS ABUSES WERE VALID (94 BOGOTA 7912). CIVILIAN LEGAL AUTHORITIES AND HUMAN RIGHTS MONITORS HAVE TOLD US RECENTLY (SIC) THAT THE POLICE HAVE MADE SUBSTANTIAL PROGRESS IN HOLDING ITS HUMAN RIGHTS VIOLATORS TO ACCOUNT.
FAILURE OF

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THE INTER-AMERICAN COMMISSION FOR HUMAN RIGHTS OBLIGED THE GOC TO READDRESS THE MASSACRES OF LOS UVOS AND EL CALOTO. IN LIKE MANNER, MANY OF THE CASES REMAIN OPEN OR WERE REOPENED BECAUSE THE INITIAL INVESTIGATIONS/ PROSECUTIONS SIMPLY DID NOT MEET STANDARDS OF JUSTICE UNDER CLOSE SCRUTINY. WHILE INDICATING THAT COLOMBIA IS AT LEAST AND AT LAST TRYING TO PROSECUTE THESE CRIMES, GOC INTERLOCUTORS ARE CAUTIOUS AS TO THE OUTCOME OF THE JUDICIAL PROCESS."

57. (C) BY WAY OF UPDATE TO THAT ASSESSMENT, WE CAN ONLY ADD NOW THAT WHILE THE CONSTITUTIONAL COURT RULED IN AUGUST 1997 THAT ALL HUMAN RIGHTS CASES MUST BE TRIED IN CIVILIAN, NOT MILITARY, COURTS, AND THAT A NUMBER OF SUCH CASES HAVE SINCE BEEN TRANSFERRED TO THE FISCALIA, A NUMBER OF IMPORTANT CASES (E.G., THE LOS UVOS CASE ABOVE) HAVE REMAINED WITHIN THE MILITARY COURTS. WE ALSO NOTE THAT WHILE THE GOVERNMENT HAS DRAFTED A NEW
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MILITARY PENAL CODE, IT HAS ONLY RECENTLY BEEN SUBMITTED TO
CONGRESS FOR CONSIDERATION.

58. (U) PLEASE ADVISE.

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