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INFO	LOG-00	ACDA-08	ACDE-00	INLB-01	AID-00	AMAD-01	ARA-01
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C O N F I D E N T I A L STATE 112366

E.O. 12958: DECL: 6/9/2008  
TAGS: SNAR, PHUM, PREL, CO  
SUBJECT: MILITARY ASSISTANCE TO THE COLOMBIAN ARMY'S

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7TH BRIGADE AND 2ND MOBILE BRIGADES

REF: (A) STATE 54966 (C) STATE 100951  
(B) DIA CABLE DTG 082226Z JUN 98

1. (U) CLASSIFIED BY PATRICIA L. HALL, OFFICE DIRECTOR, INL/LP, REASONS 1.5 (B) & (D).
2. (C) SUMMARY: IN ADDITION TO THE QUESTIONS ON THE

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12TH BRIGADE POSED IN REFTEL A, THE DEPARTMENT HAS ADDITIONAL QUESTIONS RELATED TO INFORMATION PROVIDED BY POST ON ALLEGED HUMAN RIGHTS ABUSES COMMITTED BY CURRENT AND FORMER MEMBERS OF THE COLOMBIAN ARMY (COLAR) 7TH BRIGADE AND 2ND MOBILE BRIGADE. THIS SHOULD COMPLETE THE INFORMATION NECESSARY FOR THE DEPARTMENT TO MAKE ANY APPROPRIATE DECISIONS UNDER SECTION 570 OF THE FY98 FOREIGN OPERATIONS APPROPRIATIONS ACT REGARDING PROVISION OF U.S. ASSISTANCE TO UNITS OF THE COLOMBIAN

ARMY. OF THE OTHER THREE UNITS NOMINATED TO RECEIVE ASSISTANCE, THE EASTERN SPECIFIED COMMAND AND THE 24TH BRIGADE HAVE BEEN CLEARED TO RECEIVE ASSISTANCE, AND THE DECISION WAS MADE TO DENY ASSISTANCE TO THE 3RD BRIGADE. THE ADDITIONAL INFORMATION REQUESTED HEREIN, AS WELL AS THAT REQUESTED IN REFTEL, IS NECESSARY FOR THE DEPARTMENT TO ASSESS THE APPROPRIATENESS OF THE PROPOSED ASSISTANCE IN ACCORDANCE WITH THE LAW. END SUMMARY.

3. (C) BOTH THE 7TH BRIGADE AND THE 2ND MOBILE BRIGADE HAVE BEEN IMPLICATED IN THE MAPIRIPAN MASSACRE OF 1997.

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THE GOVERNMENT OF COLOMBIA PROMPTLY LAUNCHED SEVERAL PARALLEL INVESTIGATIONS OF THAT INCIDENT, BUT WE HAVE NOT SEEN ANY RECENT REPORTS OF PROGRESS. WHAT IS THE STATUS OF THE INVESTIGATION? HAS THERE BEEN ANY RECENT PROGRESS? IS THERE ANY MORE INFORMATION ON THE ROLE OF LT. COL SANCHEZ OF BRIM2? IS HE UNDER FORMAL INVESTIGATION? HAVE THE POLICE, AIR FORCE AND ARMY SHARED INFORMATION FROM THEIR INDEPENDENT INVESTIGATIONS WITH THE CIVILIAN PROCURADURIA AND FISCALIA YET? IF NOT, WHY? WHEN WILL CHARGES BE FILED? WE READ WITH INTEREST REF B, A DIA CABLE ON THE MAPIRIPAN MASSACRE, WHICH TAKES A SOMEWHAT UNCRITICAL VIEW OF THE COLOMBIAN ARMY'S INVESTIGATION. DOES EMBASSY HAVE ANY REACTION?

4. (C) THE REST OF OUR QUESTIONS RELATE TO THE MATRIX PROVIDED BY THE GOC ON ONGOING HUMAN RIGHTS INVESTIGATIONS AGAINST CURRENT OR FORMER MEMBERS OF THE TWO UNITS IN QUESTION. WE HAVE SEVERAL GENERAL QUESTIONS WHICH ARE RELEVANT TO VIRTUALLY ALL OF THE CASES.

-- HAS THERE BEEN ANY PROGRESS IN THE LAST YEAR?

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- WHAT IS THE NEXT STEP AND WHEN WILL IT OCCUR?
- HAVE THOSE UNDER INVESTIGATION BEEN SUBJECT TO ANY DISCIPLINARY ACTION IN THE MEANTIME? IF SO, WHAT MEASURES HAVE BEEN TAKEN?
- HAVE THOSE UNDER INVESTIGATION BEEN PROMOTED SINCE THE ALLEGED INCIDENTS?

5. (C) IN ADDITION, WE HAVE SPECIFIC QUESTIONS ABOUT INDIVIDUAL CASES LISTED ON THE MATRIX:

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CASE 1: AFTER THREE AND A HALF YEARS, CASE DOES NOT SEEM TO HAVE PROCEEDED FAR. IS IT STILL BEING ACTIVELY PURSUED? IS "AGAINST LIFE" A EUPHEMISM FOR HOMICIDE, OR DOES IT REPRESENT SOME OTHER CRIME?

CASE 12: DOES "PERSONAL LIBERTY" REFER TO KIDNAPPING, ILLEGAL DETENTION, OR SOME OTHER CRIME?

CASE 13: APPARENTLY A FINDING HAS BEEN MADE. WHAT WAS THAT FINDING, AND WHAT ARE THE CONSEQUENCES?

CASE 14: CHARGES HAVE REPORTEDLY BEEN FILED. WHAT ARE THE CHARGES? WHEN WILL THE CASE GO TO TRIAL? WILL IT BE A CIVILIAN OR MILITARY TRIAL?

CASE 17: THE SUBJECT IS APPARENTLY APPEALING THE CHARGES OR THE INVESTIGATION INTO THE INCIDENT. WHAT IS THE NATURE OF THIS PROCESS? IN THE COLOMBIAN SYSTEM IS IT POSSIBLE TO APPEAL "CHARGES" (AS OPPOSED TO FINDINGS)?

CASE 26: CASE IS STILL IN EVIDENCE GATHERING STAGE AFTER NEARLY FIVE YEARS. IS IT STILL ALIVE?

CASE 27: APPARENT CONVICTION WHICH IS BEING APPEALED. WHAT WAS THE SENTENCE? HAS THE APPEAL BEEN RESOLVED? DOES CONVICTED SOLDIER REMAIN FREE DURING APPEAL OR IS HE CONFINED?

CASE 28: THERE IS A THREE AND A HALF YEAR GAP BETWEEN THE DATE OF THE INCIDENT AND THE OPENING OF THE CASE.

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WHAT IS THE REASON FOR THIS DELAY?

CASES 28-31: THESE CASES ALL SEEM TO BE RELATED. DO THEY STEM FROM THE SAME INCIDENT? IF SO WHY ARE THERE FOUR SEPARATE CASES, WHICH ALL APPEAR TO BE AT DIFFERENT STAGES?

CASE 33: WHO MADE THE DECISION TO ABSOLVE? WHAT IS THE BASIS OF THE APPEAL OF THAT ABSOLUTION? WAS THERE ANY IRREGULARITY ALLEGED?

CASE 38: WHEN WILL CASE GO TO TRIAL?

6. (C) DEPARTMENT APPRECIATES THE DIFFICULTY OF GATHERING THIS INFORMATION, AND COMMENDS THE SUPERB EFFORTS OF POST TO DATE. NONETHELESS, THIS INFORMATION IS ABSOLUTELY ESSENTIAL TO THE DELIBERATIVE PROCESS REQUIRED FOR EVALUATION UNDER SECTION 570. PLEASE PROVIDE RESPONSE AS SOON AS POSSIBLE. IF THE INFORMATION WILL TAKE A CONSIDERABLE AMOUNT OF TIME TO GATHER, PLEASE PROVIDE AN INTERIM RESPONSE INDICATING WHEN THE INFORMATION IS LIKELY TO BE AVAILABLE. ALSO, WE WOULD APPRECIATE A PROMPT RESPONSE TO THE QUESTION POSED IN REF C ON THE CREATION OF NEW UNITS IN THE COLAR FOR RECEIPT OF ASSISTANCE.  
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