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B1, 1.5(D), 1.5(B)

PTQ3057

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ACTION ARA-01

INFO LOG-00 ACDA-08 ACDE-00 INLB-01 AID-00 ACQ-01 CA-02
INL-01 SRPP-00 DS-00 EB-00 OIGO-01 IM-01 TEDE-00
INR-00 ADS-00 VO-03 DSCC-00 DRL-04 SAS-00 /023W
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O 280010Z JAN 98
FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC IMMEDIATE 1031
INFO DEPT OF JUSTICE WASHDC
SECDEF WASHDC
DEPT OF TREASURY WASHDC
USIA WASHDC 3771
NSC WASHDC
USCINCSO MIAMI FL
DIRONDCP WASHDC
CIA WASHDC
DIA WASHDC
FBI WASHDC
DIRNSA FT GEORGE G MEADE MD

SECDEF WASHDC//OCDEPS//
NDIC JOHNSTOWN PA
DEA WASHDC

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NSC FOR JAMES DOBBINS
ONDCP FOR JANET CRIST
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DEPT OF STATE APPEALS REVIEW PANEL (ARP)

EOIA/PA	Mandatory Review
<input checked="" type="checkbox"/> Release	<input type="checkbox"/> Declassify
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Exemptions _____

ARP Action Cert.

Date 040803

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TAGS: PHUM, SNAR, KVPR, PINS, CO
SUBJECT: NARCOS ARRESTED FOR LA HORQUETA PARAMILITARY MASSACRE

REF: A) 97 BOGOTA 11332 B) 97 BOGOTA 11372

CLASSIFIED BY POLOFF MICHAEL J. FITZPATRICK. REASONS 1.5(B&D).

1. (C) SUMMARY: THE COLOMBIAN PROSECUTOR GENERAL'S OFFICE HAS DETERMINED THAT THE SOLE ATTACKER TO DIE IN THE NOVEMBER 21 PARAMILITARY MASSACRE OF 14 PEASANTS SOUTH-WEST OF BOGOTA WAS ACTUALLY THE PRESIDENT OF A LEGAL "CONVIVIR" SELF-DEFENSE GROUP FROM URABA -- WHO HAD BEEN IMPORTED TO THE REGION TO STRIKE BACK AGAINST THE FARC. THE LOCAL LANDOWNER AND PRESUMED NARCOTRAFFICKER WHO HAD HIRED THE URABA-BASED PARAMILITARIES TO EXECUTE THE MASSACRE HAS HIMSELF NOW BEEN ARRESTED. PROSECUTORS CONTINUE TO LOOK INTO THE POSSIBILITY THAT THE LOCAL ARMY BATTALION WAS SOMEHOW COMPLICIT AS WELL. END SUMMARY.

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OK

CONFIRMED: PARAMILITARIES DID IT...

2. (U) IN A RARE CASE OF SWIFT JUSTICE, COLOMBIAN PROSECUTORS
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HAVE ARRESTED THE PERSONS BELIEVED RESPONSIBLE FOR THE NOVEMBER 21 MASSACRE OF 14 PEASANTS IN LA HORQUETA, CUNDINAMARCA DEPARTMENT, 60 MILES SOUTH-WEST OF BOGOTA (REF A). PARAMILITARIES HAD BEEN BELIEVED RESPONSIBLE FOR THE KILLINGS EVER SINCE SURVIVORS IDENTIFIED THE ONE ATTACKER (OUT OF 15) TO DIE IN THE ATTACK AS A TALL BLACK MAN WHO SPOKE WITH A CARIBBEAN COASTAL ACCENT. THE LA HORQUETA INCIDENT WAS ONE OF THE STRAWS THAT BROKE THE PROVERBIAL CAMEL'S BACK AND LED TO PRESIDENT SAMPER'S DECEMBER 1 "DECLARATION OF WAR" AGAINST PARAMILITARIES (REF B).

3. (U) UNDER THE DIRECTION OF THE FISCALIA'S HUMAN RIGHTS UNIT, A CTI TEAM OF JUDICIAL POLICE ARRESTED HERNANDO MONTOYA MONTOYA AT HIS LAVISH NORTH BOGOTA HOME ON JANUARY 22. ALONG WITH MONTOYA, THREE OF HIS KEY AIDES WERE ALSO ARRESTED; THE FOUR HAVE BEEN CHARGED WITH HOMICIDE AND THE FORMATION OF AN ILLEGAL PARAMILITARY GROUP.

... WHILE IN THE EMPLOY OF NARCOS

4. (C) WHILE THE CTI AGENTS MADE THEIR FINAL PREPARATIONS FOR THE RAID, THE LEAD PROSECUTING ATTORNEY ("FISCAL") IN THE CASE

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EXPLAINED TO POLOFF JANUARY 21 HOW THE INVESTIGATION HAD LED TO MONTOYA. MONTOYA, HE EXPLAINED, HAS MADE A RATHER LARGE FORTUNE IN RECENT YEARS FROM NARCOTICS TRAFFICKING. LIKE ANY PROVINCIAL BOY MADE GOOD, MONTOYA USED HIS NEW-FOUND WEALTH TO BUY THE TYPICAL COLOMBIAN TRAPPINGS OF LEGITIMACY -- CATTLE RANCHES AND HACIENDAS. IN THIS CASE, MONTOYA BOUGHT HUGE TRACTS OF LAND AND BUILT A FABULOUSLY GAUDY HACIENDA IN THE TOCAIMA AREA OF SOUTHERN CUNDINAMARCA -- AN AREA OF STRONG AND HISTORICAL FARC PRESENCE AND LEFTIST SENTIMENT. HIS OSTENTATIOUSNESS MADE MONTOYA A READY

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TARGET FOR GUERRILLA EXTORTION EFFORTS. LAST AUGUST, HOWEVER, HE APPARENTLY DECIDED NOT ONLY NOT TO PAY ANY MORE, BUT TO FIGHT BACK. THE NOVEMBER MASSACRE WAS MONTOYA'S ACT OF RETALIATION AGAINST THE FARC'S LOCAL SPIES AND SUPPORTERS.

5. (C) THE FISCAL EXPLAINED THAT THE INVESTIGATION HAD BEEN JUMP-STARTED BY A STROKE OF LUCK. INVESTIGATORS FOUND IDENTITY PAPERS IN THE POCKETS OF THE DEAD PARAMILITARY, IDENTIFYING HIM AS LUIS CARLOS MERCADO GUTIERREZ. THE POLICE QUICKLY DETERMINED THAT HE WAS NOT A LOCAL, BUT WAS INSTEAD FROM SAN JUAN DE URABA, ANTIOQUIA, IN THE CONFLICTIVE URABA REGION HUNDREDS OF MILES AWAY. A FURTHER CHECK DETERMINED HIS OCCUPATION: PRESIDENT OF THE LA PALMA "CONVIVIR" IN SAN JUAN DE URABA. MERCADO, IT TURNED OUT, HAD FIRST COME TO LA HORQUETA IN SEPTEMBER, OFFICIALLY TO WORK AS ADMINISTRATOR ON ONE OF MONTOYA'S RANCHES. IN REALITY, MERCADO WAS TO COLLECT INTELLIGENCE ON THE LOCAL POPULATION. AMONGST THE PAPERS ALSO FOUND ON MERCADO'S BODY: A HIT LIST CONTAINING THE NAMES OF MOST OF THE PERSONS KILLED IN THE MASSACRE. FISCALES SAY THEY WILL ALSO NOW TRY TO BUILD A CASE OF "ILLEGAL ENRICHMENT" (I.E., ILL-GOTTEN GAINS FROM NARCOTRAFFICKING) AGAINST MONTOYA AND HIS OPERATIVES, AS WELL.

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AND WHAT OF THE ARMY?
=====

6. (C) WHILE THE FORMAL INVESTIGATION HAS FOCUSED PRIMARILY ON
THE NARCO-PARAMILITARY ANGLE, THE FISCALES HAVE NOT CONCLUDED
THEIR INVESTIGATION INTO POSSIBLE ARMY COMPLICITY. FIRST,

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ALTHOUGH LA HORQUETA FALLS UNDER THE JURISDICTION OF THE 13TH BRIGADE'S COUNTER-GUERRILLA BATTALION BASED NEARBY IN TOLEMAIDA, IT WAS NOT THIS UNIT BUT A BATTALION FROM BOGOTA WHICH CROSSED OUT OF ITS AREA OF OPERATIONS IN ORDER TO ARRIVE AT THE TOWN AFTER THE MASSACRE.

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7. (C) SECOND, LOCAL PRIEST BOGOTA SOTO, WHO WAS TRAVELING TO LA HORQUETA TO SAY MASS ON THE MORNING OF THE INCIDENT, HAS TOLD INVESTIGATORS (AND THE INTERNATIONAL PRESS) THAT "THE ARMY WAS THERE." ACCORDING TO FATHER SOTO, HE WAS STOPPED BY THE ARMY ON

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THE OUTSKIRTS OF TOWN ON THE MORNING IN QUESTION. "YOU SHOULD NOT GO THERE RIGHT NOW, FATHER," HE RECOUNTS THE TROOPS AS TELLING HIM. "IT COULD BE DANGEROUS FOR YOU." THE PRIEST IGNORED THE WARNINGS AND ENTERED THE TOWN ANYWAY, ARRIVING SOME THIRTY MINUTES AFTER THE KILLINGS ENDED -- AND HOURS BEFORE THE BOGOTA-BASED ARMY BATTALION COULD ARRIVE TO ASSIST SURVIVORS AND SECURE THE PUEBLO.

COMMENT

8. (C) THE FISCALIA IS TO BE CONGRATULATED FOR MOVING SO QUICKLY TO ARREST THOSE RESPONSIBLE FOR THIS SLAUGHTER. IF THE ARMY WAS ALREADY IN THE AREA IN THE IMMEDIATE AFTERMATH OF THE KILLINGS, HOWEVER, AS THE PRIEST ASSERTS, WHY WAS IT NECESSARY FOR ANOTHER ARMY UNIT TO TRAVEL ALL THE WAY FROM BOGOTA IN ORDER TO INTERVENE? THAT IS PRECISELY THE QUESTION PROSECUTORS ARE NOW ASKING. FINALLY, THE STRANGELY NON-REACTIVE 13TH BRIGADE RECENTLY CAME UNDER THE COMMAND OF BG RITO ALEJO DEL RIO, WHO EARNED CONSIDERABLE ATTENTION AS THE COMMANDER OF THE 17TH BRIGADE COVERING THE HEARTLAND OF CARLOS CASTANO'S PARMILITARIES IN CORDOBA AND URABA. GARZA

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