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ACTION ARA-01

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	DOEE-00	EB-01	H-01	TEDE-00	INR-00	IO-10	L-01
	ADS-00	M-00	NSAE-00	NSCE-00	OIC-02	OMB-01	PA-01
	PM-00	PRS-01	P-01	SP-00	SR-00	SS-00	STR-01
	TRSE-00	T-00	USIE-00	DTC-01	PMB-00	PRME-01	DRL-09
	G-00	/053W					

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R 272203Z MAR 95
 FM AMEMBASSY BOGOTA
 TO SECSTATE WASHDC 8305
 INFO USCINCSO QUARRY HEIGHTS PM
 NAVJUSTSCOL NEWPORT RI
 SECDEF WASHINGTON DC
 DIA WASHDC
 CIA WASHDC
 AMEMBASSY QUITO
 AMEMBASSY LIMA
 AMEMBASSY LA PAZ
 AMEMBASSY CARACAS

C O N F I D E N T I A L SECTION 01 OF 03 BOGOTA 004049

STATE ARA/AND (WELLS); DRI/BA (PLAHEY)
 STATE PASS FOR USOAS (QUILTER)
 STATE PASS FOR USAID AA/LAC, LAC/DI, LAC/SAM
 AND POL/SP LGARBER
 DOD FOR RSA, DNHR, JCS/JS WHEM
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SOUTHCOM FOR POLAD/SCJ5-PM

UNCLASSIFIED

E.O. 12356: DECL:OADR

TAGS: PHUM, PREL, PGOV, MASS, UNHRC-1, CO

SUBJ: DRL A/S SHATTUCK TELLS COLOMBIANS TO "PROVE IT" ON
HUMAN RIGHTS

REF: A) BOGOTA 3139; B) BOGOTA 1230; C) 94 BOGOTA 16121
D) BOGOTA 3878; E) BOGOTA 3876

1. CONFIDENTIAL - ENTIRE TEXT

2. SUMMARY: DRL ASSISTANT SECRETARY JOHN SHATTUCK MET SEPARATELY WITH COLOMBIAN PRESIDENT ERNESTO SAMPER, FOREIGN MINISTER RODRIGO PARDO AND MINISTER OF DEFENSE FERNANDO BOTERO DURING HIS MARCH 22-23 VISIT TO BOGOTA. IN EACH OF THESE MEETINGS HE FIRMLY MADE THE POINT THAT, WHILE THE USG IS PLEASED WITH THE START THE SAMPER ADMINISTRATION HAS MADE IN ADDRESSING ITS INTERNAL HUMAN RIGHTS PROBLEMS, CONCRETE PROGRESS MUST FOLLOW INSTITUTIONAL REFORM. HE ALSO EXPRESSED USG DISAPPOINTMENT WITH COLOMBIA'S ABSTENTIONS ON BOTH THE CHINA AND CUBA RESOLUTIONS IN THE RECENTLY CONCLUDED SESSIONS OF THE UNITED NATIONS HUMAN RIGHTS COMMISSION (UNHRC) AND TOLD ALL THREE INTERLOCUTORS THAT THESE VOTES REFLECT A COLOMBIA THAT IS OUT OF STEP WITH A GROWING COALITION OF DEMOCRATIC NATIONS INTENT ON DE-POLITICIZING THE UNHRC. SHATTUCK ALSO STRESSED THAT THE US AND EU WILL CLOSELY MONITOR THE GOC ATTEMPT AT MILITARY JUSTICE REFORM (REF A) AND CONSIDER IT A SINE QUA NON IF THE GOC IS TO JUDGED AS ADDRESSING SERIOUSLY THE ISSUE OF HUMAN RIGHTS

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IMPUNITY. MR. SHATTUCK EXPRESSED MANY OF THESE SENTIMENTS AND POSITIONS BEFORE THE COLOMBIAN AND INTERNATIONAL MEDIA AT A PRESS CONFERENCE HELD AT THE EMBASSY. END SUMMARY.

GOOD START, BUT THE PROOF IS IN THE PUDDING

3. IN SEPARATE MEETINGS WITH THE PRESIDENT SAMPER, FONMIN PARDO AND MOD BOTERO, A/S SHATTUCK BEGAN BY TELLING THE COLOMBIAN OFFICIALS THAT THE USG WAS ENCOURAGED BY THE

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SAMPER ADMINISTRATION'S PHILISOPHICAL APPROACH TO COLOMBIA'S INTERNAL HUMAN RIGHTS PROBLEM, I.E. THAT IT IS NOT AN IMAGE PROBLEM, BUT RATHER REFLECTS A TROUBLING REALITY. THIS ADMISSION, SHATTUCK SAID, ALONG WITH THE PRESIDENT'S RECENT ACCEPTANCE OF STATE RESPONSIBILITY IN THE TRUJILLO CASE (REF B), WERE COURAGEOUS PUBLIC STANCES THAT, WHILE OVERDUE, WERE NONTHELESS WELCOMED BY THE USG AND THE NATIONS OF THE EU.

4. THAT SAID, MR. SHATTUCK STRESSED THAT THE RHETORICAL ADVANCES AND INSTITUTIONAL MEASURES TAKEN TO DATE (I.E. THE SIGNING OF PROTOCOL II, THE ESTABLISHMENT OF THE TRUJILLO AND MILITARY JUSTICE REFORM COMMISSIONS, ETC.) MUST BE FOLLOWED IN SHORT ORDER BY EVIDENCE THAT THE COLOMBIAN STATE CAN AND WILL ATTACK THE UNDERLYING CAUSE OF ITS HIGH LEVELS OF HUMAN RIGHTS VIOLATIONS AND GENERAL VIOLENCE: IMPUNITY. MR. SHATTUCK MENTIONED SPECIFICALLY THE CASES OF RIO FRIO, TRUJILLO AND LA CHINITA AND SAID THAT UNTIL THE COLOMBIAN MILITARY AND/OR CIVILIAN JUSTICE SYSTEMS ARE CAPABLE OF INVESTIGATING, TRYING, CONVICTING, AND SENTENCING THOSE RESPONSIBLE FOR THE MASSACRES, THE

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INSTITUTIONAL REFORMS WOULD BE EMPTY GESTURES AND THE INTERNATIONAL COMMUNITY WOULD NOT BE SATISFIED THAT THE GOC WAS TAKING THE SITUATION IN HAND.

COLOMBIA NEEDS TO DO MORE IN MULTILATERAL HUMAN RIGHTS FORA

5. TURNING TO THE MULTILATERAL HUMAN RIGHTS AGENDA, MR. SHATTUCK COMMUNICATED THE USG'S DISAPPOINTMENT WITH COLOMBIA'S VOTING RECORD DURING THE RECENTLY CONCLUDED SESSION OF THE UNHRC. DIRECTING THIS MESSAGE PRIMARILY TO THE PRESIDENT AND FONMIN, THE A/S QUESTIONED NOT SO MUCH THE GOC'S FAILURE TO VOTE WITH THE US ON THE ACTUAL CHINA RESOLUTION, BUT RATHER FOR ITS ABSTENTION ON WHAT HE TERMED "AN ISSUE OF PRINCIPLE," I.E. THE CHINESE NO ACTION MOTION.

6. THE A/S UNDERLINED THE FACT THAT THIS YEAR THERE APPEARED TO BE A GROWING CONSENSUS AMONG DEMOCRATIC

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NATIONS THAT THE "BIG GUYS" (READ CHINA) SHOULD NOT BE ABLE TO BLOCK DISCUSSION OF RESOLUTIONS. SHATTUCK CITED THE NAY VOTES ON THE NO-ACTION MOTION FROM SEVERAL COUNTRIES THAT HAVE TRADITIONALLY ABSTAINED OR VOTED WITH

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AMEMBASSY CARACAS

C O N F I D E N T I A L SECTION 02 OF 03 BOGOTA 004049

STATE ARA/AND (WELLS); DRL/BA (PLAHEY)
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CHINA IN THE PAST, AND SUGGESTED THAT COLOMBIA'S
ABSTENTIONS WERE THE PRODUCT OF "OLD THINK" ON THE CHINA
ISSUE THAT REFLECTED MORE OF A TRADITIONAL POLITICAL
AGENDA THAN THE SAMPER ADMINISTRATION'S PROFESSED HUMAN
RIGHTS POLICIES. AMBASSADOR FRECHETTE DEBUNKED THE
FONMIN'S RESPONSE THAT COLOMBIA HAS TRADITIONALLY NOT
INTERFERRED IN THE DOMESTIC AFFAIRS OF OTHER NATIONS BY
SAYING THAT THE SHIBBOLETH OF INTERVENTIONISM IS RAPIDLY
BEING REVEALED AS A WEAK PRETEXT FOR INACTION ON HUMAN
RIGHTS IN THE EYES OF THE INTERNATIONAL COMMUNITY.
SHATTUCK ADDED THAT THE U.S. DID NOTHING TO BLOCK CUBA'S
RESOLUTION ON RACISM IN THE UNITED STATES AND THAT THIS
REFLECTS OUR WILLINGNESS TO JUDGE THE MERIT OF THE
RESOLUTION AND NOT THE POLITICAL MACHINATIONS THAT MAY BE
BEHIND IT.

7. MR. SHATTUCK ALSO TOLD BOTH THE PRESIDENT AND THE
FONMIN THAT UNLESS THERE IS CONTINUED PROGRESS ON THE
DOMESTIC HUMAN RIGHTS SCENE IN TERMS OF INDIVIDUAL CASE
PROSECUTIONS AND CONVICTIONS, IT WOULD BE VERY DIFFICULT
FOR THE USG TO SUPPORT THE GOC NEXT YEAR WHEN THE SPECIAL
RAPPORTEUR ISSUE FOR COLOMBIA IS ALMOST CERTAIN TO COME UP
AGAIN. FOR HIS PART, THE PRESIDENT SUGGESTED (RATHER

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DISINGENUOUSLY WE FEEL) THAT THE US REQUEST FOR COLOMBIAN
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SUPPORT AGAINST THE NO ACTION MOTION CAME AT THE LAST
MINUTE, A FACTOR WHICH "MADE IT DIFFICULT FOR COLOMBIA TO
REEVALUATE ITS POSITION WITH RESPECT TO TRADITIONAL
COMMITMENTS." THE PRESIDENT, THANKING SHATTUCK FOR U.S.
SUPPORT DURING THE SPECIAL RAPPOREUR DEBATE, SUGGESTED
THAT COLOMBIA'S POSITION WILL "CONTINUE TO EVOLVE" WITH
REGARD TO CHINA.

8. COMMENT: IT IS OUR SENSE THAT THE PRESIDENT RESPONDED
IN THIS MANNER IN ORDER TO AVOID SERIOUS DISCUSSION OF THE
CHINESE ISSUE. THE ASSISTANT SECRETARY'S MESSAGE WILL
UNDOUBTEDLY NEED TO BE REPEATED TO THE COLOMBIANS AS OFTEN
AND FORCEFULLY AS POSSIBLE TO ENSURE THAT THEY UNDERSTAND
THAT IT WILL BE LINKED TO THEIR OWN RAPPOREUR SITUATION
DURING NEXT YEAR'S UNHRC SESSION. THIS IS JUST ONE OF
MANY MULTILATERAL ISSUES ON WHICH COLOMBIAN FOREIGN POLICY
TENDS TO RUN ON AUTOPILOT AND IS MIRED, AS THE A/S APTLY
TERMED IT, IN "OLD THINK." TO GET THE GOC ON BOARD WITH
THE CHINESE RESOLUTION IN NEXT YEAR'S UNHRC WE NEED TO HIT
THE COLOMBIANS EARLY AND HARD. END COMMENT.

MILITARY JUSTICE REFORM WITH THE MINISTER OF DEFENSE

9. THE ASSISTANT SECRETARY RAISED THE ISSUE OF MILITARY
JUSTICE REFORM (REF A) IN GREATER DETAIL DURING HIS
MEETING WITH THE MOD. BOTERO, WHO WAS ACCOMPANIED BY THE
MINISTRY'S SPECIAL ADVISOR FOR HUMAN RIGHTS PILAR GAITAN,
EXPRESSED THE BELIEF THAT THE EFFORTS OF THE REFORM
COMMISSION WOULD BE ACCEPTED IN GENERAL BY THE SENIOR
MILITARY LEADERSHIP. HOWEVER, THE MAJOR STICKING POINT,
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BOTERO SAID, WOULD CENTER AROUND THE DEFINITION OF "LINE
OF DUTY" ACTIONS AND THE THORNY ISSUE OF TRANSFERRING
PROSECUTORIAL JURISDICTION TO THE CIVILIAN COURTS IN
CERTAIN CASES INVOLVING HUMAN RIGHTS VIOLATIONS.
SHATTUCK COUNTERED THAT THE INTERNATIONAL COMMUNITY WILL
NOT CARE THAT MUCH AS TO WHICH JURISDICTION IS ACCORDED
PROSECUTORIAL PRIMACY, BUT RATHER THAT A COLOMBIAN
JUDICIAL SYSTEM, BE IT CIVILIAN OR MILITARY, BEGINS TO
SHOW RESULTS (I.E. CONVICTIONS AND PENAL SENTENCES) IN
INSTANCES OF HUMAN RIGHTS VIOLATIONS ATTRIBUTED TO THE
STATE SECURITY FORCES.

10. BOTERO AGREED AND NOTED THAT THERE HAVE BEEN
"TREMENDOUS INSTITUTIONAL CHANGES" WITHIN THE MINISTRY
SINCE HE AND THE A/S LAST MET. HE REVIEWED THE SUCCESS OF
THE NAMECHECK PROGRAM THAT WAS TURNED OVER BY THE EMBASSY
TO GAITAN'S OFFICE (REF C) AND SUGGESTED THAT SLOWLY BUT
SURELY MORE OFFICERS WERE COMING TO REALIZE THAT A SOLID
RESPECT FOR THE DEFENSE OF HUMAN RIGHTS IS A NECESSARY
COMPONENT OF THE GOVERNMENT'S ANTI-GUERRILLA CAMPAIGN.

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11. FOLLOWING THE MEETING WITH BOTERO, MR. SHATTUCK SPOKE

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WITH THE LOCAL MEDIA AT AN EMBASSY-SPONSORED PRESS CONFERENCE. THE A/S EXTENDED A CAREFUL MEASURE OF CREDIT TO THE GOVERNMENT WHERE CREDIT WAS DUE AND LAUDED THOSE CONCRETE DEVELOPMENTS THAT THE SAMPER ADMINISTRATION HAD ACHIEVED TO SUPPORT ITS VERY POSITIVE AND PROGRESSIVE HUMAN RIGHTS RHETORIC. HE ALSO STRESSED THE IMPORTANCE OF CONTINUED PROGRESS IN SANCTIONING HUMAN RIGHTS VIOLATORS AND MENTIONED LA CHINITA, RIO FRIO, TRUJILLO, LA NEGRA AND CALOTTO AS EXAMPLES OF CASES IN WHICH THE INTERNATIONAL COMMUNITY WOULD LIKE TO SEE CONVICTIONS AND SANCTIONS BROUGHT AGAINST THE PERPETRATORS. (NOTE: THIS WAS ALSO THE ESSENCE OF A STATEMENT THE A/S GAVE ON THE STEPS OF THE PRESIDENTIAL PALACE AFTER HIS MEETING WITH SAMPER WHERE HE DID NOT ENTERTAIN JOURNALISTS' QUERIES. END NOTE)

12. RESPONDING TO QUESTIONS LATER IN THE DAY, HOWEVER, THE A/S ALSO MADE THE POINT THAT THERE IS A DIRECT CONNECTION BETWEEN THE NATION'S NARCOTRAFFICKING PROBLEMS AND HUMAN RIGHTS SITUATION, NAMELY JUDICIAL IMPUNITY. MR. SHATTUCK TOLD THE PRESS THE SAME MESSAGE THAT HE HAD EARLIER DELIVERED TO GOVERNMENT OFFICIALS, I.E., UNTIL THE JUSTICE SYSTEM BEGINS TO TURN OUT MEANINGFUL CONVICTIONS

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AND SENTENCES AGAINST BOTH DRUG TRAFFICKERS AND HUMAN RIGHTS VIOLATORS - WHO ARE OFTEN ONE IN THE SAME - THE PERVASIVE CLIMATE OF IMPUNITY WILL FOSTER THE SPREAD OF BOTH THESE ANTI-SOCIAL PHENOMENA AND WILL KEEP COLOMBIA UNDER THE CRITICAL SPOTLIGHT OF INTERNATIONAL SCRUTINY. FOR MORE DETAILS CONCERNING MR. SHATTUCK'S PRESS STATEMENTS, SEE REFTELS D AND E.

13. MR. SHATTUCK DID NOT HAVE AN OPPORTUNITY TO CLEAR THIS CABLE PRIOR TO HIS DEPARTURE FROM BOGOTA. FRECHETTE

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