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ARA/CEN:D A MCCARTHY:JDH
12/18/90 X74975
D:L EAGLEBURGER

ARA/CEN:E F PEREZ, ARA/CEN:P F ROMERO, ARA/FO:J G SULLIVAN,
ARA:R ARONSON, HA:R SCHIFTER, CA:R PAIGE, P:R KIMMITT,
T:R BARTHOLMEW, BOB:M DORN, PH:R CLARKE, NSC:D PACELLI,
S/S:

IMMEDIATE GUATEMALA

E.O. 12356: DECL: OADR

TAGS: MASS, GT

SUBJECT: STOP DELIVERY OF MILITARY ASSISTANCE TO GUATEMALA

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/18/95
Case ID: 95022247

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1. (S) THIS MESSAGE INSTRUCTS THE EMBASSY TO IMMEDIATELY SEEK AN APPOINTMENT WITH PRESIDENT CEREZO TO INFORM HIM OF THE HALT OF DELIVERY OF MILITARY ASSISTANCE. THIS ALSO CONTAINS THE TEXT OF A STATEMENT TO BE ISSUED SIMULTANEOUSLY IN WASHINGTON AND IN GUATEMALA FOLLOWING THE MEETING AS WELL AS QUESTIONS AND ANSWERS. FOLLOWING THESE STEPS THE EMBASSY IS INSTRUCTED TO MEET WITH BOTH PRESIDENTIAL CANDIDATES AND INFORM THEM OF THIS ACTION.

2. (S) IT HAS BECOME CLEAR THAT THE CEREZO ADMINISTRATION IS NOT GOING TO PURSUE THE CASE OF THE MURDER OF U.S. CITIZEN DEVINE BY MILITARY PERSONNEL. THE GOG INTENDS TO STRING THE INVESTIGATION OUT, AS IT HAS ON ALL PAST CASES, UNTIL IT LEAVES OFFICE IN THREE WEEKS.

3. (S) THIS IS UNACCEPTABLE. THE RECENT MASSACRE OF 14 CIVILIANS BY THE GUATEMALAN MILITARY ONLY REINFORCES THE FACT THAT THE MILITARY CONTINUE TO ACT WITH IMPUNITY ON HUMAN RIGHTS. A SIGNAL NEEDS TO BE SENT IMMEDIATELY THAT ACCUSES THE CEREZO ADMINISTRATION AND THE MILITARY IN PARTICULAR OF LACK OF ACTION. AT THE SAME TIME WE WANT TO ESTABLISH A MARKER ON HUMAN RIGHTS AND CIVILIAN CONTROL OVER THE MILITARY FOR THE INCOMING ADMINISTRATION. WE HAVE THEREFORE DECIDED TO SUSPEND MILITARY ASSISTANCE IN THE PIPELINE AS WELL AS MILITARY ASSISTANCE TO BE PROVIDED FOR FY71 UNTIL THE NEW GOVERNMENT COMES INTO OFFICE IN JANUARY. AT THAT TIME, WE WILL SEEK TO OBTAIN A FIRM COMMITMENT BY THE NEW GOG ON HUMAN RIGHTS AND THE EXERTION OF GREATER CIVILIAN CONTROL OVER THE MILITARY, SPECIFICALLY INCLUDING CONCRETE STEPS TO RESOLVE THE DEVINE MURDER. ONCE (AND IF ASSURED) WE CAN MOVE TO TURN ON THE DELIVERIES WITH THE CAVEAT THAT THEY CAN BE TURNED OFF IF THE GOG FAILS TO COMPLY WITH ITS STATED COMMITMENTS TO US.

4. EMBASSY IS INSTRUCTED TO DRAW FROM THE FOLLOWING STATEMENT FOR THE MEETING.

5. (U) BEGIN TEXT OF STATEMENT:

THE UNITED STATES WISHES TO EXPRESS ITS DEEP DISAPPOINTMENT WITH THE LACK OF COMMITMENT OF THE GOVERNMENT OF GUATEMALA TO PROTECT HUMAN RIGHTS. THE RECENT MASSACRE IN ATITLAN IS A VIVID ILLUSTRATION OF THE VIOLENCE WHICH CONTINUES TO PLAGUE THE COUNTRY. WHILE RECOGNIZING THAT THE GOVERNMENT DOES NOT PURSUE A POLICY OF ABUSING HUMAN RIGHTS, WE NOTE THAT IT RARELY TAKES ACTION TO THOROUGHLY INVESTIGATE AND PROSECUTE THOSE WHO DO.

FOR THE PAST SIX MONTHS WE HAVE MET WITH PRESIDENT CEREZO AND MINISTER OF DEFENSE BOLANOS TO REQUEST THE IMMEDIATE DETENTION AND

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PROSECUTION OF THOSE WHO KILLED US CITIZEN MICHAEL DEVINE ON JUNE 6. WHILE SOME ACTION WAS TAKEN INITIALLY TO DETAIN 6 SUSPECTS, INCLUDING 5 MILITARY MEN, IT APPEARS THAT THERE IS NOW A DELIBERATE ATTEMPT TO STALL THIS INVESTIGATION.

GIVEN THESE DEVELOPMENTS, THE UNITED STATES DOES NOT FEEL IT IS APPROPRIATE TO CONTINUE A NORMAL MILITARY RELATIONSHIP WITH THE GOVERNMENT OF GUATEMALA. WE WILL THEREFORE IMMEDIATELY STOP DELIVERIES OF MILITARY ASSISTANCE.

IT IS OUR FIRM HOPE THAT THE NEW GUATEMALAN ADMINISTRATION WILL, AS SOON AS POSSIBLE, TAKE THE STEPS NECESSARY TO RESOLVE THIS SERIOUS MATTER AND DEMONSTRATE THROUGH CONCRETE STEPS ITS COMMITMENT TO THE RULE OF LAW AND HUMAN RIGHTS SO THAT WE MAY RESUME OUR MUTUALLY BENEFICIAL RELATIONSHIP.

END TEXT OF STATEMENT.

L. BEGIN QUESTIONS AND ANSWERS:

Q: YOU MENTION THE DEVINE MURDER AS THE PIVOTAL POINT FOR THE DECISION TO STOP DELIVERIES? WHAT ABOUT THE OTHER OUTSTANDING CASES, I.E., THE SAN CARLOS UNIVERSITY STUDENTS, HECTOR OQUELI, SISTER DIANA ORTIZ, ETC....

A: WE HAVE VIGOROUSLY PRESSED THE GOG TO PURSUE A NUMBER OF CASES OF HUMAN RIGHTS ABUSE. DUE TO INACTION ON THE INVESTIGATION OF HUMAN RIGHTS CASES, WE TEMPORARILY WITHDREW OUR AMBASSADOR LAST MARCH. HE RETURNED WITH A LETTER FROM PRESIDENT BUSH EXPRESSING OUR DEEP CONCERN ABOUT HUMAN RIGHTS OBSERVANCE AND THE RULE OF LAW IN GUATEMALA.

THE DEVINE CASE INVOLVES THE MURDER OF A UNITED STATES CITIZEN IN WHICH THERE IS VERY STRONG EVIDENCE THAT THAT SECURITY FORCES WERE INVOLVED. WE WILL BE DISCUSSING WITH THE NEW GOVERNMENT THE WHOLE ISSUE OF HUMAN RIGHTS, INCLUDING OUTSTANDING CASES.

Q: HOW MUCH MONEY IS INVOLVED?

A: OUR FY90 FMF ASSISTANCE WAS \$2.9 MILLION. CONGRESS APPROVED \$2.887 MILLION FOR FY91.

Q: WHEN IS THIS ACTION EFFECTIVE?

A: THE SUSPENSION IS EFFECTIVE IMMEDIATELY.

Q: WHAT ABOUT ECONOMIC ASSISTANCE? WILL THAT BE SUSPENDED?

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A: NO.

Q: WHAT ABOUT COMMERCIAL LICENSES? WILL GUATEMALA BE ABLE TO PURCHASE WHAT IT NEEDS FROM ITS OWN FUNDS?

A: DURING THE STOPPAGE, WE WILL ALSO NOT APPROVE COMMERCIAL LICENSES FOR THE EXPORT OF EQUIPMENT TO THE GUATEMALAN ARMED FORCES.

END QUESTIONS AND ANSWERS.

7. WHILE THIS ACTION WILL DISTANCE US FROM THE GUATEMALAN MILITARY, IT SHOULD NOT MEAN, HOWEVER, THAT WE CANNOT CONTINUE TO MEET WITH GUATEMALAN MILITARY OFFICERS TO RE-EMPHASIZE THE REASONS WHY WE ARE NOW TAKING THIS ACTION.

8. THE EMBASSY IS INSTRUCTED TO OBTAIN, IF POSSIBLE, A LATE AFTERNOON/EARLY EVENING APPOINTMENT WITH CEREZO SO THAT THE STATEMENT CAN BE RELEASED THE NEXT DAY AT THE NOON BRIEFING IN WASHINGTON.

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