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O 091729Z DEC 94  
FM AMEMBASSY BOGOTA  
TO SECSTATE WASHDC IMMEDIATE 5670  
INFO USCINCSO QUARRY HEIGHTS PM  
CIA WASHDC  
DEPTJUSTICE WASHDC  
NSC WASHDC

[REDACTED] SECTION 01 OF 04 BOGOTA 017962

FOR DRL ASSISTANT SECRETARY JOHN SHATTUCK; ARA/AND  
DAWSON; USCINCSO FOR GENERAL MCCAFFREY FROM AMBASSADOR

E.O. 12356: DECL:OADR  
TAGS: PHUM, MASS, PINR, CO  
SUBJECT: BOTERO HUMAN RIGHTS LETTER TO A/S SHATTUCK

REF: (A) BOGOTA 17516 (B) BOGOTA 17742 (C) BOGOTA 17873

1. [REDACTED] - ENTIRE-TEXT.  
[REDACTED]  
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2. THE FOLLOWING IS AN INFORMAL TRANSLATION OF A LETTER  
THAT COLOMBIAN MINISTER OF DEFENSE FERNANDO BOTERO ASKED  
THE EMBASSY TO FORWARD TO DRL A/S JOHN SHATTUCK IN  
ADVANCE OF THE MOD'S TRIP TO WASHINGTON THE WEEK OF  
DECEMBER 12. THE SPANISH LANGUAGE ORIGINAL IS BEING SENT  
TO A/S SHATTUCK, ALONG WITH BOTERO'S HUMAN RIGHTS

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ADVISOR'S CURRICULUM VITAE, BY UNCLASSIFIED REGISTERED POUCH, REGISTRY NO. 8794677. FOLLOWING THE MOD'S LETTER, POST OFFERS SOME OBSERVATIONS ON ITS CONTENT AND CONSIDERATIONS FOR THE ASSISTANT SECRETARY'S POSSIBLE MEETING WITH BOTERO ON DECEMBER 15.

3. BEGIN TRANSLATION: I AM PLEASED TO INFORM YOU ABOUT THE MINISTRY OF DEFENSES' HUMAN RIGHTS POLICIES WHICH HAVE BEEN RECENTLY ESTABLISHED. ALSO, IT IS MY PLEASURE TO INTRODUCE YOU TO DOCTOR PILAR GAITAN DE POMBO, WHOM I HAVE ASSIGNED AS THE MINISTRY'S DIRECTOR OF THE OFFICE OF HUMAN RIGHTS AND POLITICAL AFFAIRS. HER BIOGRAPHIC DATA IS ENCLOSED.

A. GENERAL CONSIDERATIONS

(1) THE HUMAN RIGHTS ISSUE TODAY IS, ALONG WITH NARCOTICS TRAFFICKING AND ENVIRONMENTAL ISSUES, A KEY POINT ON THE INTERNATIONAL AGENDA. THE EXECUTION OF A HUMAN RIGHTS DEFENSE POLICY IN COLOMBIA HAS BECOME A CONDITION FOR ACCESS TO NEW MARKETS, INVESTMENT OPPORTUNITIES AND STRATEGIC MATERIALS.

(2) THE GOVERNMENT OF COLOMBIA IS AWARE THAT OUR HUMAN

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RIGHTS PROBLEM IS NOT A MATTER OF IMAGE BUT A REALITY WHICH WE MUST FACE. ACCORDINGLY, IT IS A PRIORITY ISSUE ON THE GOVERNMENT'S AGENDA.

(3) THE PRESIDENTIAL POLICY FOR THE PROMOTION, PROTECTION AND DEFENSE OF HUMAN RIGHTS IS A STATE POLICY. EFFORTS MADE BY FORMER ADMINISTRATION ON THIS ISSUE ARE ADDRESSED TODAY UNDER ONLY ONE DIRECTION THROUGH SEVERAL STATE AND GOVERNMENT AGENCIES COOPERATING IN A JOINT MANNER. THE EXECUTION OF THIS POLICY REPRESENTS AN ESSENTIAL ELEMENT IN ACHIEVING CIVILIZED COEXISTENCE IN THE QUEST FOR PEACE. THIS POLICY CONTRIBUTES TO STRENGTHENING JUSTICE AND COMBATING IMPUNITY.

(4) THE PROMOTION AND DEFENSE OF HUMAN RIGHTS TOUCHES ALL OF US: THE STATE AND THE SOCIETY. IT IS EXTREMELY IMPORTANT TO HAVE AN OPEN AND PERMANENT DIALOGUE ON THIS

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ISSUE WITH VARIOUS SECTORS OF SOCIETY AND, PARTICULARLY, WITH NATIONAL AND INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS WHICH PROMOTE THE APPLICATION OF HUMAN RIGHTS REGULATIONS AND THOSE OF INTERNATIONAL HUMANITARIAN LAW.

B. MINISTRY OF DEFENSE HUMAN RIGHTS POLICY.

BASED ON THE ABOVE-MENTIONED GENERAL CONSIDERATIONS, THE MINISTRY OF DEFENSE HAS IDENTIFIED THE FOLLOWING LONG-TERM STRATEGIC GOALS:

- (1) PROMOTING AND STRENGTHENING A HUMAN RIGHTS CULTURE

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AND ETHIC WITHIN THE MILITARY AND POLICE FORCES. HUMAN RIGHTS SHOULD NOT BE REGARDED AS AN ANTI-MILITARY OR ANTI-INSTITUTIONAL ISSUE. BESIDES WIDENING THE CULTURAL HORIZONS OF THE MEMBERS OF THE MILITARY, LEARNING AND ENFORCING A RESPECT FOR HUMAN RIGHTS HAS A POSITIVE ASPECT ON THE DISCIPLINE AND PROFESSIONALISM INHERENT TO THE MILITARY.

- (2) CREATING THE NECESSARY TOOLS AND MECHANISM TO MAKE THE MILITARY CRIMINAL JUSTICE SYSTEM--PARTICULARLY INSOFAR AS IT CONCERNS HUMAN RIGHTS VIOLATIONS--AN EFFICIENT INSTRUMENT TO INVESTIGATE AND, IF NECESSARY, PUNISH EXEMPLARILY.

- (3) RESOLVING SITUATIONS OF HUMAN RIGHTS VIOLATION IN WHICH MEMBERS OF THE PUBLIC FORCE MAY BE INVOLVED. ANY INDIVIDUAL CASE OF VIOLATION OF FUNDAMENTAL LIBERTIES IS A SERIOUS CASE WHICH MUST BE INVESTIGATED AND PUNISHED.

- (4) CONTRIBUTING TO STRENGTHENING THE LEGITIMACY AND CREDIBILITY OF THE MILITARY FORCES BOTH AT NATIONAL AND INTERNATIONAL LEVELS CONCERNING HUMAN RIGHTS. THE STATE SHOULD ATTEMPT TO NOT ONLY RECOVER ITS MONOPOLY OVER ARMED FORCES, BUT TO GUARANTEE ITS LEGITIMATE ENFORCEMENT.

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FM AMEMBASSY BOGOTA  
TO SECSTATE WASHDC IMMEDIATE 5671  
INFO USCINCSO QUARRY HEIGHTS PM  
CIA WASHDC  
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FOR DRL ASSISTANT SECRETARY JOHN SHATTUCK; ARA/AND  
DAWSON; USCINCSO FOR GENERAL MCCAFFREY FROM AMBASSADOR

E.O. 12356: DECL:OADR  
TAGS: PHUM, MASS, PINR, CO  
SUBJECT: BOTERO HUMAN RIGHTS LETTER TO A/S SHATTUCK

IN ORDER TO COMPLY WITH THESE GOALS, THE MINISTRY HAS  
ADOPTED THE FOLLOWING POLICIES:

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A. THE OFFICE OF HUMAN RIGHTS AND POLITICAL AFFAIRS HAS  
BEEN ESTABLISHED. IT WILL BE UNDER THE SUPERVISION OF  
THE MINISTER'S OFFICE.

B. AN ORDER HAS BEEN ISSUED TO ESTABLISH HUMAN RIGHTS  
OFFICES IN EVERY MILITARY AND POLICE UNIT. THESE OFFICES  
SHALL BE SUPERVISED BY THE OFFICES OF THE INSPECTOR  
GENERAL AND EACH SERVICE WHICH WILL PROVIDE ADDITIONAL  
TECHNICAL AND HUMAN RESOURCES.

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C. STRONG AND DETERMINED SUPPORT HAS BEEN GIVEN TO THE PROMOTION AND APPLICATION OF INTERNATIONAL HUMANITARIAN LAW TO WHICH COLOMBIA IS A PARTY. ESPECIALLY, STRONG SUPPORT HAS BEEN GIVEN TO COLOMBIA'S ADHERENCE TO THE PROTOCOL II WHICH IS AN ADDITION TO THE FOUR GENEVA CONVENTIONS.

D. THE MINISTRY OF DEFENSE IS COMMITTED WITH THE REFORM OF THE MILITARY CRIMINAL JUSTICE SYSTEM TO ADAPT IT TO THE 1991 CONSTITUTION. ITS CONSOLIDATION WILL RESULT IN AN EFFICIENT INSTRUMENT TO INVESTIGATE AND PUNISH THOSE SERVICE-RELATED CRIMES COMMITTED BY PUBLIC FORCES WHEN ON ACTIVE DUTY.

UNDER THIS FRAMEWORK, THE DISCIPLINARY STATUTE OF THE MILITARY FORCES IS CURRENTLY UNDER REVISION AND WILL BE AMEND AS NECESSARY.

E. THERE HAS BEEN A SUBSTANTIAL INCREASE IN THE NUMBER OF COURSES PROVIDING INFORMATION AND TRAINING ON HUMAN

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RIGHTS AND INTERNATIONAL HUMANITARIAN LAW TO THE MEMBERS OF THE MILITARY FORCES AND NATIONAL POLICE. THE OFFICE OF HUMAN RIGHTS, IN ACCORDANCE WITH THE OFFICES OF THE INSPECTORS GENERAL, IS ENGAGED IN OUTLINING A CONTINUOUS AND SYSTEMATIC EDUCATION PROGRAM AT A NATIONAL LEVEL ON THESE ISSUES FOR THE MILITARY FORCES.

F. PARTICIPATION IN EVERY SCENARIO WHICH MAY BE USEFUL TO DISCUSS AND FORMULATE POLICIES RELATED TO THE PROMOTION AND DEFENSE OF HUMAN RIGHTS. THE MINISTER OF DEFENSE AND/OR HIS REPRESENTATIVE, THE MILITARY FORCES AND THE NATIONAL POLICE HAVE BEEN ACTIVELY PARTICIPATING IN SEVERAL STUDY COMMISSIONS AND INVESTIGATIONS OF THE HUMAN RIGHTS SITUATION IN THE COUNTRY.

CURRENTLY, WE ARE PARTICIPATING IN THE FOLLOWING COMMISSIONS:

(A) THE HUMAN RIGHTS COMMISSION ESTABLISHED BY DECREE 1533 OF JULY 18, 1994. MEMBERS OF THIS COMMISSION ARE REPRESENTATIVES OF THE GOVERNMENT, THE PUBLIC MINISTRY, AND NON-GOVERNMENTAL ORGANIZATIONS. THE PURPOSE OF THIS

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COMMISSION IS TO PRESENT ITS RECOMMENDATIONS ON HUMAN RIGHTS ISSUES TO THE GOVERNMENT. THIS COMMISSION IS A PARTY TO THE PEACE AGREEMENTS MADE BY THE GOVERNMENT WITH THE "CORRIENTE DE RENOVATION SOCIALISTA" (A GUERRILLA GROUP WHICH RENOUNCED ARMED STRUGGLE IN 1994). THE MEMBERS OF THE ARMED SERVICES PARTICIPATE IN FOUR WORKING GROUPS OF THIS COMMISSION.

(C) ON SEPTEMBER 26, THE PRESIDENTIAL COUNSELOR FOR [REDACTED]  
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HUMAN RIGHTS AND THE EXECUTIVE SECRETARY OF THE INTERCONGRESSIONAL COMMISSION OF JUSTICE AND PEACE, EXECUTED A MEMORANDUM OF UNDERSTANDING BEFORE THE INTERAMERICAN COMMISSION OF HUMAN RIGHTS IN WASHINGTON, D.C. TO CREATE AN INVESTIGATIVE COMMISSION TO STUDY THE EVENTS THAT OCCURRED IN TRUJILLO, VALLE DEL CAUCA (IACHR CASE 11,007). THE COMMISSION WAS INAUGURATED IN SANTA FE DE BOGOTA ON OCTOBER 13. PRESENT IN THIS PUBLIC ACT WERE THE MINISTERS OF FOREIGN RELATIONS, GOVERNMENT AND DEFENSE, NON-GOVERNMENTAL ORGANIZATIONS, AND THE INTERAMERICAN COMMISSION OF HUMAN RIGHTS AS A QUALIFIED OBSERVER. THE DIRECTOR OF THE MINISTRY OF DEFENSE'S OFFICE OF HUMAN RIGHTS AND POLITICAL AFFAIRS AND REPRESENTATIVES OF THE MILITARY FORCES AND NATIONAL POLICE HAVE BEEN DESIGNATED TO PARTICIPATE ON THE COMMISSION TO COOPERATE IN THE INVESTIGATIONS AND GIVE THEIR ADVICE.

THIS COMMISSION REPRESENTS A REAL CONTRIBUTION OF THE PRESIDENTIAL POLICY TO STRENGTHEN HUMAN RIGHTS AND JUSTICE.

C. TASKS TO BE PERFORMED BY THE OFFICE OF HUMAN RIGHTS AND POLITICAL AFFAIRS.  
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 TO SECSTATE WASHDC IMMEDIATE 5672  
 INFO USCINCSO QUARRY HEIGHTS PM  
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 NSC WASHDC

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FOR DRL ASSISTANT SECRETARY JOHN SHATTUCK; ARA/AND  
 DAWSON; USCINCSO FOR GENERAL MCCAFFREY FROM AMBASSADOR

E.O. 12356: DECL:OADR  
 TAGS: PHUM, MASS, PINR, CO  
 SUBJECT: BOTERO HUMAN RIGHTS LETTER TO A/S SHATTUCK

A. ADVISING THE MINISTRY IN DEVELOPING SHORT AND  
 LONG-TERM POLICIES RELATED TO THE PROMOTION, PROTECTION  
 AN DEFENSE OF HUMAN RIGHTS.

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B. FOLLOWING UP ON THE DIAGNOSES AND POLICY PROPOSALS  
 MADE BY EXPERT NATIONAL OR INTERNATIONAL, PUBLIC OR  
 PRIVATE, HUMAN RIGHTS ENTITIES AND ORGANIZATIONS.  
 SPECIAL ATTENTION SHOULD BE GIVEN TO THE REPORTS OF  
 INTERGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS.

C. FOLLOWING UP ON THE CONTENT AND COMPLIANCE OF  
 INTERNATIONAL COMMITMENTS MADE BY COLOMBIAN ON HUMAN  
 RIGHTS ISSUES.

D. EVALUATION AND ANALYSIS OF THE VISITS MADE TO  
 COLOMBIA AND THE REPORTS PRESENTED BY INTERNATIONAL  
 INTERGOVERNMENTAL ORGANIZATIONS OR NON-GOVERNMENT  
 ORGANIZATIONS. COORDINATION OF APPOINTMENTS REQUESTED TO

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THE MINISTRY OF DEFENSE.

E. PROMOTING THE CREATION OF A DATA BANK TO FOLLOW-UP AND ANALYZE THE INFORMATION RECEIVED BY THE MINISTRY ON ALLEGED OR ACTUAL HUMAN RIGHTS VIOLATIONS BY OR AGAINST MEMBERS OF THE ARMED SERVICES.

F. STARTING AN EDUCATIONAL PROGRAM OF WIDE SCOPE, BY PROMOTING AND COORDINATING EDUCATIONAL PROGRAMS ON HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW FOR THE ARMED SERVICE. THIS TASK WILL BE CARRIED OUT ALONG THE MINISTRY'S OFFICE OF THE SECRETARY GENERAL AND OFFICES OF THE INSPECTORS GENERAL.

G. REVIEWING AND ANALYZING EDUCATION AND TRAINING PROGRAMS PROVIDED BY THE VARIOUS MILITARY ACADEMIES WITH  
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THE PURPOSE OF UNIFYING THEIR CRITERIA AND UPDATING THEIR CURRICULUM. PREPARATION AND DISTRIBUTION OF DIDACTIC MATERIALS FOR THESE PURPOSES.

H. PROVIDING ADVICE TO THE HUMAN RIGHTS OFFICES OF THE MILITARY AND POLICE UNITS TO ENSURE THEIR CORRECT OPERATION.

I. PROMOTING THE CREATION OF HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW DOCUMENT CENTER TO SERVE THE MILITARY FORCES AS A CONSULTATIVE AND INVESTIGATIVE CENTER ON THESE ISSUES. SEVERAL ALTERNATIVES OF INTERNAL AND EXTERNAL FINANCING ARE BEING DISCUSSED.

I HOPE THAT THE ABOVE-MENTIONED INFORMATION WILL BE USEFUL TO YOU IN THE DEVELOPMENT OF OUR COMMON GOALS. I WISH TO REITERATE TO YOU MY INTEREST AND PERSONAL DISPOSITION TO ANSWER ANY QUESTIONS ON THE ABOVE-MENTIONED MEASURES AN POLICIES, AS WELL AS ON HOW WE INTEND TO CARRY THEM OUT.

SINCERELY,  
(SIGNED) FERNANDO BOTERO ZEA  
MINISTER OF NATIONAL DEFENSE  
ATTACHMENT: BIO DATA OF DOCTOR GAITAN

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COMMENT

4. AS WAS APPARENT FROM THE SHATTUCK-BOTERO MEETING OF OCTOBER 6, THE MOD CLEARLY WANTS THE USG TO BE CERTAIN OF WHERE HE STANDS ON THE ISSUE OF HUMAN RIGHTS AND THE

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ARMED FORCES IN COLOMBIA. THIS EXHAUSTIVE RECITATION OF HIS ESTABLISHMENT OF A HUMAN RIGHTS OFFICE WITHIN THE MINISTRY AND ITS AMBITIOUS SCOPE OF WORK REFLECT WHAT WE CONSIDER TO BE A SINCERE EFFORT ON BOTERO'S PART TO DEAL WITH A MILITARY INSITUATION THAT HAS TRADITIONALLY STONEWALLED ON THE HUMAN RIGHTS ISSUE. FROM BOTERO'S AND THE ADMINISTRATION'S POINT OF VIEW, THE LETTER IS ALSO LIKELY TO SERVE AS A POINT OF REFERENCE IN THE GOC'S EXPANDING DIALOGUE WITH HUMAN RIGHTS NGO'S.

5. IN THE PAST, THE GOC, LIKE THE USG, HAS COME UNDER INTENSE CRITICISM FOR ITS CLOSE MILITARY ASSISTANCE RELATIONSHIP IN THE COUNTERNARCOTICS FIELD WITH THE UNITED STATES. OFTEN IT IS ALLEGED BY NGO CRITICS THAT US-PROVIDED ANTI-NARCOTICS ASSISTANCE IS PURPOSEFULLY DIVERTED TO COUNTERINSURGENCY EFFORTS BY THE COLOMBIAN ARMED FORCES. MORE RECENTLY, THE MOD HAS BECOME EMBROILED IN THE NARCO-FOMENTED "HUMAN RIGHTS" AND ENVIRONMENTAL PROTESTS CONCERNING COCA ERADICATION SPRAYING CONDUCTED WITH USG ASSISTANCE. WHILE WE AND THE GOC WOULD REFUTE EMPHATICALLY BOTH CHARGES, BOTERO WILL WANT TO BE ABLE TO POINT TO LETTERS AND MEETINGS WITH THE USG ON HUMAN RIGHTS AS A MEANS OF DEMONSTRATING HIS AND THE ADMINISTRATION'S ENGAGEMENT ON THIS ISSUE.

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O 091729Z DEC 94  
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6. THE INCLUSION OF PILAR GAITAN ON THIS TRIP ALSO  
MERITS COMMENT. WE HAVE BEEN IMPRESSED WITH HER EFFORTS

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TO DATE, ESPECIALLY WITH HER NO-NONSENSE REALIZATION THAT  
SHE MUST BE BOTH PRUDENT AND UNDERSTATED IF SHE IS TO  
GARNER THE RESPECT OF THE UNIFORMED MILITARY LEADERSHIP.  
GAITAN, WHO IS WELL CONNECTED TO THE INTERNATIONAL AND  
LOCAL NGO CROWD AND RECENTLY SPENT TWO DAYS WITH AI'S  
PIERRE SANE, CAN OFFER THE MOD AND THE ADMINISTRATION  
ACCESS TO AND CREDIBILITY IN NGO FORA THAT FORMERLY WOULD  
HAVE BEEN INCONCEIVABLE. AT THE SAME TIME, SHE IS  
DEVELOPING INTO A PERSUASIVE ADVOCATE FOR CHANGE WITHIN  
THE MINISTRY OF DEFENSE. IT IS SAFE TO ASSUME THAT ON  
ANY ISSUE RELATING TO HUMAN RIGHTS AND THE ARMED FORCES,  
BOTERO WILL TURN TO GAITAN BEFORE ANY OF HIS GENERALS.

7. IN ADDITION TO RECOGNIZING AND APPLAUDING BOTERO'S  
AND THE MINISTRY'S EFFORTS, POST SUGGESTS THE DEPARTMENT  
RAISE WITH BOTERO HIS PROPOSAL FOR RURAL SECURITY  
COOPERATIVES AND THE REFORM OF THE MILITARY JUSTICE  
SYSTEM. REF (A) ADDRESSES THE SPECIFICS OF THE RURAL  
COOPERATIVES, A BOTERO PLAN TO CREATE PRIVATE CIVILIAN

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SECURITY GROUPS TO OPERATE IN REGIONS OF THE COLOMBIAN COUNTRYSIDE WHERE GUERRILLA INCURSIONS ARE COMMON AND THE ARMED FORCES HAVE LITTLE PERMANENT PRESENCE TO DETER SUCH ACTIONS. THE PROPOSAL HAS MET WITH MIXED AND HEATED REACTION LOCALLY, AND MANY HAVE EXPRESSED WARRANTED FEARS THAT WITHOUT THE PROPER SUPERVISION BY THE STATE, THE GROUPS COULD DEGENERATE INTO LOCAL ARMED MILITIAS IN THE SERVICE OF LEGITIMATE OR ILLEGITIMATE ECONOMIC INTERESTS WITH LITTLE REGARD FOR HUMAN RIGHTS CONCERNS. BOTERO HAS INSISTED THAT STATE SUPERVISION AND ADMINISTRATION OF THESE GROUPS WILL BE STRICT AND THAT EXAMPLES OF THE EFFICACY OF SUCH GROUPS ABOUND FROM THE EXPERIENCE OF

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OTHER INSURGENT CONFLICTS.

8. WE BELIEVE THAT THE POINT THAT NEEDS TO BE MADE TO THE MINISTER IS THAT COLOMBIA'S PROTRACTED, VAGUELY IDEOLOGICAL INTERNAL CONFLICT IS QUITE SUI GENERIS AND THAT THERE HAS NEVER BEEN AN EXAMPLE IN COLOMBIA OF A PARA-STATAL SECURITY GROUP THAT HAS NOT ULTIMATELY OPERATED WITH WANTON DISREGARD FOR HUMAN RIGHTS OR BEEN CORRUPTED BY LOCAL ECONOMIC INTERESTS.

9. BOTERO SHOULD ALSO BE STRONGLY SUPPORTED AND PUSHED ON HIS STATED EFFORTS TO REFORM THE MILITARY JUSTICE SYSTEM AND CREATE AN INDEPENDENT PROSECTORIAL ENTITY SIMILAR TO THE US JAG CORPS WITHIN THE SERVICES. HE IS WILL AWARE THAT THIS IS A SINA QUA NON FOR PROGRESS ON THE IMPUNITY FRONT. HOWEVER, BOTERO SHOULD BE REMINDED THAT THE COMPOSITION OF THE STUDY COMMISSION NEEDS TO BE LOOKED AT CAREFULLY. PREVIOUS COMMISSIONS WERE STACKED WITH "OLD GUARD" GENERALS WHO WERE ABLE TO BLOCK SUCCESSFULLY ANY ATTEMPT TO SEPARATE MILITARY JUDICIAL AUTHORITY FROM OPERATIONAL CHAIN OF COMMAND. FRECHETTE

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