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PAGE 01 BOGOTA 17654 022258Z
ACTION ARA-01

INFO LOG-00 ADS-00 AID-01 CIAE-00 DODE-00 DS-01 HA-09
INRE-00 INR-05 JUSE-00 L-03 NSAE-00 PA-01 PRS-01
SCT-03 SP-01 SSO-00 USIE-00 /026W
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O 022245Z NOV 90
FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC IMMEDIATE 0149
INFO RUEHPE/AMEMBASSY LIMA
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY QUITO
AMEMBASSY PANAMA
USCINCSO QUARRY HEIGHTS PM

C O N F I D E N T I A L BOGOTA 17654

STATE PASS TO AID FOR AA/LAC, LAC/DI
SOUTHCOM ALSO FOR POLAD

E.O. 12356: DECL:OADR
TAGS: PHUM, PTER, PINS, CO
SUBJECT: CHARGES BROUGHT IN PALACE OF JUSTICE CASE

1. (U) AFTER A FIVE YEAR DELAY, COLOMBIA'S INDEPENDENT
WATCHDOG PROCURADURIA HAS LARGELY COMPLETED ITS
INVESTIGATION INTO THE 1985 PALACE OF JUSTICE HOLOCAUST
WHICH TOOK SCORES OF LIVES, INCLUDING THOSE OF NEARLY
HALF OF COLOMBIA'S SUPREME COURT. ACCORDING TO PRESS

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PAGE 02 BOGOTA 17654 022258Z
REPORTS, THE PROCURADURIA HAS BROUGHT CHARGES AGAINST
TWO ARMY OFFICERS FOR THEIR INVOLVEMENT IN THE
INCIDENT. RETIRED GENERAL JESUS ARMANDO ARIAS CABRALES
IS CHARGED WITH EXCESSIVE USE OF FORCE IN THE ASSAULT.
ARIAS COMMANDED THE TROOPS WHO ASSAULTED M-19 GUERRILLAS
WHO HAD SEIZED THE BUILDING WHICH THEN HOUSED THE HIGH
COURT AND THE COUNCIL OF STATE. ARIAS SUBSEQUENTLY ROSE
TO COMMANDER OF THE ARMY, BUT WAS DISMISSED BY PRESIDENT
BARCO EARLIER THIS YEAR, AT THE REQUEST OF THEN
PRESIDENT-ELECT GAVIRIA. GAVIRIA'S REQUEST TO DISMISS

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LIKELY WAS AT LEAST PARTLY DUE TO ARIAS' INVOLVEMENT IN THE PALACE OF JUSTICE INCIDENT. THE PROCURADURIA ALSO ACCUSED COL. EDILBERTO SANCHEZ RUBIANO, WHO WAS SERVING IN ARMY INTELLIGENCE IN 1985, OF COMPLICITY IN THE EXTRA-JUDICIAL EXECUTION OF AT LEAST ONE GUERRILLA CAPTURED DURING THE ASSAULT.

2. (LOU) THE INDEPENDENT WATCHDOG AGENCY HAS TENTATIVELY DECIDED TO REMOVE BOTH MEN FROM GOVERNMENT SERVICE. DISMISSAL IS THE MAXIMUM PENALTY WHICH THE PROCURADURIA CAN IMPOSE. THE TWO INDIVIDUALS ARE NOW PERMITTED, HOWEVER, TO PRESENT DEFENSE ARGUMENTS BEFORE THE PROCURADURIA MAKES A DECISION ON THEIR GUILT OR INNOCENCE. SINCE GENERAL ARIAS IS ALREADY RETIRED, HIS DISMISSAL WOULD RESULT ONLY IN THE LOSS OF RETIREMENT BENEFITS. DISMISSAL WOULD, HOWEVER, HAVE A DIRECT IMPACT ON COL. SANCHEZ, WHO REMAINS ON ACTIVE DUTY. ACCORDING TO ONE UNCONFIRMED PRESS ACCOUNT, HE IS ON A DIPLOMATIC ASSIGNMENT IN CENTRAL AMERICA.

3. (LOU) UNDER THE COLOMBIAN SYSTEM THE PROCURADURIA
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PAGE 03 BOGOTA 17654 022258Z
CANNOT FILE CRIMINAL CHARGES--THIS CAN ONLY BE DONE BY THE COURTS THEMSELVES. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO CRIMINAL PROCEEDINGS PENDING AGAINST EITHER SANCHEZ OR ARIAS.

4. (C) COMMENT: THE PROCURADURIA'S ACTION IN THE PALACE OF JUSTICE CASE MAY LEAD TO INCREASED FRICTION BETWEEN THE ARMY AND THE INDEPENDENT INSTITUTION. MANY OFFICERS WILL NOTE THAT, WHILE SANCHEZ AND ARIAS FACE PUBLIC CONDEMNATION, THE M-19, WHOSE TERRORIST ASSAULT LED TO THE 1985 MASSACRE, HAS CONVERTED ITSELF INTO A RESPECTED POLITICAL PARTY. AS PART OF A PEACE PLAN SIGNED EARLIER THIS YEAR, FORMER M-19 COMBATANTS, INCLUDING THOSE WHO FOUGHT AT THE PALACE OF JUSTICE, HAVE BEEN GRANTED AN AMNESTY. THE PROCURADURIA LACKS JURISDICTION TO INVESTIGATE ABUSES BY INDIVIDUALS NOT EMPLOYED BY THE GOVERNMENT.

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