2. BEGIN SUMMARY: ALTHOUGH THE MOVE IS LARGELY SYMBOLIC, THE RECENT DECISION BY PROCURADOR DELEGATE FOR THE ARMED FORCES JOSÉ PLINIO MORENO TO ORDER THE REMOVAL FROM OFFICE OF ALREADY RETIRED GENERAL JESÚS ARMANDO ARIAS CABRALES (REF A) HAS GENERATED A FIRESTORM OF CRITICISM. THE ALMOST UNIVERSAL PUBLIC CRITICISM OF THE PROCURADURÍA IS LIKELY, AT LEAST TO SOME EXTENT, TO LIMIT THE INDEPENDENT INSTITUTION'S ABILITY TO PERFORM
ITS CONSTITUTIONAL RESPONSIBILITY AS A WATCHDOG FOR
HUMAN RIGHTS AND OTHER ABUSES COMMITTED BY GOVERNMENT
OFFICIALS EFFECTIVELY. END SUMMARY.

3. MORENO FOUND ARIAS GUILTY OF TAKING INSUFFICIENT
PRECAUTIONS TO PROTECT THE LIVES OF CIVILIAN HOSTAGES
DURING THE 1985 ASSAULT ON THE PALACE OF JUSTICE, WHICH
HAD BEEN SEIZED BY M-19 TERRORISTS. ARIAS WAS FOUND
INNOCENT OF SETTING THE FIRES WHICH DESTROYED THE
PALACE, ACCORDING TO THE TEXT OF THE DECISION, A COPY OF
WHICH HAS BEEN OBTAINED BY THE EMBASSY. ALTHOUGH ONLY
RECENTLY LEAKED TO THE PRESS, THE RULING IS DATED
SEPTEMBER 28. (IN REF A WE INACCURATELY STATED THAT THE
PROCURADURIA HAD MERELY FILED CHARGES AGAINST ARIAS AND
ANOTHER OFFICER. IN FACT, THE PROCURADURIA FOUND ARIAS
AND A SECOND OFFICIAL GUILTY OF ADMINISTRATIVE
MISCONDUCT CHARGES AND IMPOSED THE MOST DRASTIC SANCTION
AVAILABLE TO IT—REMOVAL FROM GOVERNMENT SERVICE.)
MORENO’S DECISION IS ALSO HARSHLY CRITICAL OF THE
DISREGARD FOR INNOCENT LIVES EXHIBITED BY THE M-19
DURING THE ASSAULT. THE PROCURADURIA, HOWEVER, CANNOT
CONFIDENTIAL

THE CRITICISM

4. A NUMBER OF RETIRED MILITARY OFFICERS, EX-PRESIDENT
MISAEL PASTRANA, AND OTHER POLITICIANS QUICKLY MADE
STRONG PUBLIC STATEMENTS ASSERTING THAT THE
PROCURADURIA’S ACTION WAS UNJUST. SEVERAL ACTIVE DUTY
OFFICERS—NOTABLY THE TWO HIGHEST RANKING OFFICERS IN
THE ARMY, DEFENSE MINISTER OSCAR BOTERO AND COMMANDER OF
THE MILITARY FORCES LUIS EDUARDO ROCA MAICHIL AND
OCTAVIO VARGAS SILVA, THE NATIONAL POLICE’S DIRECTOR OF
OPERATIONS—JOINED THE CHORUS OF PUBLIC CRITICISM OF THE
INDEPENDENT WATCHDOG INSTITUTION. ON NOVEMBER 6 THE
COLOMBIAN SENATE REBUCKED THE PROCURADURIA BY APPROVING,
75-5, A MEASURE TO PROMOTE ARIAS TO THE RANK OF A THREE
STAR GENERAL. THE GENERAL’S STATUS AS A RETIREE MAKES
THIS MOVE, LIKE THE PROCURADURIA’S PUNISHMENT, LARGELY
SYMBOLIC.

5. EVEN M-19 LEADER ANTONIO NAVARRO WOLFF IS UNHAPPY
WITH THE PROCURADURIA’S ACTION. IN A NOVEMBER 6
INTERVIEW NAVARRO SUGGESTED THAT MILITARY MEN INVOLVED IN THE ASSAULT ON THE PALACE BE GIVEN AN AMNESTY SIMILAR TO THAT NOW ENJOYED BY HIS ORGANIZATION. WOLFF ALSO SUGGESTED THAT "SOME POLITICIANS" WERE DREDGING UP THE PALACE OF JUSTICE INCIDENT IN ORDER TO DISCREDIT THE M-19 POLITICAL PARTY PRIOR TO DECEMBER BALLOTING FOR THE CONSTITUTIONAL ASSEMBLY.

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 BOGOTA 17824 01 OF 03 072318Z

6. THE PROCURADURIA'S CRITICS ARGUE IT IS INAPPROPRIATE FOR ARIAS TO BE PUNISHED, EVEN NOMINALLY, WHILE AN AMNESTY PROSCRIBES PUNISHMENT FOR FORMER M-19 GUERRILLAS. THEY ALSO ASSERT THAT ARIAS WAS ONLY FULFILLING THE ORDERS OF THEN PRESIDENT BETANCUR AND OF HIS MILITARY SUPERIORS. THE PROCURADURIA'S ACTION IN THIS CASE IS SAID TO ENCOURAGE DISOBEDIENCE TO MILITARY ORDERS. IN THE TEXT OF HIS DECISION, PROCURADOR DELEGATE MORENO EXPLAINS THAT, ALTHOUGH ARIAS WAS INDEED ORDERED TO SEIZE THE PALACE, THE GENERAL BEARS SOLE RESPONSIBILITY FOR THE DISREGARD OF INNOCENT LIVES WHICH

CONFIDENTIAL

NNNN

CONFIDENTIAL

PAGE 01 BOGOTA 17824 02 OF 03 072318Z

ACTION ARA-01

INFO LOG-00 ADS-00 AID-01 CIAE-00 C-01 DODE-00 DS-01
HA-09 INRE-00 INR-05 L-03 NSAE-00 PA-01 PM-01
PRS-01 P-02 SCT-03 SP-01 SSO-00 SS-01 USIE-00
/031W

--------------------------11A620 072318Z /60

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

E.O. 12356: DECL:OADR
TAGS: PHUM, PTER, PIN5, CO
SUBJECT: PALACE OF JUSTICE--PROCURADURIA DISCIPLINARY
IS SAID TO HAVE CHARACTERIZED THE ASSAULT. THE
PROCURADURIA'S DECISION LARGELY RESTS ON ITS ASSUMPTION
THAT THE OVERRIDING RESPONSIBILITY OF THE SECURITY
FORCES IN A HOSTAGE SITUATION IS TO PROTECT THE LIVES OF
CONFIDENTIAL

CONFIDENTIAL

PAGE 02       BOGOTA 17824  02 OF 03 072318Z
THE HOSTAGES.

7. ALTHOUGH MOST OF THE CRITICISM HAS BEEN DIRECTED
AGAINST THE PUNISHMENT IMPOSED ON ARIAS, SEVERAL RETIRED
OFFICERS ALSO COMPLAINED TO THE PRESS ABOUT THE
PROCURADURIA'S ORDER THAT COL. EDILBERTO SANCHEZ RUBIANO
BE REMOVED FROM ACTIVE MILITARY SERVICE. SANCHEZ WAS
FOUND RESPONSIBLE FOR THE DISAPPEARANCE (AND PRESUMED
EXTRA-JUDICIAL EXECUTION) OF AN M-19 GUERRILLA CAPTURED
ALIVE DURING THE FIGHTING. ACCORDING TO A PRESS REPORT,
SANCHEZ IS CURRENTLY COLOMBIA'S MILITARY ATTACHE IN
GUATEMALA. IN ADDITION TO SANCTIONING SANCHEZ, THE
PROCURADOR DELEGATE FOR THE MILITARY FORCES ORDERED AN
INVESTIGATION INTO THE CONDUCT OF ARMY COL. FERNANDO
BLANCO GOMEZ FOR ALLEGEDLY ILLEGALLY DETAINING AND
MALTREATING SEVERAL STUDENTS CAPTURED IN THE PALACE WHO
WERE INITIALLY BUT INCORRECTLY ASSUMED TO BE GUERRILLAS.

THE DEFENSE

---------

UNCLASSIFIED
UNCLASSIFIED

7. IN A NOVEMBER 6 OPEN LETTER TO PRESIDENT GAVIRIA, PROCURADOR GENERAL ALFONSO GOMEZ MENDEZ DEFENDED THE ACTIONS OF PROCURADOR DELEGATE MORENO. GOMEZ NOTED THAT THE PROCURADURIA WAS NOT BREAKING NEW GROUND IN FINDING OFFICIAL MISCONDUCT IN THE PALACE OF JUSTICE INCIDENT--YEARS AGO A SPECIAL COURT HAD DEMONSTRATED THAT "EXCESSES" HAD BEEN COMMITTED BY THE SECURITY FORCES. MOREOVER, GOMEZ NOTED, THE PARDON ISSUED FOR THE M-19 DID NOT MOQY THE PROCURADURIA'S DUTY TO INVESTIGATE OFFICIAL ABUSES.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03  BOGOTA  17824  02 OF 03  072318Z

8. THERE HAVE BEEN VIRTUALLY NO EXPRESSIONS OF SUPPORT FOR THE PROCURADURIA BY INDIVIDUALS NOT AFFILIATED WITH THE INSTITUTION. ONLY ASONAL, THE LEFT WING JUDGES AND JUDICIAL WORKERS UNION, HAS PUBLICLY SUPPORTED THE SANCTIONS AGAINST ARIAS.

THE APPEAL

---------

9. NORMALLY MORENO'S DECISION WOULD ESSENTIALLY BE FINAL, BUT ARIAS (AND POSSIBLY SANCHEZ), ALLEGING SERIOUS IRREGULARITIES AND USING AN UNUSUAL LEGAL TACTIC, HAVE APPEALED THEIR DISMISSAL ORDERS TO PROCURADOR GENERAL GOMEZ. GOMEZ, HOWEVER, HAS DISQUALIFIED HIMSELF, Citing PREVIOUS INVOLVEMENT IN THE CASE. SINCE VICE PROCURADOR MIRIAM RAMOS DE SAAVEDRA HAS DONE THE SAME, AN UNPRECEDENTED "AD HOC" PROCURADOR WILL LIKELY BE APPOINTED (POSSIBLY BY THE PRESIDENT) TO HEAR THE APPEAL.

THE IMPACT

---------

AS "EXTREMELY POOR." GONZALEZ SAID THAT IT TOOK FIVE YEARS FOR THE PROCURADURIA TO ACT IN THIS CASE BECAUSE PREVIOUS PROCURADOR DELEGATES FOR THE MILITARY FORCES HAD BEEN AFRAID TO DO SO. CURRENT PROCURADOR DELEGATE MORENO ASSUMED OFFICE IN OCTOBER 1989.

11. IT SEEMS INEVITABLE THAT THE VIRTUALLY UNIVERSAL CONDEMNATION OF THE PROCURADURIA WILL UNDERMINE THE PRESTIGE OF THE INDEPENDENT INSTITUTION. UNDOUBTEDLY, SOME MILITARY OFFICERS WILL INSIST ON INACCURATELY INTERPRETING THE DECISION AGAINST ARIAS AND RECENT INVESTIGATIONS BY THE PROCURADURIA INTO ARMED HUMAN
UNCLASSIFIED

USCINCSO QUARRY HEIGHTS PM

Confidential Section 03 of 03 BOGOTA 17824

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

E.O. 12356: DECL:OADR
TAGS: PHUM, PTER, PINS, CO
SUBJECT: PALACE OF JUSTICE--PROCURADURIA DISCIPLINARY
RIGHTS ABUSES AS REFLECTIONS OF A CONSPIRACY TO CRIPPLE
THE ARMY AS AN INSTITUTION.

MCNAMARA

CONFIDENTIAL

CONFIDENTIAL

PAGE 02    BOGOTA 17824  03 OF 03 072319Z

CONFIDENTIAL

NNNN

UNCLASSIFIED