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ACTION ARA-01

RELEASED IN FULL

INFO	LOG-00	ACDA-17	ACDE-00	AID-01	AMAD-01	CIAE-00	C-01
	OASY-00	DODE-00	DOEE-00	EB-01	HA-09	H-01	INM-02
	TEDE-00	INR-00	IO-16	L-01	ADS-00	NSAE-00	NSCE-00
	OIC-02	OMB-01	PA-01	PM-00	PRS-01	P-01	SNP-00
	SP-00	SR-00	SS-00	STR-01	TRSE-00	T-00	USIE-00
	DTC-01	RPE-01	PMB-00	/060W			

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R 152338Z APR 94  
FM AMEMBASSY BOGOTA  
TO SECSTATE WASHDC 9093  
INFO AMEMBASSY CARACAS  
AMEMBASSY LA PAZ  
AMEMBASSY LIMA  
AMEMBASSY QUITO  
AMEMBASSY PANAMA

C O N F I D E N T I A L SECTION 01 OF 02 BOGOTA 05962

E.O. 12356: DECL:OADR  
TAGS: PHUM, MASS, PGOV, CO  
SUBJECT: GENERAL'S DISMISSAL STIRS CONTROVERSY

1. CONFIDENTIAL - ENTIRE TEXT.
2. SUMMARY: THE DISMISSAL OF GENERAL JESUS ARMANDO ARIAS CABRALES BY PRESIDENT CESAR GAVIRIA HAS CREATED AT LEAST THE APPEARANCE OF A RIFT BETWEEN THE PRESIDENT AND  
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MINISTER OF DEFENSE RAFAEL PARDO. ARIAS' DISMISSAL STEMS FROM A PROCURADURIA FINDING THAT, AS ON-SITE COMMANDER, HE ALLOWED EXCESSIVE FORCE TO BE EMPLOYED DURING THE MILITARY OPERATION TO RETAKE THE PALACE OF JUSTICE FROM M-19 GUERRILLAS IN 1985. SEVERAL INNOCENT HOSTAGES DIED IN THE ARMY'S ATTACK. ANTONIO NAVARRO WOLF, FORMER M-19 GUERRILLA AND CURRENT PRESIDENTIAL CANDIDATE, ALONG WITH MANY RETIRED MILITARY OFFICIALS, HAS ALSO CONDEMNED THE ACTION AGAINST ARIAS. THE DISMISSAL HAS HIGHLIGHTED RESENTMENT WITHIN THE MILITARY OF THE ATTORNEY GENERAL'S OFFICE. END SUMMARY.

3. PRESIDENT GAVIRIA HAS ORDERED THE DISMISSAL OF ARMY GENERAL ARIAS CABRALES PURSUANT TO AN INVESTIGATION OF THE ATTORNEY GENERAL'S OFFICE INTO THE USE OF EXCESSIVE FORCE

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BY ARIAS DURING THE 1985 TAKEOVER OF THE PALACE OF JUSTICE BY M-19 GUERRILLAS. MINISTER OF DEFENSE RAFAEL PARDO STRENUOUSLY OPPOSED THE FINDING BUT STATED THAT HE WILL DISMISS ARIAS BECAUSE IT IS A DIRECT ORDER FROM THE PRESIDENT. PARDO REFUTED THE ATTORNEY GENERAL'S CHARGES AGAINST ARIAS, STATING THAT HE BELIEVES THAT THE GENERAL SIMPLY ACTED UPON ORDERS GIVEN BY HIS SUPERIOR OFFICERS. JOINING PARDO IN HIS CONDEMNATION OF THE DECISION WERE MANY RETIRED MILITARY OFFICIALS AND -- MAKING FOR STRANGE BEDFELLOWS -- FORMER M-19 GUERRILLA AND CURRENT "COMMITMENT COLOMBIA" PRESIDENTIAL CANDIDATE NAVARRO.

4. EXPLAINING HIS POSITION TO THE PRESS, NAVARRO EMPHASIZED THAT A GENERAL AMNESTY HAD BEEN GIVEN TO ALL THE GUERRILLAS INVOLVED IN THE PALACE OF JUSTICE INCIDENT. TO NOW NOT GIVE THE SAME CONSIDERATION TO  
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PERSONS ON THE OTHER SIDE OF THE 1985 TAKEOVER WOULD BE UNFAIR, HE POINTED OUT.

5. IN AN INTERVIEW WITH THE PRESS APRIL 10, GENERAL ARIAS REITERATED PARDO'S STATEMENT, SAYING THAT HE WAS FOLLOWING ORDERS. HE POINTED OUT THAT THE OPERATION TOOK PLACE A MERE TWO BLOCKS FROM THE PRESIDENTIAL PALACE AND THAT THERE WERE SEVEN OR EIGHT PEOPLE ABOVE HIM IN THE CHAIN OF COMMAND WHO COULD HAVE STOPPED THE OPERATION AT ANY TIME. ARIAS FORCEFULLY NEGATED THE POSSIBILITY OF A PARDON, SAYING THAT HE WOULD RATHER BE FIRED THAN BE PARDONED FOR A CRIME HE DID NOT COMMIT. HE ADDED, HOWEVER, THAT HE BELIEVED THAT BOTH THE PRESIDENT AND THE MINISTER OF DEFENSE WERE BACKED AGAINST A WALL AND COULD TAKE NO OTHER ACTION BUT TO RELIEVE HIM OF HIS DUTIES.

6. ARIAS ALSO SPOKE TO THE ISSUE OF "EL SYNDROME DE LA PROCURADURIA" (THE ATTORNEY GENERAL SYNDROME). THE GENERAL DESCRIBED A WIDE-SPREAD FEAR AMONG OPERATIONAL COMMANDERS OF UNJUSTIFIED PROSECUTION BY THE PROCURADURIA FOR HUMAN RIGHTS AND EXCESSIVE FORCE VIOLATIONS WHICH HAS LED TO A SEVERE MORALE PROBLEM AMONG THE RANK-AND-FILE. THE ACTION AGAINST HIM, THE GENERAL IMPLIED, ONLY SERVES TO REINFORCE THE RESENTMENT WITHIN THE MILITARY OF THE ATTORNEY GENERAL'S OFFICE.

7. COMMENT: WE AGREE WITH GENERAL ARIAS THAT BOTH PRESIDENT GAVIRIA AND MINISTER PARDO WERE FORCED INTO ACTION. GAVIRIA'S DECISION TO SUPPORT HIS ATTORNEY GENERAL HAS CREATED A RARELY SEEN PUBLIC CONFLICT WITH HIS

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MINISTER OF DEFENSE, ONE OF HIS CLOSEST PERSONAL  
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ADVISORS. WE QUESTION, HOWEVER, THE EXTENT TO WHICH THIS  
IS A SUBSTANTIVE SPLIT AND DO NOT DISCARD THE POSSIBILITY  
THAT GAVIRIA MAY HAVE EVEN DISCUSSED WITH PARDO IN ADVANCE  
THE INEVITABILITY OF HIS DECISION. GAVIRIA'S CHOICE MAY  
HAVE MORE TO DO WITH THE TIMING OF THE DECISION THAN THE  
ACTUAL ISSUE AT HAND. THE PRESIDENT IS CURRENTLY  
EMBROILED IN A SEPARATE CONFLICT WITH THE FISCAL, GUSTAVO  
DE GREIFF, AND NEEDS THE CONTINUING SUPPORT OF THE  
ATTORNEY GENERAL.

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8. ARIAS DOES RAISE AN IMPORTANT POINT CONCERNING THE  
FEAR WITHIN THE MILITARY OF PROSECUTION BY THE ATTORNEY  
GENERAL'S OFFICE. MANY MILITARY OFFICERS EXPRESS  
FRUSTRATION WITH WHAT THEY PERCEIVE TO BE THE ATTORNEY  
GENERAL'S "SECOND-GUESSING" OF COMBAT DECISIONS UNDER THE  
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GUISE OF HUMAN RIGHTS PROTECTION. THE PERVASIVENESS OF  
THIS INSTITUTIONAL RESENTMENT (WHETHER WARRANTED OR NOT)  
IS INEVITABLY A FACTOR COMPLICATING EVENTS TO IMPROVE  
MILITARY-CIVILIAN RELATIONS AND REDUCE HUMAN RIGHTS  
VIOLATIONS IN COLOMBIA. CRAIG

CONFIDENTIAL

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