CONFIDENTIAL 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 CONFIDENTIAL

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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
UNCLASSIFIED


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 CONFIDENTIAL

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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.


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
UNCLASSIFIED
MINISTER OF DEFENSE, ONE OF HIS CLOSEST PERSONAL
CONFIDENTIAL

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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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ACTION ARA-01

INFO LOG-00 ACDA-17 ACDE-00 AID-01 AMAD-01 CIAE-00 C-01
OASY-00 DODE-00 DOEE-00 ER-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 REP-01 PMB-00 /060W
-------------3C9971 160104Z /38

R 152338Z APR 94
FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC 9094
INFO AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY QUITO
AMEMBASSY PANAMA

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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
CONFIDENTIAL

UNCLASSIFIED
GUIDE OF HUMAN RIGHTS PROTECTION. THE PERVERSIVENESS 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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