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ACTION ARA-01

INFO	LOG-00	ACDA-08	ACDE-00	INLB-01	AID-00	AS-01	INL-01
	OASY-00	SRPP-00	DS-00	EB-00	OIGO-01	IM-01	TEDE-00
	INR-00	L-01	ADS-00	PM-00	SGHD-00	PMB-00	DSCC-00
	DRL-04	/019W					

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O 152219Z JAN 98
 FM AMEMBASSY BOGOTA
 TO SECSTATE WASHDC IMMEDIATE 0858
 INFO DEPT OF JUSTICE WASHDC
 SECDEF WASHDC
 DEPT OF TREASURY WASHDC
 USIA WASHDC 3730
 NSC WASHDC
 USCINCSO QUARRY HEIGHTS PM
 DIRONDCP WASHDC
 CIA WASHDC
 DIA WASHDC
 FBI WASHDC
 DIRNSA FT GEORGE G MEADE MD

SECDEF WASHDC//OCDEPS//
 NDIC JOHNSTOWN PA
 DEA WASHDC

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 STATE FOR ARA/AND, INL, DRL, PM, L/LEI
 NSC FOR JAMES DOBBINS
 ONDCP FOR JANET CRIST
 SOUTHCOM ALSO FOR POLAD
 DEA FOR OF, OFL, OC, AX
 JUSTICE FOR CRIM. WARREN, RICHARD AND NDDS/VAN VLIET
 FBI FOR CID/IRS/IRU2
 USIA FOR AR, I/GAR
 TREASURY FOR FINCEN

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UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: WILLIAM E. LANFAIR
 DATE/CASE ID: 26 FEB 2002 200103567

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TAGS: PHUM, SNAR, MASS, PREL, CO
 SUBJECT: COLOMBIA EUM UPDATE: EMBASSY LIGHTS A FIRE UNDER MOD

REF: A) 97 BOGOTA 11240 B) 97 BOGOTA 12195 (AND PREVIOUS)

CLASSIFIED BY POLOFF MICHAEL J. FITZPATRICK. REASON 1.5(D).

1. (C) SUMMARY: EMBASSY HAS RENEWED EFFORTS TO GET THE DEFENSE MINISTRY TO PROVIDE THE COLOMBIAN ARMY HUMAN RIGHTS CERTIFICATION REQUIRED UNDER THE END USE MONITORING AGREEMENT. AFTER ADDITIONAL ROUNDS OF EMBASSY MEETINGS BY CHARGE, EMBOFFS AND MILGROUP AT ALL LEVELS IN THE MINISTRY, THERE CAN BE NO MISUNDERSTANDING AS TO WHAT IS STILL REQUIRED BY THE COLOMBIAN GOVERNMENT. END SUMMARY.

TIME'S A'WASTING....

2. (C) SINCE THE DISCOVERY OF A SYSTEMATIC ERROR IN THE COLOMBIAN MINISTRY OF DEFENSE'S INITIAL HUMAN RIGHTS CERTIFICATION FOR THE SIX ARMY UNITS PROPOSED TO RECEIVE U.S.

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 COUNTER-NARCOTICS AID UNDER THE END-USE MONITORING (EUM) AGREEMENT (REF A), EMBASSY HAS CONTINUED TO PRESS THE COLOMBIAN MINISTRY OF DEFENSE FOR A NEW CERTIFICATION.

3. (C) FOLLOWING THE STAFF-LEVEL MEETING WHICH CONFIRMED THE MOD'S MUFFING THE CERTIFICATION, CHARGE SENT DEFENSE MINISTER ECHEVERRI A LETTER ON DECEMBER 4. THAT LETTER CONFIRMED OUR UNDERSTANDING THAT THE INITIAL REPORT WAS IN ERROR AND, AS PER THE EUM AGREEMENT, FORMALLY REQUESTED A NEW CERTIFICATION CONCERNING ALL ATTORNEY GENERAL, PROSECUTOR GENERAL OR MILITARY JUSTICE INVESTIGATIONS FOR ALLEGED HUMAN RIGHTS ABUSES COMMITTED BY MEMBERS OF THE SIX UNITS. SO AS ASSURE THAT THERE BE NO FURTHER ERRORS, THE LETTER ALSO ENUMERATED THE SIX PROPOSED UNITS, SPECIFICALLY REQUESTED THAT THE CASES OF MAPIRIPAN AND MIRAFLORES (REF B) BE INCLUDED, AND REVIEWED THE PRECISE INFORMATION EMBASSY WOULD LIKE TO RECEIVE WITH REGARDS TO EACH CASE IDENTIFIED (I.E., INVESTIGATING AGENCY AND CASE NUMBER; UNIT INVOLVED; RANKS OF IMPLICATED; CHARGES; DATE OF INCIDENT; DATE OF OPENING OF INVESTIGATION; CURRENT STATUS OF CASE).

4. (C) DESPITE MOD AND ARMY HOPES THAT THE NEW CERTIFICATION WOULD BE ACCOMPLISHED BEFORE THE CHRISTMAS HOLIDAYS SHUT DOWN BOGOTA -- AND DESPITE EFFORTS BY CHARGE, EMBOFFS AND MILGP TO PUSH FOR A RAPID REVIEW -- THAT PROVED NOT POSSIBLE. AS

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COLOMBIANS TRICKLED BACK INTO WORK THE WEEK OF JANUARY 5, EMBASSY RENEWED DAILY EFFORTS TO MOVE THE PROCESS FORWARD. UNSATISFIED WITH THE SLOW RESPONSE, EMBASSY DELIVERED A NON-PAPER FRIDAY, JANUARY 9, TO THE MINISTRY OF DEFENSE. THE CHARGE ALSO DISCUSSED THE MATTER DIRECTLY WITH MINISTER OF DEFENSE ECHEVERRI ON MONDAY, JANUARY 12.

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LET'S GET A MOVE ON
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5. (C) THE MESSAGE WAS SIMPLE AND DIRECT ON BOTH OCCASIONS: FIVE MONTHS HAVE NOW PASSED SINCE THE SIGNING OF THE EUM (AND SIX WEEKS SINCE THE MOD RECOGNIZED THE INACCURACIES IN THEIR ARMY CERTIFICATION), AND THE EMBASSY STILL DOES NOT HAVE A PROPER ARMY CERTIFICATION. FURTHERMORE, IN ADDITION TO THE BODY ARMOR AND FIRST AID KITS ALREADY IN COUNTRY, THE EMBASSY WILL RECEIVE THE WEEK OF 22 JANUARY SOME 375 M-60 MACHINE GUNS ALSO DESTINED FOR THE ARMY. UNTIL THE EMBASSY RECEIVES AND CONFIRMS THE CERTIFICATION REQUIRED UNDER THE EUM AGREEMENT, THIS NEW EQUIPMENT WILL HAVE TO BE WAREHOUSED, AS WELL. THE GOC UNDERSTANDS THAT AND HAS AGREED TO DO SO.

6. (C) DEFENSE MINISTER ECHEVERRI, HAVING SEEN WEEKEND PRESS REPORTS PICKING UP ON THE JANUARY 10 WASHINGTON POST ARTICLE ("U.S. AID IN LIMBO AS COLOMBIAN ARMY FAILS TO PROVIDE EVIDENCE ON RIGHTS ABUSES"), WAS SURPRISED, CONFUSED AND IRRITATED TO REALIZE THE MOD'S CERTIFICATION WAS STILL LACKING.

DOWN TO BRASS TACKS
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 TO SECSTATE WASHDC IMMEDIATE 0859
 INFO DEPT OF JUSTICE WASHDC
 SECDEF WASHDC
 DEPT OF TREASURY WASHDC
 USIA WASHDC 3731
 NSC WASHDC
 USCINCSO QUARRY HEIGHTS PM
 DIRONDCP WASHDC
 CIA WASHDC
 DIA WASHDC
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 DIRNSA FT GEORGE G MEADE MD

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7. (C) POL/ECONCOUNS, MILGP HUMAN RIGHTS OFFICER AND EMBASSY HUMAN RIGHTS OFFICER MET WITH THE MOD'S SECRETARY GENERAL, BRIG. GEN. MEDINA, FOR ONE HOUR IN HIS OFFICE EARLY THE AFTERNOON OF JANUARY 14. ALSO PRESENT WERE NAVY CAPTAIN TORRALVO, HEAD OF THE MOD HUMAN RIGHTS OFFICE, AND MR. GUEVARA, STAFF ATTORNEY FOR THE ARMY'S HUMAN RIGHTS OFFICE. EMBASSY OFFICERS REVIEWED FOR MEDINA THE PROCESS TO DATE AND BRIEFED HIM ON WHAT INFORMATION WE ARE

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STILL LACKING -- AND WHICH IS NECESSARY TO PROCEED WITH ASSISTANCE TO THE ARMY. EMBOFFS CONFIRMED RECEIPT IN DAYS PREVIOUS OF SEVERAL DOCUMENTS RELATED TO THE MOD'S INTERNAL INVESTIGATION OF THE MAPIRIPAN MASSACRE (SEPTTEL), BUT EXPLAINED THAT WHILE THIS WAS VERY MUCH APPRECIATED, IT WAS NOT WHAT WAS REQUIRED UNDER THE TERMS OF THE EUM AGREEMENT.

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8. (C) GENERAL MEDINA THEN HONED IN ON THE CHARGE'S DECEMBER 4 LETTER AND, LINE BY LINE, GRILLED HIS HUMAN RIGHTS OFFICERS AS TO WHETHER THEY WERE IN AGREEMENT WITH THE FACTS AS LAID OUT BY THE EMBASSY. (LINE BY LINE, THEY SHEEPISHLY AGREED.) THE GENERAL SUMMED UP BY STATING, "IT IS CLEAR THAT MY UNDERSTANDING WAS IN ERROR, AND THAT THE EMBASSY IS 100 PERCENT CORRECT. I WILL REPORT THE SAME TO THE MINISTER."

9. (C) MEDINA, BY INTERROGATING HIS STAFF, THEN DETERMINED THAT: ONLY PARTIAL INFORMATION HAD BEEN OBTAINED SO FAR FROM THE PROSECUTOR GENERAL; NO INFORMATION WAS YET AVAILABLE FROM THE ATTORNEY GENERAL (IT ARRIVED JUST HOURS AFTER THIS MEETING); AND NO INFORMATION HAD BEEN REQUESTED (MUCH LESS OBTAINED) FROM THE MILITARY COURTS SYSTEM. MEDINA COUNTERED HIS STAFF'S ASSUMPTION THAT THE ALL HUMAN RIGHTS-RELATED CASES HAD BEEN TRANSFERRED TO THE CIVILIAN COURTS FOLLOWING THE AUGUST CONSTITUTIONAL COURT DECISION BARRING MILITARY TRIALS FOR HUMAN RIGHTS ABUSES BY SAYING, "THEN LET THEM CERTIFY THAT TO YOU -- AND THEN YOU CONFIRM IT."

10. (C) GENERAL MEDINA CONCLUDED THE DISCUSSION BY ASKING THAT THE EMBASSY PERMIT HIM A BRIEF LAPSE OF TIME (NOT FURTHER SPECIFIED) IN ORDER TO OBTAIN A THOROUGH AND ACCURATE CERTIFICATION. THE LAST THING ANY OF US NEED, HE OBSERVED, IS ANOTHER INCOMPLETE OR INACCURATE CERTIFICATION.

COMMENT

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11. (C) GENERAL MEDINA CLEARLY HEARD THE MESSAGE. SO, TOO, THE MINISTER. NOR IS THERE ANY DOUBT THAT THEIR STAFFS DID EITHER. AND, GIVEN GENERAL MEDINA'S NO-NONSENSE STYLE (AND BLISTERING

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REPUTATION AMONGST HIS STAFF) WE HAVE NO DOUBT THAT EMBASSY WILL SOON BE IN RECEIPT OF A REVISED ARMY CERTIFICATION, PROBABLY BEFORE THE END OF JANUARY.

12. (C) ONLY THEN, HOWEVER, WILL THE REAL FUN BEGIN -- WHEN WE SEEK TO DOUBLE-CHECK THE CERTIFICATION AND, BASED ON EMBASSY'S FINDINGS AND WASHINGTON'S DECISIONS, SEEK TO DETERMINE WHICH OF THE SIX ARMY UNITS CAN RECEIVE AID IMMEDIATELY, WHICH CAN RECEIVE AID BASED UPON THE SECRETARY OF STATE'S CERTIFICATION TO CONGRESS UNDER THE LEAHY LAW, AND WHICH UNITS HAVE HUMAN RIGHTS CONCERNS SUCH THAT U.S. AID IS OUT OF THE QUESTION.

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