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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: APPEALS REVIEW PANEL
APPEAL ACTION: ADDITIONAL INFORMATION RELEASED
REASON(S): B1, 1.4(D)
DATE/CASE ID: 04 NOV 2004 200300812

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United States Department of State
Washington, D.C. 20520

(D2)

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December 13, 2001

BRIEFING MEMORANDUM

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~~RELEASED IN PART~~
B1, 1.4(D)

TO: DRL - Mr. Craner
FROM: DRL/PHD - Margot Sullivan, Director
SUBJECT: Your meeting with Fiscal General Luis Camilo Osorio, December 17, 2:00 p.m.

Osorio met with Mike Parmly in Washington on September 20. This meeting gives you an opportunity to press for aggressive prosecution of human rights abusers and paramilitary collaborators. This is also an opportune time to introduce the Justice Sector Relocation project. Suggested talking points:

- Voice appreciation of and support for increased cooperation on extradition. (Note: 700% increase in extradition in the last year.)
- Reiterate: continue aggressive prosecution of human rights abusers and cases of paramilitary-military collusion. Congressional funding for Colombia contingent on GOC improvement in this area.
- There is some concern in the US Congress, that you are less focused on prosecuting paramilitaries and military personnel accused of colluding with paramilitary. We recognize the broad range of issues that the Fiscalia must contend with. Our Congress, on the other hand, is deeply focused on human rights and will be looking to the Fiscalia for clear proof that paramilitaries and military officials accused of collaboration with the AUC are being brought to justice.
- Underscore USG commitment to assist GOC in their justice reform efforts. Note the alarming levels of threats and violence against justice sector personnel, which make it difficult to investigate and resolve sensitive cases. DRL has developed a justice sector relocation program to temporarily resettle judges, prosecutors and investigators threatened by illegal armed actors and to provide specialized training while they are outside of Colombia. We hope to work closely with you to implement this program to fortify rule of law.
- As Foreign Terrorist Organizations under U.S. law, FARC, ELN and AUC members and supporters are subject to various visa and financial sanctions. Still, we need your cooperation to obtain the information required to take action against specific individuals.

UNITED STATES DEPARTMENT OF STATE
CLASSIFIED BY DEPT. OF STATE, L. R. LOHMAN, DAS, A/RPS
REVIEW AUTHORITY: NORMAN M BOUTON
CLASSIFICATION: CONFIDENTIAL REASON: 1.4(D)
DECLASSIFY AFTER: 13 DEC 2011
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Attachments:

- Tab 1 - Background
- Tab 2 - Osorio's bio

Background:

Osorio's short track record since officially taking office on July 31 leaves many questioning his commitment to bring human rights violators, especially paramilitary collaborators, to justice. Osorio's first highly publicized move after taking office was to undo Deputy Prosecutor General Gonzalez' order to press paramilitarism charges against retired Army General Rito Alejo del Rio Rojas. Del Rio was charged on July 31, just hours before Osorio's swearing in, for alleged collusion with paramilitary groups in the Uraba region (northern Antioquia) during his tenure as commander of the Army's Seventeenth Brigade from 1995-97. In the flare-up following this decision, both Pedro Diaz, coordinator of the Prosecutor General's human rights unit, and Deputy Prosecutor General Pablo Elias Gonzalez resigned from their positions. |

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[REDACTED]

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Del Rio was released on August 5, based on a habeas corpus ruling by a Bogota circuit judge. The court's decision to free del Rio was based on the argument that the decision to arrest del Rio belonged to the Prosecutor General, not the Attorney General's human rights unit. It is not certain whether del Rio is still formally under investigation for paramilitarism. According to [REDACTED]

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[REDACTED] a habeas corpus decision cannot be appealed; thus, this decision will stand--and del Rio will remain free--unless it can be shown that the Bogota circuit court judge's ruling was illegal.

Ambassador Patterson has met privately with Osorio on several occasions. In an August 16 meeting, Patterson questioned Osorio about the del Rio case and expressed the concerns of U.S. members of congress that Osorio might curtail the aggressive role of the Fiscalia's human rights unit. (Several senators have written Osorio to express their concerns, particularly about the alleged dismissal of human rights unit coordinator Pedro Diaz.) Osorio defended his decision and expressed a desire to meet with U.S. members of congress on his next visit to discuss their concerns.

Justice Sector Reform

In justice reform, eight of 12 oral trial courtrooms are open, demonstrating accusatorial judicial procedure. This procedure allows for an individual to present his/her case orally to a judge, rather than having the judge read about the case on paper (a much more

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expensive road to justice). USAID supports legal offices called *Casas de Justicia* (18 established) that each handle 150 cases daily. DOJ is providing equipment and training to supplement the *Fiscalia's* national human rights task force. In addition, eleven new "satellite" human rights units will be created for rapid response to human rights violations around the country. Four of the eleven new satellite units, located in southern Colombia, are fully operational and the seven other satellite units are currently receiving training and will be fully operational by the end of calendar year 2001.

The witness protection and judicial security projects under Plan Colombia will focus on the protection of witnesses and judicial personnel involved in Colombian criminal investigations and prosecutions, with a particular emphasis on human rights cases. USG assistance will include evaluation of existing GOC protections programs and threat assessments, protective operations training, development of a comprehensive program to enhance permanent GOC protection of witnesses and judicial security personnel, and provision of equipment. Both the witness security and judicial security programs will be fully implemented and operational by the fourth quarter of 2002.

Drafted: DRL/PHD: DWalters 7-1576 11/26/01
Waltersdx/H: Craner-Osorio

Cleared: DRL/PHD: Ranske
WHA/AND: JCreamer

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