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Document Number: 1979BOGOTA01410

Page: 1
Channel: n/a

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PAGE 01 BOGOTA 01410 01 OF 02 090350Z
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INFO OCT-01 ARA-11 ISO-00 TRSE-00 IO-14 MCT-02 CIAE-00
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FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC 2644
INFO AMCONSUL BARRANQUILLA POUCH
AMCONSUL CALI POUCH
AMCONSUL MEDELLIN POUCH

~~SECRET~~ SECTION 1 OF 2 BOGOTA 1410

EO 12065: GDS 2/2/85 (ASENCIO, DIEGO C.) OR-M
TAGS: SHUM, CO
SUBJ: (U) HUMAN RIGHTS: ESTIMATE OF THE PRESENT SITUATION
IN COLOMBIA

1. (S) SUMMARY: FOR THE LAST MONTH, THE GOC HAS BEEN ENGAGED IN A MASSIVE OPERATION AGAINST THE M-19 TERRORIST GROUP. MOST OF THE ARMS STOLEN FROM AN ARMY ARSENAL BETWEEN DECEMBER 30 AND JANUARY 1 HAVE BEEN RECOVERED AND MORE THAN 200 PERSONS HAVE BEEN ARRESTED. TO DATE, THREE TERRORISTS HAVE DIED AS A RESULT OF ARMY OPERATIONS. NONE OF THOSE ARRESTED HAVE BEEN TORTURED, THOUGH SOME REPORTEDLY WERE MANHANDLED. IN ITS ACTIONS AGAINST THE M-19, THE GOC HAS COMPLIED WITH CONSTITUTIONAL NORMS. A STATE OF SIEGE, AUTHORIZED BY ARTICLE 121 OF THE CONSTITUTION, IS NOW IN EFFECT, AND SINCE PRESIDENT TURBAY TOOK OFFICE THREE SECURITY DECREES HAVE BEEN ISSUED PURSUANT TO ARTICLE 121. IN ADDITION, THE GOC HAS HAD RECOURSE TO ARTICLE 28 OF THE CONSTITUTION TO JUSTIFY HOLDING SUSPECTS FOR UP TO TEN DAYS WITHOUT A HEARING. TWO SEPARATE COLOMBIAN MILITARY ORGANIZATIONS, BIM AND BINCI, HAVE BEEN ACTIVE IN THE CAMPAIGN AGAINST THE M-19. ACCORDING TO DEFENSE MINISTER CAMACHO LEYVA, INTERROGATORS ASSIGNED TO THOSE UNITS HAVE RECEIVED TRAINING IN THE TECHNIQUES OF INTERROGATION WHICH

~~SECRET~~

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PAGE 02 BOGOTA 01410 01 OF 02 090350Z

EMPHASIZES RESPECT FOR THE PRISONER'S RIGHTS. GEN. ROBLEDO PULIDO,

Current Class: ~~SECRET~~

Page: 1

Current Class: ~~SECRET~~
 Current Handling: n/a
 Document Number: 1979BOGOTA01410

Page: 2
 Channel: n/a

COMMANDER OF THE ARMY, HAS APPROVED A PLAN TO CREATE THE IMPRESSION THAT THE AMERICAN ANTI-COMMUNIST ALLIANCE HAS ESTABLISHED ITSELF IN COLOMBIA AND IS PREPARING TO TAKE VIOLENT ACTION AGAINST LOCAL COMMUNISTS. THE ACTIVITIES CARRIED OUT IN SUPPORT OF THIS PLAN SO FAR, HOWEVER, MIGHT BE DESCRIBED AS DIRTY TRICKS RATHER THAN AS HUMAN RIGHTS VIOLATIONS. PRESIDENT TURBAY AND OTHER LEADING COLOMBIAN OFFICIALS HAVE REPEATEDLY TOLD US THAT THEY ATTACH GREAT IMPORTANCE TO MAINTAINING COLOMBIA'S GOOD NAME FOR THE PROTECTION OF HUMAN RIGHTS. AN OFFICIAL OF THE ATTORNEY GENERAL'S OFFICE HAS BEEN WORKING WITH THE MILITARY AND, ACCORDING TO A STATEMENT FROM THE PRESIDENT'S OFFICE, HE HAS RECEIVED NO COMPLAINTS OF MAL-TREATMENT BY DETAINEES. WE BELIEVE THAT GOC POLICY REMAINS ONE OF PROTECTING HUMAN RIGHTS AND THAT WHEN VIOLATIONS OCCUR THEY SHOULD BE VIEWED AS THE CONSEQUENCE OF INDIVIDUALS ACTING ON THEIR OWN. END SUMMARY.

2. (S) AS THE DEPARTMENT IS AWARE, FOR THE LAST MONTH THE GOC HAS BEEN ENGAGED IN A MASSIVE OPERATION AGAINST THE M-19 TERRORIST GROUP. MOST OF THE ARMS STOLEN FROM ANY ARMY ARSENAL BY THE M-19 BETWEEN DECEMBER 30 AND JANUARY 1 HAVE NOW BEEN RECOVERED; MORE THAN 200 PERSONS HAVE BEEN ARRESTED, AND FORMAL CHARGES ARE NOW BEING MADE AGAINST THOSE WHOSE COMPLICITY HAS BEEN ESTABLISHED ON A PRELIMINARY BASIS. THE ONLY TERRORIST FATALITIES TO DATE HAVE BEEN THE THREE GUARDS OF KIDNAP VICTIM ESCOBAR SOTO KILLED IN A SHOOTOUT ON JANUARY 3. SO FAR AS WE ARE AWARE, NONE OF THOSE ARRESTED HAVE BEEN TORTURED, THOUGH SOME REPORTEDLY WERE MANHANDLED AND/OR THREATENED. FOR EXAMPLE, MARIA DOLORES GARZON PELAEZ, THE SECRETARY OF M-19 OFFICER TONNY LOPEZ OYUELA, WAS THREATENED WITH BECOMING A MISSING PERSON IF SHE DID NOT COOPERATE WITH THE AUTHORITIES AND, DURING AN UNATTENDED MOMENT, ATTEMPTED SUICIDE; AN M-19 OFFICER IDENTIFIED ONLY BY HIS ALIAS "JAIME" WAS SIMILARLY THREATENED; AND CARLOS DUPLAT, A LEADING

~~SECRET~~

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PAGE 03 BOGOTA 01410 01 OF 02 090350Z

FIGURE IN THE MOVEMENT, ONLY AGREED TO COOPERATE AFTER BEING CONFRONTED WITH THE INFORMATION ALREADY OBTAINED FROM "JAIME" AND ROUGHED UP BY HIS INTERROGATORS.

3. (LOU) THE ACTION TAKEN AGAINST THE M-19 IS, IN GENERAL, CONSONANT WITH CONSTITUTIONAL NORMS HERE. ARTICLE 121 OF THE COLOMBIAN CONSTITUTION OF 1886, AS AMENDED, PROVIDES THAT IN CASE OF WAR OR INTERNAL DISTURBANCE, THE PRESIDENT MAY, ALL MINISTERS OF GOVERNMENT CONCURRING, INSTITUTE A STATE OF SIEGE. SUCH A STATE OF SIEGE IS NOW IN EFFECT AND HAS BEEN, OFF AND ON, FOR MORE

Current Class: ~~SECRET~~

Page: 2

UNCLASSIFIED

Current Class: ~~SECRET~~
 Current Handling: n/a
 Document Number: 1979BOGOTA01410

Page: 3
 Channel: n/a

THAN 25 YEARS. ARTICLE 121 FURTHER PROVIDES THAT THE PRESIDENT, WITH THE CONCURRENCE OF ALL THE MINISTERS, MAY ISSUE DECREES HAVING THE FORCE OF LAW. UNDER THE STATE OF SIEGE, CIVIL RIGHTS REMAIN IN EFFECT TO TH EXTENT THAT THEIR EXERCISE IS NOT INCOMPATIBLE WITH THE DECREES ISSUED BY THE PRESIDENT; AT THE PRESENT TIME, IN SPITE OF THE STATE OF SIEGE, THE COLOMBIAN'S ENJOYMENT OF CIVIL RIGHTS REMAINS ESSENTIALLY UNIMPAIRED. SINCE PRESIDENT TURBAY TOOK OFFICE IN AUGUST 1978, THREE DECREES DEALING WITH THE SECURITY SITUATION HAVE BEEN ISSUED PURSUANT TO ARTICLE 121. THE FIRST OF THESE PROVIDES FOR INCREASED PRISON SENTENCES FOR THOSE GUILTY OF CERTAIN CRIMES, INCLUDING SUBVERSIVE ACTIVITIES; MAKES SUCH PERSONS SUBJECT TO THE JURISDICTION OF MILITARY COURTS; AND PERMITS THE GOVERNMENT TO CONTROL RADIO AND TELEVISION BROADCASTS AND TO PROHIBIT STRIKES UNDER CERTAIN CIRCUMSTANCES. THE SECOND SETS UP CONTROLS OVER PART OF THE NORTH COAST DESIGNED TO DEAL WITH NARCOTICS TRAFFICKING IN THE AREA. THE THIRD AUTHORIZES THE GOVERNMENT TO SEND PARTICULARLY DANGEROUS PRISONERS TO THE ISLAND PRISON OF GORGONA. THE FIRST AND SECOND DECREES HAVE RECEIVED THE SPECIFIC ENDORSEMENT OF THE SUPREME COURT, WHICH DECLARED THEIR MAIN PROVISIONS CONSTITUTIONAL AND STRUCK DOWN ONLY A FEW ARTICLES OF LITTLE CONSEQUENCE. IN ADDITION, THE GOC HAS HAD RECOURSE IN A NUMBER OF SPECIFIC CASES RELATED TO THE ANTI-M-19 OPERATION, TO ARTICLE 28 OF THE CONSTITUTION. THIS ARTICLE REFERS TO A PEACE-TIME SITUATION IN WHICH THERE IS REASON TO FEAR THAT THE PUBLIC ORDER MAY BE DISTURBED, AUTHORIZES PREVENTIVE DETENTION FOR UP TO TEN DAYS, AND STIPULATES

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PAGE 04 BOGOTA 01410 01 OF 02 090350Z

THAT, AT THE CONCLUSION OF THIS PERIOD, THE ACCUSED MUST BE FREED OR CHARGED ACCORDING TO THE LAW. (WE KNOW OF AT LEAST TWO CASES IN WHICH THE TEN-DAY PERIOD HAS BEEN EXCEEDED, HOWEVER.) THE USE OF ARTICLE 28 HAS BEEN CRITICIZED BY SOME ON THE GROUNDS THAT THE APPLICABLE CONDITIONS DO NOT EXIST SINCE A STATE OF SIEGE IS ALREADY IN EFFECT. NEVERTHELESS, THE GOC AFFIRMS THAT IT HAS MET ALL THE CONSTITUTIONAL REQUIREMENTS FOR SUCH USE, INCLUDING APPROVAL BY THE COUNCIL OF STATE. IT IS PROBABLE THAT, GIVEN THE LARGE NUMBER OF ARRESTS MADE AND ANTICIPATED AND THE LACK OF ANY PROVISION FOR AN EXTENDED PERIOD OF DETENTION IN ANY OF THE DECREES ISSUED PURSUANT TO ARTICLE 121, THE GOC FELT IT HAD NO CHOICE BUT TO INVOKE ARTICLE 28, AND THE MAJORITY OF THOSE ARRESTED DURING THE LAST MONTH HAVE BEEN HELD UNDER ARTICLE 28.

Current Class: ~~SECRET~~

Page: 3

UNCLASSIFIED

Current Class: ~~SECRET~~
 Current Handling: n/a
 Document Number: 1979BOGOTA01410

Page: 4
 Channel: n/a

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 PAGE 01 BOGOTA 01410 02 OF 02 090706Z
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INFO OCT-01 ARA-11 ISO-00 TRSE-00 IO-14 MCT-02 CIAE-00
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 TO SECSTATE WASHDC 2645
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 AMCONSUL CALI POUCH
 AMCONSUL MEDELLIN POUCH

~~SECRET~~ SECTION 2 OF 2 BOGOTA 1410

4. (S) TWO SEPARATE COLOMBIAN MILITARY ORGANIZATIONS, WITH SOMETIMES OVERLAPPING RESPONSIBILITIES, ARE CHARGED WITH RESPONSIBILITY FOR ANTI-SUBVERSIVE OPERATIONS AND HAVE BEEN ACTIVE IN THE CAMPAIGN AGAINST THE M-19. THE TWO ARE THE MILITARY INSTITUTES BRIGADE (BIM) AND THE INTELLIGENCE BATTALION "GENERAL CHARRY SOLANO", BETTER KNOWN AS THE BATTALION OF INTELLIGENCE AND COUNTERINTELLIGENCE (BINCI). THE FORMER IS AN OPERATIONAL/TACTICAL UNIT, WITH HEADQUARTERS IN BOGOTA. SUBORDINATE UNITS INCLUDE ALL MILITARY SCHOOLS WITH THE EXCEPTION OF THE WAR COLLEGE AND MILITARY ACADEMY; AS WELL AS THE PRESIDENTIAL GUARD, MP, ENGINEER AND QUARTERMASTER BATTALIONS AND A MECHANIZED CAVALRY GROUP. TROOPS OF THE CAVALRY GROUP HAVE BEEN OPERATING AGAINST FARC GUERRILLAS IN NORTHERN CUNDINAMARCA AND CARRYING OUT CERTAIN RESPONSIBILITIES RELATED TO THE MAINTENANCE OF PUBLIC ORDER IN BOGOTA. BINCI IS PART OF ARMY TROOPS, DIRECTLY SUBORDINATE TO THE ARMY COMMANDER BUT UNDER THE OPERATIONAL CONTROL OF E-2 (INTELLIGENCE) OF THE ARMY GENERAL STAFF. IT IS RESPONSIBLE FOR COUNTERING COMMUNIST INFILTRATION, BLOCING THE IMPORTATION OF SUBVERSIVE PROPAGANDA AND ILLEGAL ARMS AND PROVIDING COUNTER-INSURGENCY INTELLIGENCE IN SUPPORT OF ARMY UNITS. BINCI HAS DETACHMENTS AND AGENTS THROUGHOUT COLOMBIA WHO REPORT TO HEADQUARTERS IN BOGOTA. DEFENSE MINISTER CAMACHO LEYVA TOLD ME

Current Class: ~~SECRET~~

Page: 4

Current Class: ~~SECRET~~
 Current Handling: n/a
 Document Number: 1979BOGOTA01410

Page: 5
 Channel: n/a

PAGE 02 BOGOTA 01410 02 OF 02 090706Z

RECENTLY THAT ARMY INTERROGATORS ASSIGNED TO THESE UNITS HAVE RECEIVED TRAINING IN THE TECHNIQUES OF INTERROGATION WHICH EMPHASIZES RESPECT FOR THE PRISONER'S RIGHTS, AND THAT NAVY AND AIR FORCE INTERROGATORS WILL BE GIVEN SIMILAR TRAINING.

5. (S) A DISTURBING DEVELOPMENT OF RECENT DATE IS THE DELINEATION OF A PLAN BY BINCI -- APPROVED IN LATE NOVEMBER 1978 BY GEN. JOREGO ROBLEDI PULIDO, COMMANDER OF THE ARMY -- TO CREATE THE IMPRESSION THAT THE AMERICAN ANTI-COMMUNIST ALLIANCE (AAA) HAS ESTABLISHED ITSELF IN COLOMBIA AND IS PREPARING TO TAKE VIOLENT ACTION AGAINST COLOMBIAN COMMUNISTS. HOWEVER, THE ACTIVITIES THUS FAR CARRIED OUT IN PURSUIT OF THIS PLAN, E.G. THE BOMBING OF THE COLOMBIAN COMMUNIST PARTY'S HEADQUARTERS ON DECEMBER 12 WITH NO CASUALTIES MIGHT BE MORE APPROPRIATELY CHARACTERIZED AS DIRTY TRICKS THAN AS VIOLATIONS OF HUMAN RIGHTS. MOREOVER, IN THE EMBASSY'S VIEW, THE PLAN WAS BORN OF THE FRUSTRATION THE MILITARY FELT LAST FALL WHEN LITTLE HEADWAY WAS BEING MADE IN COMBATTING TERRORIST ACTIVITIES AND IS LIKELY TO REMAIN INOPERATIVE SO LONG AS THE ARMED FORCES ARE SUCCESSFUL IN DEALING WITH THE PROBLEM BY OTHER MEANS.

6. (C) PRESIDENT TURBAY, THE DEFENSE MINISTER AND OTHER LEADING OFFICIALS HAVE REPEATEDLY TOLD US THAT THEY ATTACH GREAT IMPORTANCE TO MAINTAINING COLOMBIA'S GOOD NAME FOR THE PROTECTION OF HUMAN RIGHTS AND TO KEEPING COLOMBIA IN THE FOREFRONT OF HEMISPHERE EFFORTS TO PROMOTE HUMAN RIGHTS AND DEMOCRACY. WHILE CAMACHO LEYVA HAS THE REPUTATION OF BEING AN UNBENDING HARDLINER AND IS A FAVORITE TARGET OF THE LEFT, HE IS, IN FACT, ACUTELY SENSITIVE TO THE HUMAN RIGHTS PROBLEM AND AS RECENTLY AS JANUARY 30, TOLD ME THAT HE IS KEEPING A CLOSE WATCH ON HIS SUBORDINATES TO SEE THAT VIOLATIONS DO NOT OCCUR. (HE ALSO SAID THAT HE REFUSES TO TREAT PRISONERS BETTER THAN HE TREATS ENLISTED MEN OF THE ARMED FORCES.) FURTHERMORE, ATTORNEY GENERAL GONZALEZ CHARRY, WHO BY LAW IS

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PAGE 03 BOGOTA 01410 02 OF 02 090706Z

INDEPENDENT OF THE EXECUTIVE, HAS ASSIGNED AN OFFICIAL TO WORK WITH THE MILITARY AND TO HEAR ANY COMPLAINTS OF VIOLATIONS THAT MAY BE MADE. RECENTLY, FOLLOWING A DECLARATION BY THE COUNCIL ON HEMISPHERIC AFFAIRS EXPRESSING "APPREHENSIONS OVER THE PRESENT WAVE OF REPRESSIONS IN COLOMBIA," THE PRESS SECTION OF THE

Current Class: ~~SECRET~~

Page: 5

UNCLASSIFIED

Current Class: ~~SECRET~~
 Current Handling: n/a
 Document Number: 1979BOGOTA01410

Page: 6
 Channel: n/a

PRESIDENT'S OFFICE ISSUED A COMMUNIQUE STATING: "IT IS APPROPRIATE TO INFORM PUBLIC OPINION THAT IN THE INVESTIGATIONS WHICH THE BRIGADE OF MILITARY INSTITUTES IS CURRENTLY CARRYING OUT CONCERNING THE THEFT OF ARMS FROM THE NORTH CANTONMENT, THERE HAS BEEN PERMANENTLY PRESENT AN OFFICIAL OF THE ATTORNEY GENERAL'S OFFICE WITH THE PRECISE DUTY OF HEARING THE COMPLAINTS WHICH THE ACCUSED PERSONS MAY WISH TO MAKE. THE GOVERNMENT HAS NO KNOWLEDGE THAT ANY OF THEM HAS COMPLAINED OF THE MALTREATMENT AGAINST WHICH, WITH LESS REASON THAN PASSION, INFORMATION MEDIA OF THE EXTREME (LEFT) ARE PROTESTING."

7. (S) THERE HAVE BEEN MINOR VIOLATIONS OF HUMAN RIGHTS TO DATE, THAT WE ARE AWARE OF, AND WE HAVE BEEN LOOKING HARD. WE WOULD CHARACTERIZE THESE MORE AS A RESULT OF HARSH INTERROGATIONS PERFORMED BY INDIVIDUALS ACTING ON THEIR OWN, RATHER THAN AS TORTURE OR THE APPLICATION OF A CONSCIOUS POLICY TO EXTRACT INFORMATION BY TORTURE. THE AFTERNOON TABLOIDS, AND PARTICULARLY THE LEFT-WING BOGOTANO HAVE BEEN CARRYING STORIES OF ALLEGED INSTANCES OF TORTURE WHICH WE HAVE NOT BEEN ABLE TO CONFIRM. THESE PRESS ORGANS, HOWEVER, ARE NOTORIOUSLY INACCURATE AND DISREPUTABLE. SUCH ARTICULATE SPOKESMEN OF THE LEFT AS ENRIQUE SANTOS CALDERON AND DANIEL SAMPER PIZANO, HAVE ALSO WEIGHED IN BUT ARE CONSIDERED TO HAVE IDEOLOGICAL AXES TO GRIND. IT IS NOT UNUSUAL FOR THOSE DETAINED AND RELEASED TO CLAIM TORTURE AND THE COLOMBIAN AUTHORITIES ARE CONVINCED THAT THESE INDIVIDUALS ARE ACTING ON INSTRUCTIONS FROM THEIR ORGANIZATIONS. WE ARE CONVINCED THAT AS THE ANTI-SUBVERSIVE CAMPAIGN INTENSIFIES, THE OUTCRY FROM LEFT-WING ORGANIZATIONS AND THE LEFT-WING MEDIA WILL INCREASE IN STRIDENCY. DESPITE THESE CONSIDERATIONS, WE HAVE EVERY REASON TO BELIEVE THAT THE GOC POLICY REMAINS ONE OF PROTECTING HUMAN RIGHTS. WE CANNOT, OF COURSE, RULE OUT THE

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PAGE 04 BOGOTA 01410 02 OF 02 090706Z

POSSIBILITY THAT MAJOR VIOLATIONS WILL OCCUR IN THE FUTURE. IN THE GOVERNMENT'S WAR ON SUBVERSION THE MILITARY FORCES ARE A BLUNT INSTRUMENT AND MILITARY OPERATIONS MAY HAVE UNEXPECTED CONSEQUENCES. NEVERTHELESS, I FEEL THAT THE GOC RECORD IS STILL RELATIVELY CLEAN, IF NOT AS PRISTINE AS IT WAS LAST YEAR. I BELIEVE THAT IT IS THE INTENTION OF THE GOVERNMENT LEADERSHIP TO KEEP IT THAT WAY. I WILL BE THE FIRST TO BLOW THE WHISTLE ON THEM IF THAT SHOULD CHANGE. IN THE MEANTIME, I URGE THE DEPARTMENT TO EXERCISE EXTREME CAUTION IN REACTING PUBLICLY TO ANY BUT CONFIRMED REPORTS IT MAY RECEIVE CONCERNING ALLEGED HUMAN RIGHTS VIOLATIONS.

Current Class: ~~SECRET~~

Page: 6

UNCLASSIFIED

UNCLASSIFIED

Current Class: ~~SECRET~~
Current Handling: n/a
Document Number: 1979BOGOTA01410

Page: 7

Channel: n/a

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Current Class: ~~SECRET~~

Page: 7

UNCLASSIFIED