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E.O. 12356: N/A
TAGS: PGOV, PINS, SNAR, PHUM, CO
SUBJECT: JUDGES' REPORT ON THE PALACE OF JUSTICE ATTACK

1. (U) SUMMARY: THE TWO-JUDGE PANEL ASSIGNED TO INVESTIGATE THE M-19 ATTACK ON THE PALACE OF JUSTICE HAS ISSUED ITS REPORT, FOR WHAT IT IS WORTH. MAJOR CONCLUSIONS: PRESIDENT BETANCUR ACTED WITHIN HIS POWERS AND DUTIES, BUT SHOULD HAVE ESTABLISHED A DIALOGUE WITH THE ATTACKERS; IT IS NOT CLEAR WHY MILITARY AND POLICE PROTECTION WAS WITHDRAWN FROM THE PALACE THE DAY OF THE ATTACK; THE NARCO-GUERRILLA CONNECTION IS NOT REPEAT NOT PROVEN (SIC). END SUMMARY.

2. THE SPECIAL INSTRUCTION TRIBUNAL CREATED BY DECREE 3300 OF 1985 TO INVESTIGATE THE ATTACK ON THE COLOMBIAN PALACE OF JUSTICE BY THE M-19 HAS RELEASED ITS REPORT. THE REPORT, A DETAILED AND LENGTHY ACCOUNT OF THE EVENTS OF NOVEMBER 6-7, 1985, INCLUDES TESTIMONY FROM GOVERNMENT OFFICIALS, POLICE AND MILITARY OFFICERS, RESCUED HOSTAGES, AND OTHER WITNESSES. YET IT FAILS TO LIMITED OFFICIAL USE

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ANSWER MANY QUESTIONS REGARDING THE EVENTS WHICH TOOK PLACE BEFORE AND DURING THE TAKE OVER -- SUCH AS, WHY MILITARY AND POLICE PROTECTION WAS WITHDRAWN FROM THE PALACE, AND WHAT HAPPENED TO A NUMBER OF PEOPLE WHO

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REPORTEDLY DISAPPEARED DURING THOSE TWO DAYS.

3. THE JUDGES ENDED THE REPORT WITH SEVENTEEN CONCLUSIONS. THE MORE POLITICALLY SIGNIFICANT ARE:

-- GOVERNMENT'S REACTION TO THE ATTACK: THE JUDGES CONCLUDE THAT, ALTHOUGH THE PRESIDENT AND HIS MINISTERS ACTED WITHIN THE LAW AND TO PROTECT THE DEMOCRATIC INSTITUTIONS OF COLOMBIA, A DIALOGUE (NOT NEGOTIATIONS) SHOULD HAVE BEEN ESTABLISHED WITH THE GUERRILLAS IN AN EFFORT TO GAIN THE RELEASE OF THE HOSTAGES. ESPECIALLY, THAT PRESIDENT BETANCUR SHOULD HAVE ACCEPTED SUPREME COURT PRESIDENT REYES ECHANDIA'S TELEPHONE CALL. (NOTE: THE CALL WAS TAKEN BY THE POLICE COMMANDER, GEN. DELGADO.)

-- MILITARY AND POLICE PROTECTION: THE JUDGES STATE THAT THE REMOVAL OF POLICE AND MILITARY PROTECTION FROM THE PALACE IS "INEXPLICABLE", SINCE INVESTIGATION DID NOT REVEAL WHO REQUESTED THE WITHDRAWAL. AS PART OF THE REPORT, THE JUDGES ORDER THAT A SEPARATE INVESTIGATION BE CONDUCTED TO ESTABLISH WHO WAS RESPONSIBLE FOR REQUESTING THE WITHDRAWAL OF THE SECURITY FORCES AND TO ASCERTAIN THAT NO ILLEGAL ACTIONS WERE INVOLVED.

-- NARCO-GUERRILLA CONNECTION: ACCORDING TO THE JUDGES, INVOLVEMENT OF OR FUNDING BY NARCOTICS TRAFFICKERS IN THE ATTACK ON THE PALACE OF JUSTICE IS NOT PROVEN. THEY CONCLUDE THAT THE THREATS RECEIVED BY LIMITED OFFICIAL USE

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THE SUPREME COURT MAGISTRATES PRIOR TO THE ATTACK, THE BURNING OF EXTRADITION FILES, AND THE M-19'S OPPOSITION TO THE U.S.-COLOMBIA EXTRADITION TREATY MAY HAVE BEEN COINCIDENCES AND DO NOT NECESSARILY PROVE ANY KIND OF COOPERATION BETWEEN THE M-19 AND NARCOS IN THE PLANNING AND EXECUTION OF THE ATTACK. (COMMENT: THE JUDGES' CONCLUSIONS CANNOT BE TAKEN AS DEFINITIVE, BUT WILL SUPPORT THOSE IN COLOMBIA AND OUTSIDE WHO ARE SKEPTICAL OF AN M-19/NARCO CONNECTION).

-- DISAPPEARANCES: THE JUDGES NOTED REPORTS THAT TWO GUERRILLAS MAY HAVE LEFT THE PALACE OF JUSTICE ALIVE IN CUSTODY OF SECURITY FORCES, BUT WERE NEVER SEEN AGAIN. THE JUDGES IN THE REPORT ORDER THAT THESE CASES BE TURNED OVER TO MILITARY JUSTICE FOR INVESTIGATION.

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4. COMMENT: MANY QUESTIONS, NOT ANSWERED BY THE REPORT; WILL PROBABLY REMAIN UNANSWERED. WE CONTINUE TO BELIEVE (REF BOGOTA 08315) THAT THE PALACE OF JUSTICE ATTACK WILL BECOME ONE OF THE GREAT MYSTERIES OF COLOMBIAN HISTORY AND THE FREQUENT (BUT PROBABLY FRUITLESS) OBJECT OF CONSPIRACY THEORISTS. GILLESPIE

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