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Viewing cable 09BOGOTA542, MILITARY'S HUMAN RIGHTS INITIATIVES MEET RESISTANCE

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SUBJECT: MILITARY'S HUMAN RIGHTS INITIATIVES MEET RESISTANCE

REF: A. 2008 BOGOTA 4165
A#B. BOGOTA 0401

Classified By: Political Counselor John Creamer
Reasons 1.4 (b and d)

SUMMARY

A#1. (C) The Defense Ministry (MOD) continues to step up investigations into reports of murders committed by Army personnel, and has fired fifty-one officers and enlisted men implicated in the incidents--including 27 dismissed as a result of the Soacha murders. The MOD is also working to fix breakdowns in intelligence, operational planning and logistics that contribute to human rights abuses, as well as to implement clearer rules of engagement. Still, some senior military officials continue to resist the MOD's efforts, arguing that human rights concerns are overstated and that the new policies are harming the war effort. Army Commander General Oscar Gonzalez has impeded investigations of abuses by limiting the mandate of the Army Inspector General. With Defense Minister Juan Manuel Santos likely to depart soon to launch his presidential campaign, senior military and civilian officials say it is key that President Uribe appoint a Minister equally committed to human rights if the current progress is to be maintained. End Summary

MOD IMPLEMENTS CORRECTIVE MEASURES

A#2. (C) Since October 2008, the MOD has dismissed fifty-one officers and enlisted men implicated in extrajudicial killings: 27 Army personnel were fired in October 2008 for the Soacha killings; 13 more were dismissed in November 2008 for murders in Cordoba; and 11 others were dismissed from La Popa Battalion in January 2009 for killings in Cesar. In addition to the investigations, the MOD is implementing the 15-point plan announced by MOD Santos in November 2008 to improve the military's human rights record and deter abuses (see reftel A). The MOD is developing clearer rules of military engagement and is designating those criminal bands that are legitimate military targets and those that should be subject to law enforcement action. The GOC also modified an internal directive regulating rewards payments to informants to avoid situations such as the "Rojas" case where the GOC paid for FARC Secretariat member Ivan Rios' hand (and later his corpse).

IG'S MANDATE LIMITED

A#3. (C) Army Inspector General (IG) Major General Carlos Suarez, who was made IG by MOD Santos with the specific mandate to investigate extrajudicial killings, told us on February 13 that he and two trusted members of his team are the only personnel who investigate alleged murders committed killings by Army personnel. The investigations follow the model used by Suarez in investigating the Soacha murders, and examine the operational, intelligence, logistical and administrative components of supposed military operations. Suarez clarified that his role is not criminal or

courage is contagious

disciplinary, but rather administrative. He cannot dismiss any personnel on his own, and can only make recommendations to the Army Commander, Armed Forces Commander, or the MOD. For example, he recommended that 28 Army officers and other personnel be dismissed from the Popa Battalion due to their alleged roles in killings in Cesar, but Army Commander Oscar Gonzalez approved the removal of only 11 officers.

PROBLEM WIDESPREAD AND BAD TACTICS

¶4. (C) Suarez said the extrajudicial execution problem was widespread. He stated that the Soacha phenomenon originated in the 4th Brigade in Medellin (commanded at one time by both former Army Commander Mario Montoya and current Army Commander Oscar Gonzalez). The practice later spread to other brigades and commands in the region, including the Joint Caribbean Command. Suarez said the insistence by some military commanders on body counts as a measure of success despite MOD directives to the contrary--coupled with some commanders' ties to criminals and narcotraffickers--led to the specific pattern of murders committed in the Soacha and other cases. He noted that the body count system--and the resulting murders--not only undermined the Army's legitimacy, but also created a false illusion of success. As a result, the "false positives" diverted resources and attention away from the main fight against the FARC.

SENIOR LEVEL RESISTANCE TO CHANGE

¶5. (C) Suarez said he continues to enjoy the support of MOD Santos, Vice Minister of Defense Sergio Jaramillo, and Armed Forces Commander Freddy Padilla. Still, he faces resistance from some active duty officers supported by a group of retired generals and right-wing politicians. Suarez noted that he was imposed on Army Commander Gonzalez by Padilla, and that Gonzalez opposes his work. He acknowledged that Gonzalez tried to intimidate witnesses not to testify about murders committed by the 11th Brigade in Sucre, and said Gonzalez tries to limit his office's resources. XXXXXXXXXXXX echoed Suarez's comments, noting that Gonzalez has transferred personnel from Suarez's office, reduced his bodyguard contingent, and tried to restrict the IG's mandate. Suarez added that his family has received indirect threats due to his work. His staff is searching for an email allegedly circulating within the military which shows photos of the members of the MOD Commission that investigated the Soacha murders with X's drawn through them.

¶6. (C) Beyond the military, Suarez said retired generals such as Montoya and former 17th Brigade Commander Rito Alejo del Rio are working with right-wing politicians like former Minister Fernando Londono to undercut Santos' human rights initiatives. He cited a February 12 "El Tiempo" Op-ed in which Londono complained that the dismissals over the so-called "false positives" had emasculated the military, leaving officers too scared to conduct operations and returning the tactical initiative to the FARC. Jaramillo told us that some officers are mounting a campaign involving legal action, intimidation, and slander to harass those officers and civilians committed to cleaning up the Army. Jaramillo noted that former Colonel Mejia--who faces criminal charges for his role in the La Popa murders--has filed complaints with the Inspector General's Office (Procuraduria) against him and Prosecutor General Human Rights Office director Sandra Castro for allegedly forcing witnesses to testify against him.

BATTLE OVER URIBE'S EAR

¶7. (C) Suarez observed that President Uribe continues to view military success in terms of kills, leaving him susceptible to the arguments of some military officers and politicians that the MOD's emphasis on human rights is overstated and is harming the war effort against the FARC. Jaramillo confirmed that the group's arguments are gaining some traction with Uribe. Suarez said the President needs to understand that the previous enemy combat death reports included many non-FARC, creating a misleading view of progress and promoting both bad tactics and officers.

¶8. (C) Suarez and Jaramillo discounted charges that the Soacha investigations and other MOD human rights initiatives are discouraging military operations against the FARC, noting that the Army units which have achieved the greatest results against the terrorist group were not involved in the murders. Suarez said Army Operations Chief Major General Carlos Saavedra agrees that the human rights impact on operations has been minimal (Embassy's own analysis supports Suarez and Saavedra's conclusions. See reftel B). Still, Suarez and Jaramillo said that with MOD Santos likely to depart soon to launch his presidential campaign, President Uribe's choice of the next MOD will be key. If the next MOD does not share Santos' strong human rights commitment, the progress achieved to date could be reversed.

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