

Message Text

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ACTION ARA-15

INFO OCT-01 ADS-00 HA-05 SY-05 SYE-00 CIAE-00 NSAE-00
NSCE-00 SSO-00 ICAE-00 INRE-00 ACDA-12 IO-14
ANAE-00 AID-05 PM-05 H-01 INR-10 L-03 PA-01
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O R 312245Z AUG 79
FM AMEMBASSY LA PAZ
TO SECSTATE WASHDC IMMEDIATE 7997
INFO AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY LIMA
AMEMBASSY QUITO
AMEMBASSY SANTIAGO
USCINCSO J2 QUARRY HEIGHTS CZ
DIA WASHDC

LIMITED OFFICIAL USE SECTION 1 ON 2 LA PAZ 7472

E.O. 12065: N/A
TAGS: POINT, BL
SUBJECT: BANZER GOES ON TRIAL BEFORE CONGRESS

1. SUMMARY: ON AUGUST 30 FORMER PRESIDENT HUGO BANZER WENT ON TRIAL BEFORE THE CONGRESS. THIS IS THE SIXTH SUCH TRIAL IN BOLIVIAN HISTORY SINCE 1857, AND NONE SO FAR HAS RESULTED IN CONVICTIONS.
ON THE EVE OF THE HEARING SEVERAL POLITICAL PARTIES EXPRESSED SOLIDARITY WITH THE PROCEEDINGS. THAT SAME DAY, BANZER WENT ON TELEVISION TO DEFEND HIS REGIME AND PLEDGE HE WOULD GO ALONG WITH THE VERDICT OF THE PEOPLE AND HISTORY. ON THE FIRST DAY OF THE TRIAL, PS-1 DEPUTY MARCELO QUIROGA PRESENTED THE LENGTHIEST AND MOST DETAILED OF THE TWO ACCUSATIONS MADE IN THE TIME SPAN ALLOWED. WHILE NO ONE CAN PREDICT AT THIS TIME HOW THESE PROCEEDINGS WILL END, THE POSSIBILITY EXISTS THAT THE PROCESS--
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PARTICULARLY IF THE ARMED FORCES BECOME INVOLVED AS AN INSTITUTION--COULD JEOPARDIZE THE CONSUMMATION OF BOLIVIA'S TRANSITION TO DEMOCRACY.

2. INTRODUCTION: IF ANY INFORMED OBSERVER OF BOLIVIA HAD PREDICTED IN THE SUMMER OF 1977--AT THE VERY HEIGHT OF THE

HUGO BANZER DICTATORSHIP--THAT IN ONLY TWO YEARS A CONSTITUTIONALLY-ELECTED CONGRESS WOULD HAVE PRESIDENT BANZER ON TRIAL FOR HIGH TREASON, MISUSE OF FUNDS, AND VIOLATION OF HUMAN RIGHTS, THE OBSERVER WOULD HAVE BEEN REGARDED AS SOMETHING OF A DOOMSDAY FREAK. WE ARE NOT AWARE THAT ANYONE MADE SUCH A PREDICTION, BUT THE EVENT, HIGHLY UNLIKELY IN 1977, IS NOW TAKING PLACE, FOR THE MUCH HERALDED TRIAL IN THE CONGRESS BEGAN AUGUST 30, 1979. IT IS THE SIXTH TIME SINCE 1857 THAT TRIALS OF HIGH GOVERNMENT OFFICIALS HAVE TAKEN PLACE. NO CONVICTIONS HAVE EVER OCCURRED.

3. BACKGROUND:

A. IN 1857, GENERAL CORDOVA'S ENTIRE CABINET WAS CHARGED WITH VIOLATING THE CONSTITUTION AND THE CIVIL RIGHTS OF THE PEOPLE. THE CONGRESS DISMISSED THE CHARGES. IN 1893, SIMILAR ACCUSATIONS AGAINST PRESIDENT MARIANO BAPTISTA--ONE OF CORDOVA'S ACCUSERS--WERE ALSO DISMISSED BY THE CONGRESS. THAT SAME YEAR, GENERAL DAZA WAS ACCUSED OF TREASON DURING THE WAR WITH CHILE, GRAFT, AND VIOLATION OF THE CONSTITUTION. HE WAS NEVER TRIED. RETURNING FROM EUROPE TO DEFEND HIMSELF, DAZA WAS ASSASSINATED IN 1894. HOSE MANUEL PANDO AND HIS CABINET WAS CHARGED IN 1913 WITH THE SAME CRIMES AS CORDOVA AND BAPTISTA, AND LIKE THEM WAS NEVER TRIED. FINALLY, IN 1917, THE TRIAL OF PRESIDENT ISMAEL MONTES LED TO A RIOT THAT KEPT HIS ACCUSERS AWAY FROM THE CONGRESS. HE TOO ESCAPED PROSECUTION.
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B. PRESENTLY, CHARGES AGAINST PUBLIC OFFICIALS CAN BE BROUGHT UNDER THE 1967 POLITICAL CONSTITUTION, AND THE LAW OF RESPONSIBILITIES (PASSED OCTOBER 23, 1944, MODIFYING A SIMILAR LAW ENACTED OCTOBER 31, 1884). THE PROCESS CALLS FOR:

--ACCUSATIONS AGAINST A PRESIDENT OR OTHER HIGH GOVERNMENT OFFICIALS "FOR CRIMES COMMITTED IN THE EXERCISE OF THEIR FUNCTIONS" MUST BE PRESENTED IN OPEN SESSION TO THE CONGRESS;

--AFTERWARDS, THE MATTER IS TO BE PROMPTLY REFERRED TO A SPECIAL COMMISSION TO STUDY THE EVIDENCE, AND WITHIN 15 DAYS, PRESENT CONGRESS A RECOMMENDATION TO EITHER DISMISS OR SUSTAIN CHARGES;

--THE ACCUSED MAY DEFEND THEMSELVES IN PERSON OR THROUGH DEPOSITION. ONCE THEIR DEFENSE IS HEARD, CONGRESS MUST DECIDE, BY A TWO-THIRDS VOTE, WHETHER TO DISMISS CHARGES OR REFER TO THE MATTER TO THE SUPREME COURT.

(NOTE: THE CONGRESS IS NOT BOUND BY THE COMMISSION'S RECOMMENDATION.)

--THE SUPREME COURT, ACTING ON EVIDENCE AND TESTIMONY PREVIOUSLY PRESENTED, ISSUES A DECISION AND IMPOSES A SENTENCE.

C. IN PREPARATION FOR THE TRIAL OF THE FORMER PRESIDENT, THE CONGRESS PETITIONED THE GOB TO PROVIDE DETAILED INFORMATION ON PERSONS DETAINED, PERSECUTED, AND EXILED DURING THE BANZER YEARS. WHEN GIVEN ADVANCE NOTICE OF THIS REQUEST, THE PRESS REPORTS THE INTERIOR MINISTER ASKED FOR 90 DAYS TO PREPARE A REPLY. OSCAR ZAMORA, MNR SENATOR FROM TARIJA AND PCML LEADER, REPORTEDLY REFUSED TO GRANT THE MINISTER'S REQUEST AND TRENCHANTLY SUGGESTED THE INFORMATION BE EXPEDITIOUSLY OBTAINED FROM ARMED FORCES J-2 FILES, WHICH HE QUALIFIED AS THE MOST COMPLETE SOURCE OF CONFIDENTIAL POLITICAL LIMITED OFFICIAL USE

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INFORMATION.

D. ON THE EVE OF THE TRIAL, 29 AUGUST, MANY POLITICAL PARTIES APPEARED IN FAVOR OF IT. PRESS REPORTS QUOTED CASIANO AMURRIO, LEADER OF THE PCML AND DEPUTY FOR COCHABAMBA, "THE MNR ALLIANCE IS NOT OUT FOR REVENGE, BUT ONLY SEEKS JUSTICE BE DONE AND THE LAW RESPECTED." QUALIFYING THOSE REMARKS, JOSE HARB, AN MNR LEADER AND DEPUTY FOR LA PAZ, CAUTIOUSLY TOLD REPORTERS HE COULD NOT COMMENT ON THE POSITION THE ALLIANCE WOULD TAKE AT THE HEARINGS. JAIME TAPIA ALIPAZ, ADN LEADER AND DEPUTY FOR LA PAZ, TOLD THE PRESS HIS PARTY WILL SEEK TO INCLUDE UNDER THE PRESENT TRIAL ALL GOVERNMENTS SINCE 1952, PARTICULARLY THE GOVERNMENTS OF PAZ ESTENSSORO, SILES ZUAZO AND OVANDO. HE REASONED THESE GOVERNMENTS REPEATEDLY VIOLATED THE RIGHTS OF INDIVIDUALS, AND HOPED THE PRESENT TRIAL WOULD PREVENT RECURRENCE OF PAST ERRORS. FINALLY, BANZER IN A REVISED STATEMENT AUGUST 29 DEFENDED HIS REGIME, ASKED THE TRIAL BE CONDUCTED IN AN ATMOSPHERE OF RESPECT AND PROPER DECORUM, AND CLAIMED HE WOULD

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NSCE-00 SSO-00 ICAE-00 INRE-00 ACDA-12 IO-14

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FM AMEMBASSY LA PAZ

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INFO AMEMBASSY BRASILIA

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"ACCEPT THE VERDICT OF HIS PEOPLE AND OF HISTORY." THE NEXT DAY, THE GUTIERREZ WING OF THE FSB ANNOUNCED IT TOO JOINED THE TRIAL OF THE FORMER CHIEF EXECUTIVE, AND FORMER ALLY.

4. ON AUGUST 30, THE PROCEEDINGS BEGAN IN THE AFTERNOON, AND FOUR HOURS WERE ALLOWED FOR THE PRESENTATION OF CHARGES. AFTER A PUBLIC READING OF THE 1884 AND 1944 LAWS OF RESPONSIBILITIES, THE SECRETARY OF THE SENATE, LUIS ANEZ ALVAREZ (MNR-BENI), FOR 45 MINUTES READ FROM A 20 PAGE DOCUMENT FROM ANIBAL AGUILAR PENARRIETA ACCUSING FORMER PRESIDENTS BANZER AND PEREDA, AND FORMER AMBASSADORS TO CHILE GUILLERMO GUTIERREZ AND ADALBERTO VIOLAND OF "SERIOUS CRIMES COMMITTED IN THE EXERCISE OF THE FUNCTIONS, AS DIGNITARIES, AGAINST THE SECURITY OF THE STATE IN THE FORM OF ESPIONAGE, AND DISCLOSURE OF POLITICAL AND MILITARY SECRETS" IN THEIR DEALINGS WITH CHILE.

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5. IMMEDIATELY AFTER, MARCELO QUIROGA--PS-1 LEADER AND PRIME MOVER BEHIND THE TRIAL--ADDRESSED THE CONGRESS FOR THREE HOURS BUT DID NOT FINISH HIS PRESENTATION. (WE ARE INFORMED HE WILL TAKE EIGHT HOURS.) BEGINNING BY CHASTISING TELEVISION FOR NOT CARRYING THE PROCEEDINGS BUT ALLOWING BANZER AUGUST 29 TO USE THE MEDIA TO ADDRESS THE NATION, QUIROGA EXPLAINED THE "TRIAL WAS NOT DIRECTED ONLY AGAINST A FORMER PRESIDENT, BUT AGAINST A SOCIAL CLASS." HE THEN LAUNCHED INTO A POLITICAL AND ECONOMIC CRITIQUE OF THE BANZER YEARS, ACCUSING THE ARMED FORCES AS AN INSTITUTION, THE MNR AND FSB WITH COLLABORATING IN THE OPPRESSION OF THE COUNTRY.

6. HE SPECIFICALLY NAMED HUGO BANZER, ALBERTO GUZMAN,

JUAN PEREDA, VICTOR CASTILLO, JUAN LECHIN (NOT THE COB LEADER), RENE BERNAL, MARIO VARGAS, JOSE A ZELAYA, JULIO TRIGO, WALDO BERNAL, JORGE TORRES, ALBERTO NATUSCH, VICTOR GONZALES, GUILLERMO JIMENEZ, SANTIAGO MAESE AND OTHER FORMER CABINET MEMBERS AND ARMED FORCES PERSONNEL AS "DIRECT AND PRINCIPALLY RESPONSIBLE" FOR THE OPPRESSION AND MISMANAGEMENT DURING THE BANZER YEARS. QUIROGA, IN HIS ACCUSATION, EMPHASIZED THE PERIOD FROM NOVEMBER 9, 1974, POINTING OUT IT WAS THEN THE ARMED FORCES STATUTES OF GOVERNMENT WERE PROMULGATED OUTLAWING POLITICAL PARTIES AND LABOR ORGANIZATIONS, ESTABLISHING A MILITARY DRAFT SYSTEM, NAMING LABOR COORDINATORS TO CONTROL THE UNIONS AND ABOLISHING FREEDOM OF THE PRESS. QUIROGA ALSO BLAMED THE BANZER GOVERNMENT FOR THE PRESENT ECONOMIC CRISIS THROUGH FISCAL IRRESPONSIBILITY, MISMANAGEMENT OF PUBLIC CORPORATIONS, AND MISUSE OF NATURAL RESOURCES DURING HIS TENURE. CLAIMING HE WOULD PRESENT CONCRETE EVIDENCE IN SUPPORT OF HIS ALLEGATIONS, QUIROGA LEFT FOR AUGUST 31 THE PRESENTATION OF FORMAL CHANGES AGAINST BANZER, AND POSSIBLY, OTHERS HE NAMED.

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7. AFTER QUIROGA'S PRESENTATION, CONGRESS EXPECTS LUIS SANDOVAL MORON, UDP DEPUTY FOR SANTA CRUZ, TO ACCUSE BANZER OF THE DEATH OF TWO BROTHERS--ALCIDES (1971) AND FELIX MORON (1973). ALSO, SENATORS OSCAR EAMORA MEDINACELLI (MNR-TARIJA) AND BENJAMIN MIGUEL HARB (MNR-LA PAZ) WILL BE JOINED BY DEPUTIES GUILLERMO BEDREGAL GUTIERREZ (MNR-LA PAZ) AND JORGE ALDERETE ROSALES (MNR-SANTA CRUZ) IN CHARGING BANZER WITH "EXERCISING POWER IN DISCRIMINATORY, ARBITRARY, AND VIOLENT FASHION, THUS ESTABLISHING A DICTATORSHIP MAINTAINED THROUGH A REGIME OF TERROR AND REPRESSION OF THE PEOPLE, AGAINST THE COUNTRY'S INSTITUTIONS AND AGAINST THE DEMOCRATIC SYSTEM OF THE REPUBLIC."

8. COMMENT: WHERE BANZER'S TRIAL WILL LEAD IS ANYONE'S GUESS. AT BEST, IT COULD SERVE AS A KIND OF CATHARSIS FOR THE MOST VEHEMENT AMONG ANTI-BANZER ELEMENTS TO HAVE THEIR DAY IN COURT AND DISPLAY BEFORE THE WORLD'S VIEW THEIR LITANY OF HIS MISDEEDS. THIS MIGHT LEAD NOWHERE, BUT IT WOULD BE SALUTARY. MORE PROBLEMATICAL WOULD BE THE OPENING OF A PANDORA'S BOX OF CHARGES AGAINST ACTIVE DUTY AND RETIRED MILITARY OFFICERS. THIS WOULD SURELY RAISE THE TENSION LEVEL ONCE THE ARMED FORCES WERE CONVINCED THAT THE MILITARY AS AN INSTITUTION HAD BEEN PLACED ON TRIAL. IF THAT HAPPENS, THE WHOLE CONSTITUTIONAL PROCESS COULD BE PLACED IN JEOPARDY, SINCE THE MILITARY'S THRESHOLD OF TOLERANCE FOR SUCH ATTACK IS LOW. ALSO, BANZER'S SUPPORT IN BOLIVIA--AS DEMONSTRATED IN THE ELECTIONS-- IS HARDLY NEGLIGIBLE. ONE ADN DEPUTY NOTED TO US AUGUST 31

THAT IN MANY WAYS, BECAUSE OF THE INTENSITY OF THE QUIROGA DIATRIBE, BANZER IS GAINING PUBLIC SYMPATHY AS AN UNDERGOOG. IF THIS IS TRUE, SUCH SENTIMENT CAN BE BROUGHT TO BEAR ON THE CONGRESS IN BANZER'S BEHALF ONCE THE TRIAL COMES TO A VOTE, IF INDEED IT GETS THAT FAR.

BOEKER

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Message Attributes

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