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Central Intelligence Agency
Inspector General

REPORT OF INVESTIGATION



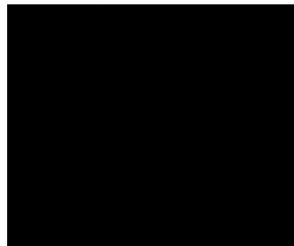
GUATEMALA: VOLUME III
CIA RELATIONSHIP WITH JULIO ROBERTO ALPIREZ
(95-0024-IG)

July 15, 1995

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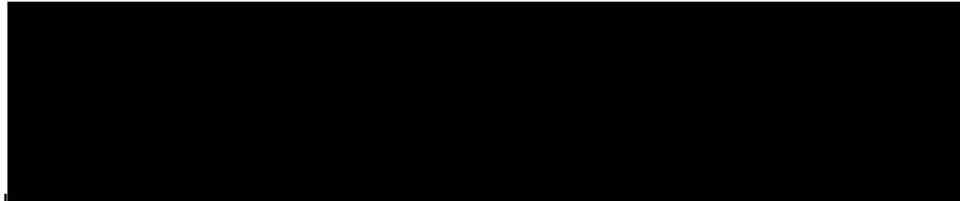
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OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

GUATEMALA: VOLUME III
CIA RELATIONSHIP WITH JULIO ROBERTO ALPIREZ
(95-0024-IG)

July 15, 1995

INTRODUCTION

1. On January 25, 1995, an intelligence report was disseminated by the Central Intelligence Agency (CIA) stating that Guatemalan insurgent commander Efrain Bamaca Velasquez, the reported husband of a U.S. citizen, was killed by Guatemalan Army officer Julio Roberto Alpirez. [REDACTED]

[REDACTED] information was acquired by CIA that he was present during the interrogation when U.S. citizen Michael DeVine was killed in June 1990.

2. On January 27, 1995, then-Acting Director of Central Intelligence (ADCI) William O. Studeman asked the Inspector General to investigate the nature and extent of the relationship between the CIA and Alpirez. [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED] On February 17, 1995, the Office of Inspector General (OIG) received additional questions relating to Alpirez from the Senate Select Committee on Intelligence (SSCI). Most of the SSCI's questions reflected concerns already expressed by the ADCI. However, the SSCI also asked about activities and information that are the responsibility of other federal agencies—the Departments of State, Justice and Defense.

BACKGROUND

3. Guatemala City Station came into regular contact with Alpirez beginning in 1987 as the result of his position as head of the Security Department in the Presidential General Staff. [REDACTED]
[REDACTED]

4. Shortly after receiving information in October 1991 alleging that Alpirez had been present at the interrogation of U.S. citizen Michael DeVine, who was killed in June 1990, the Station decided to suspend further contact with Alpirez [REDACTED]
[REDACTED]

[REDACTED] until the U.S. Department of Justice (DoJ), to which the allegations had been referred in November 1991, determined whether it had an interest in pursuing prosecution of Alpirez.
[REDACTED]
[REDACTED]

[REDACTED] While the October 1991 allegations about Alpirez were included in a compilation of ten reports that were shown to the SSCI staff in June 1992, there is no evidence that [REDACTED] or the referral to DoJ were reported to the intelligence oversight committees of the Congress at that time.

5. In January 1995, the Station obtained information alleging that Bamaca was killed by Alpirez. Bamaca was reportedly captured in March 1992, and Alpirez's alleged involvement in his death could have occurred [REDACTED]

[REDACTED] The National Security Council (NSC), DoJ and Department of State were advised of this information shortly after its receipt in January 1995.

6. The intelligence oversight committees were informed on February 3, 1995 of the January 25, 1995 allegation that Bamaca was killed by Alpirez. At the same time, the October 1991 allegation that Alpirez was present at the interrogation of DeVine was reported to the committees and the committees were advised that [REDACTED]

PROCEDURES AND RESOURCES

7. When the ADCI asked the IG to investigate CIA's relationship with Alpirez on January 27, 1995, two investigators were assigned to the task. These investigators reviewed relevant files in the Latin America (LA) Division, [REDACTED]

[REDACTED] of the Directorate of Operations (DO), in the Office of Congressional Affairs (OCA), and in the Office of General Counsel (OGC). Knowledgeable members of these components were interviewed, including former Chiefs and Deputy Chiefs of Guatemala City Station and Station officers who had dealt with Alpirez. Regulations and guidance for handling information relating to human rights abuses and to requirements for reporting to Congress were reviewed. When new facets were added to the investigation after public allegations by Congressman Robert Torricelli on March 22, 1995, additional resources were applied and the scope of the file reviews and interviews was expanded. See the Procedures and Resources section of Volume I for additional details.

QUESTIONS PRESENTED

8. Based on correspondence from the ADCI and the SSCI, and other issues developed in the course of the investigation, this Report addresses the following questions:

- ◆ What was CIA's relationship with Alpirez [REDACTED] [REDACTED]
- ◆ What information or allegations did CIA acquire concerning Alpirez's knowledge of or participation in human rights abuses? When was the information acquired? How was it handled? How reliable were the sources of this information?
- ◆ With regard to Alpirez, did the Agency comply with regulations concerning the need to keep ambassadors informed?
- ◆ What other derogatory information did CIA acquire concerning Alpirez and how was this information handled? What information is available concerning allegations by a former employee of the Drug Enforcement Administration (DEA) regarding CIA knowledge that Alpirez had DeVine killed for discovering a drug operation run by Alpirez?
- ◆ Did CIA's failure to notify DoJ of reports implicating Alpirez in narcotics trafficking hinder the Attorney General's ability to determine whether the DeVine murder was politically motivated? Should the reports have been provided to DoJ under existing crimes reporting procedures?
- ◆ Did CIA comply with the relevant statutes, regulations, and procedures concerning human rights issues that

were in effect when the October 1991 information was received?

- ◆ What and when was Congress told about the October 1991 report that Alpirez had been present at DeVine's interrogation [REDACTED]
[REDACTED] Were the statutes, regulations and procedures in effect regarding notification of Congress followed?
- ◆ Would current statutes, regulations and procedures regarding human rights reporting and Congressional notification have required different action if they had been in place at the time?
- ◆ How was the October 1991 information handled within the Executive branch? Was it used as the basis of a demarche to the Government of Guatemala?
- ◆ Is there any information in Alpirez's Agency [REDACTED] [REDACTED] records to indicate that the CIA knew, or should have known, that he might commit criminal acts of this sort?
- ◆ How did Alpirez perform when he attended the Command and General Staff Course at Fort Benning, Georgia? Are there any written evaluations on record? Did either the Agency or the Army have any indications that Alpirez was the sort of person who might commit atrocities? If so, did either organization take any action? If either organization had concerns, did it share them with the other?
- ◆ Was the information regarding Alpirez's involvement in the DeVine case fully reported to the Department of Justice (DoJ) on a timely basis? Why did it take the CIA from October 17, 1991 until November 18, 1991 to report the information to DoJ? Why did it take DoJ from

November 18, 1991 to March 18, 1992 to determine that it had no jurisdiction in this case? Did the CIA follow up with DoJ during that four-month period? If not, why not? Is there a written record of DoJ's determination or of any CIA/DoJ contact during that time?

◆ [REDACTED]
[REDACTED]
[REDACTED]

◆ [REDACTED]
[REDACTED]

FINDINGS

WHAT WAS CIA'S RELATIONSHIP WITH ALPIREZ [REDACTED] [REDACTED]

9. [REDACTED]
[REDACTED]

[REDACTED] the beginning of 1987. Alpirez was then an Army Major and head of the Department of Presidential Security in the Guatemalan Presidential General Staff commonly referred to as "Archivos."² He had

² CIA files do not contain extensive reporting on the Department of Presidential Security and its predecessors. In 1987, Alpirez explained that this Department, which he called the "Office of Security," was staffed by 142 employees and was responsible for the security of the President and his family; providing the President with a daily intelligence briefing covering worldwide as well as domestic developments; monitoring the activities of leading political opposition figures; investigating charges of corruption against cabinet members; conducting public opinion polls; monitoring the level of domestic criminal activity; reporting on national police activities; reporting on domestic narcotics trafficking; investigating selected kidnapping cases; and reporting incidents of human rights abuse. The Department appears to have evolved from the General Archives and Supporting Services of the Presidential General Staff. This organization was commonly referred to as "Archivos" and had a reputation for violence. According to an

previously served in the Directorate of Intelligence (D-2) of the Guatemalan National Defense General Staff. In October 1987, Headquarters issued a [REDACTED] that was required to permit the Station to continue its officially-sanctioned liaison contact with Alpirez.³ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

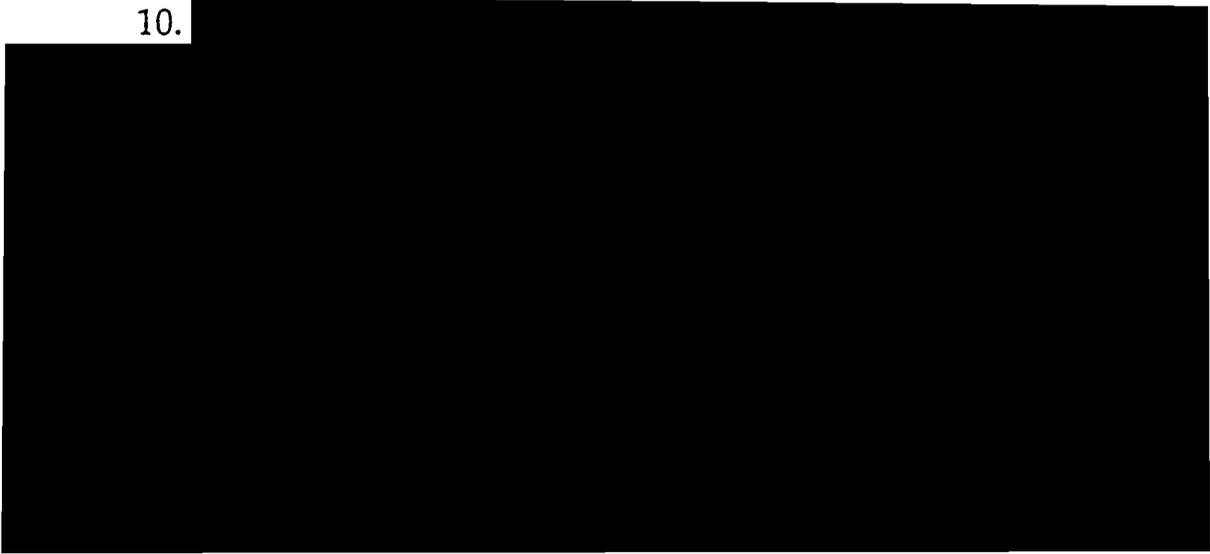
[REDACTED]

August 8, 1983 intelligence report of August 8, 1983, "Archivos" was to have been disbanded in 1983 after the military forced Guatemalan President Efraim Rios Mont to resign. In fact, it was not disbanded at that time although a Guatemalan National Security Directive prohibited it from engaging in activities other than gathering political intelligence. According to a June 16, 1984 intelligence report, "Archivos" had renewed counterintelligence operations against Guatemalan subversive organizations in June 1984. There is no clear explanation in CIA files concerning how the unit evolved from 1984 until it appears in 1987 as the Department of Presidential Security, which continues to be referred to as "Archivos."

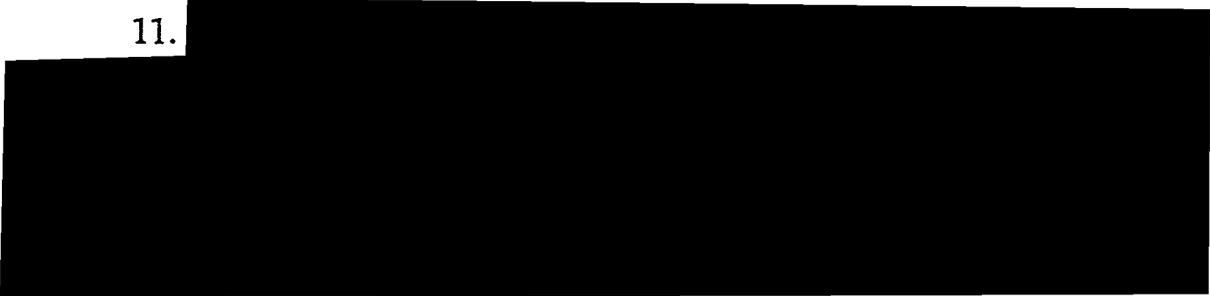
³ "Liaison" is defined [REDACTED] as: "Any working relationship or contact between a CIA officer and an organization, official, or employee of a foreign service or government that has been authorized by the DDO and by one or more responsible officials of the foreign service or government concerned and that is conducted by the CIA and foreign representatives [REDACTED]"

[REDACTED]

10.



11.



12.



[REDACTED]

13.

[REDACTED]

14.

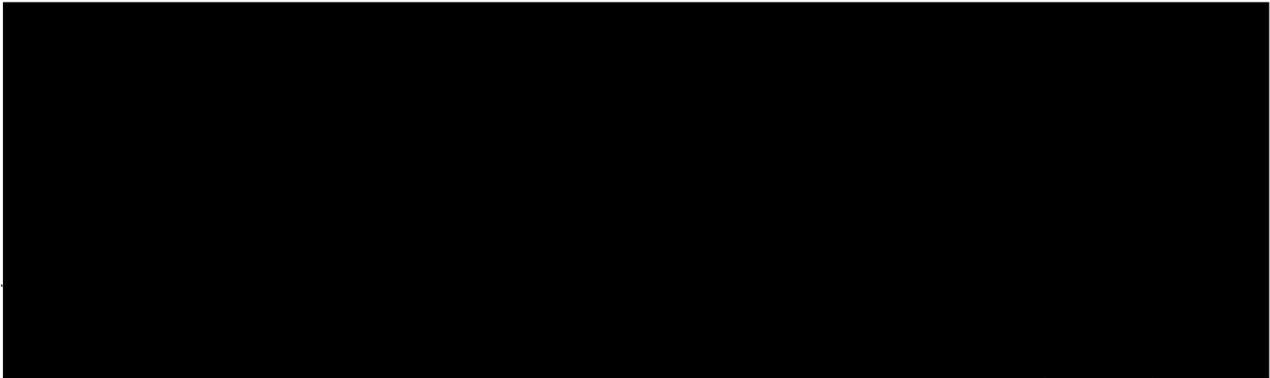
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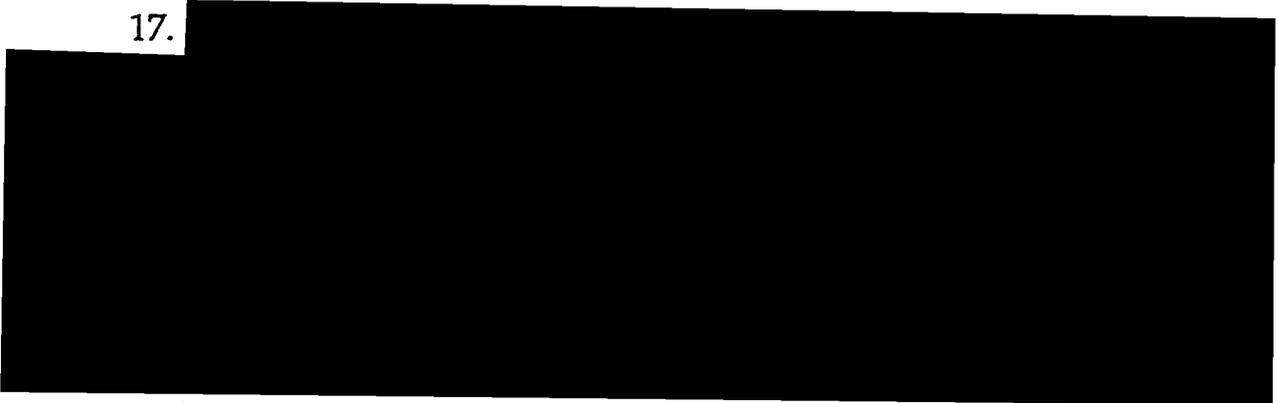
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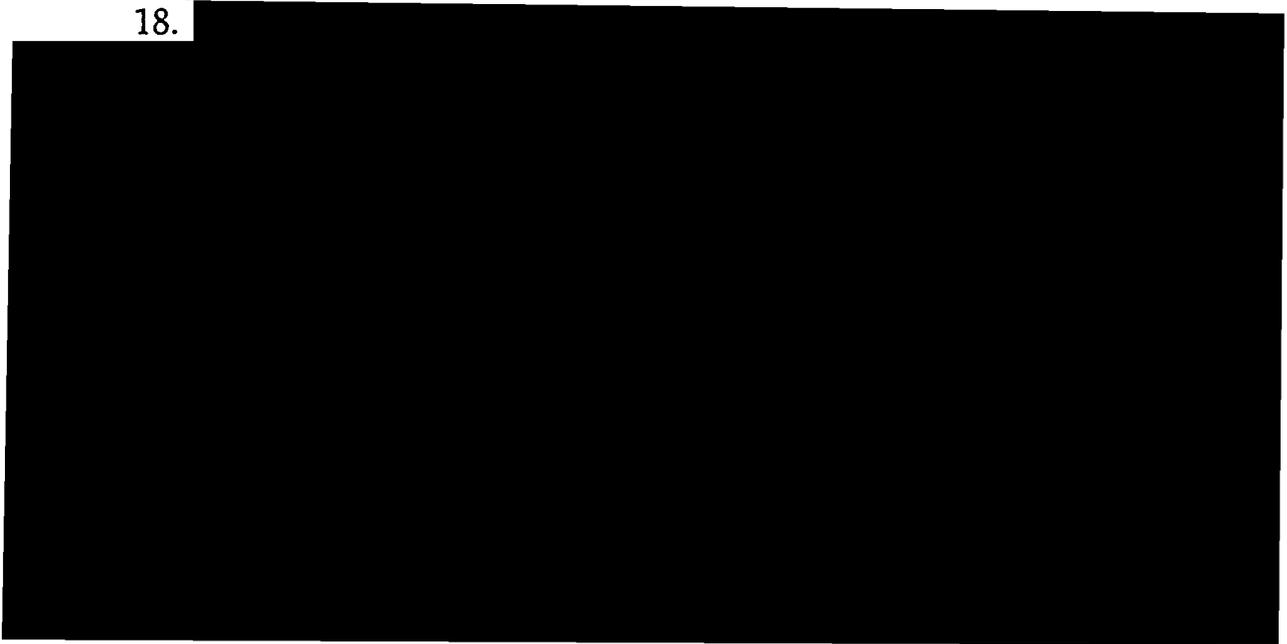
[REDACTED]



17.



18.



19.



[REDACTED]

20. [REDACTED]

[REDACTED]

[REDACTED] background on the killing of DeVine.⁴ [REDACTED] reported [REDACTED] to Headquarters on August [REDACTED] 1990 as follows:

[REDACTED]

[REDACTED] related that on June 8, 1990, five men from the S-2 office in Santa Elena, Military Zone [MZ] 23, had arrived [REDACTED] in a white Toyota pickup; [REDACTED]

[REDACTED] they had been sent by the S-2 of MZ 23 to "controlar" DeVine; controlar in this context means to surveil. [REDACTED]

[REDACTED] it was strange that an officer was not in charge of the detail) [REDACTED]

[REDACTED]

The next day (June 9) DeVine was found dead with the head almost severed. [REDACTED] there were witnesses to the act and that the men from MZ 23 had even fired on some of the witnesses. An investigation was called [REDACTED]

[REDACTED] the Deputy D-2, carried

⁴ [REDACTED]

⁵ [REDACTED]

out the investigation. [redacted] a real investigation had been ordered, but [redacted] when the truth was learned, a cover-up began. [redacted]

[redacted] there was no written report. [redacted]

[redacted] that an innocent fall guy has been located. This is an individual who had had a falling out with DeVine several years ago and they had fired weapons at each other, thus this individual was a convenient fall guy. [redacted]

[redacted] the vehicle in question probably has been destroyed to get rid of evidence.

As Headquarters is aware this issue is a very pressing one here. While some of the above information is known to the Embassy through a private investigator hired by DeVine's wife (such as the identities of some of the enlisted personnel who were in the Toyota pickup), [redacted] information is the first to finger the MZ 23 commander as the intellectual author of the murder, and outline the military cover-up. This embassy has pushed the Guatemalan military hard to find and charge the culprits in this case, thus far without success. [redacted]

[redacted] plans [not] to provide Ambassador [Stroock] with the information obtained from [redacted] until] 27 August, to give a measure of protection to [redacted] told Ambassador that we have information which we will pass on to him at that time and he has accepted the need for source protection. [redacted] will suggest to the Ambassador he then present the information to [redacted] end the cover-up and punish the MZ 23 Commander. We are also exploring the idea of telling [redacted] privately next week (somewhat simultaneously with the Ambassador's meeting [redacted] that the Embassy has the full details on how and on whose orders the murder was committed. Our thoughts are that we would "suggest" [redacted] that since the Embassy has the details the Guatemalan Army would best be served by charging Colonel Garcia Catalan thereby "polishing" its human rights credentials. We would further suggest that while this may be painful and embarrassing it would be much better than having the Embassy make known publicly the information that it has available and thereby cause the Guatemalan Army to be further damaged

in the eyes of the U.S. Government and those who track human rights abuses. Our efforts [redacted] would be designed so that he would tell [redacted] with whom he has a close relationship, that it is time for action on the part of the Army high command. [redacted]

As Hqs knows, the military zone S-2s are not an integral part of the Intelligence Directorate [D-2] but rather act under orders of the military zone commanders. Thus, we feel confident that the D-2 was not involved in the murder and that the D-2 complied with its directive to carry out the investigation.

While the above proposed actions seem like the logical way for Station and Embassy to proceed, it is hard for us to predict how [redacted] will react. Embassy/Station involvement could be resented [redacted] doesn't particularly like the U.S. anyway) and the fallout to U.S./Guatemalan relations could be heavy.

21. On August [redacted], 1990, Headquarters sent an immediate cable to the Station, praising the Station for the information provided by [redacted] stating:

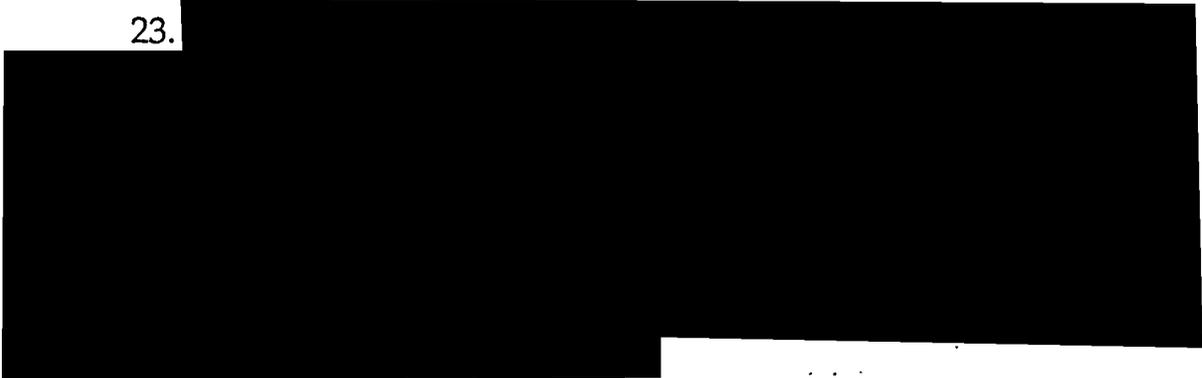
Because of the high level interest in the DeVine case, request Station immediately brief Ambassador on the information [redacted]. To protect [redacted] Station can request that the Ambassador wait a few days before confronting [redacted]. Station should also immediately resubmit [redacted] information in [intelligence report] format [redacted]. [redacted] Hqs will prepare a memo dissem. We wish to get this information as quickly as possible to the Assistant Secretary of State for Latin America.

22. The Station resubmitted the information that same day as instructed by Headquarters. The report was disseminated by Headquarters on August [redacted] 1990 as a sensitive memorandum, signed by LA Division Chief [redacted] for then-DDO Richard Stolz, to:

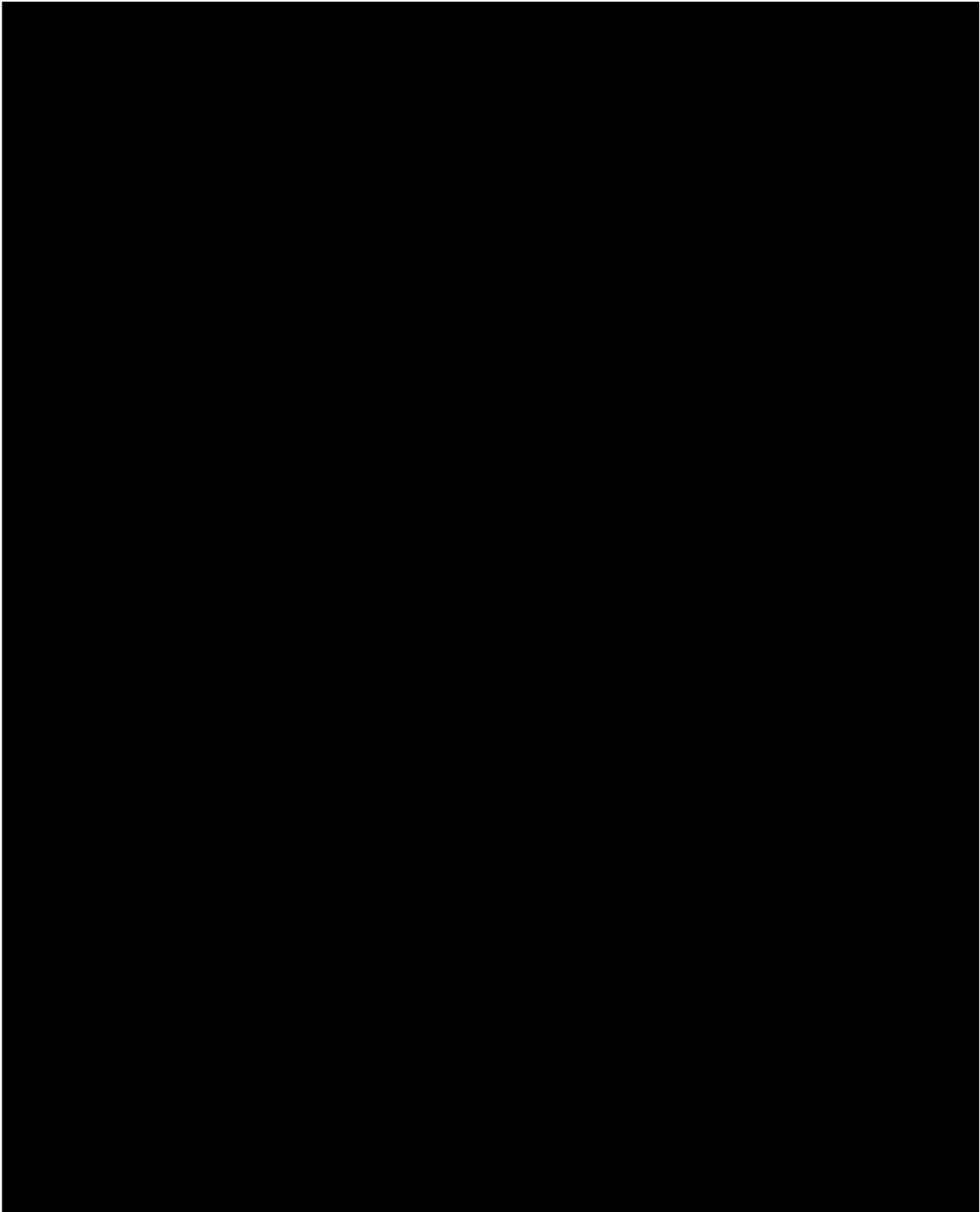
Assistant to the President for National Security Affairs;
Assistant Secretary of State for Inter-American Affairs;
Assistant Secretary of State for Intelligence and Research;
Director, Defense Intelligence Agency (DIA);

Assistant Director, Intelligence Division, FBI;
Manager, DoJ Command Center; and
U.S. Ambassador to Guatemala.

23.



~~SECRET~~



15
~~SECRET~~

24. [REDACTED]

[REDACTED]

[REDACTED]

25. [REDACTED]

[REDACTED]

[REDACTED]

26. Alleged Presence at DeVine Interrogation. On October [REDACTED] 1991, [REDACTED] the Station received information from a source, [REDACTED] [REDACTED] alleging that Alpirez had said he had been present

[REDACTED]

[REDACTED]

at the interrogation of DeVine by Captain Hugo Contreras. A second source, [REDACTED] reported that Alpirez was a violent man, had killed guerrilla prisoners and was behaving erratically. (See paragraphs 52 to 56 of this Volume and Volume V which discuss serious questions regarding the validity and accuracy of this information.)

27. The Station submitted the information to Headquarters for dissemination on October [REDACTED] 1991. [REDACTED]

[REDACTED]

28. [REDACTED]

[REDACTED]

29. The information alleging that Alpirez was connected to DeVine's death was disseminated as a sensitive memorandum on October [REDACTED] 1991, signed by then-DDO Thomas Twetten, to:

Assistant to the President for National Security Affairs;

Assistant Secretary of State for Inter-American Affairs;
Assistant Secretary of State for Intelligence and Research (INR);
Director, Defense Intelligence Agency (DIA);
Director, Federal Bureau of Investigation;
Manager, DoJ Command Center; and
U.S. Ambassador to Guatemala.

30. [REDACTED]

[REDACTED]

31. On November 18, 1991, officers from LA Division and OGC, including then-Agency General Counsel Elizabeth Rindskopf, met in Rindskopf's office with Mark Richard, Deputy Assistant Attorney General for the DoJ's Criminal Division. In addition to discussing other topics, the CIA officers informed Richard that a Guatemalan military officer [REDACTED] admitted [REDACTED] that he had been present during the interrogation of DeVine. According to a memorandum concerning this meeting prepared by [REDACTED] the OGC attorney assigned to LA Division, Richard expressed doubt as to whether DoJ had jurisdiction over the case but agreed to have the matter reviewed. A formal report of a potential violation of criminal law containing details of the October 1991 allegations regarding Alpirez was signed by Rindskopf and was sent to Richard at DoJ on November 19. (For a detailed discussion of the Agency's interaction with DoJ, see paragraphs 249 to 295 of this Volume.)

35.

[REDACTED]

36.

[REDACTED]

[REDACTED]

[REDACTED]

37.

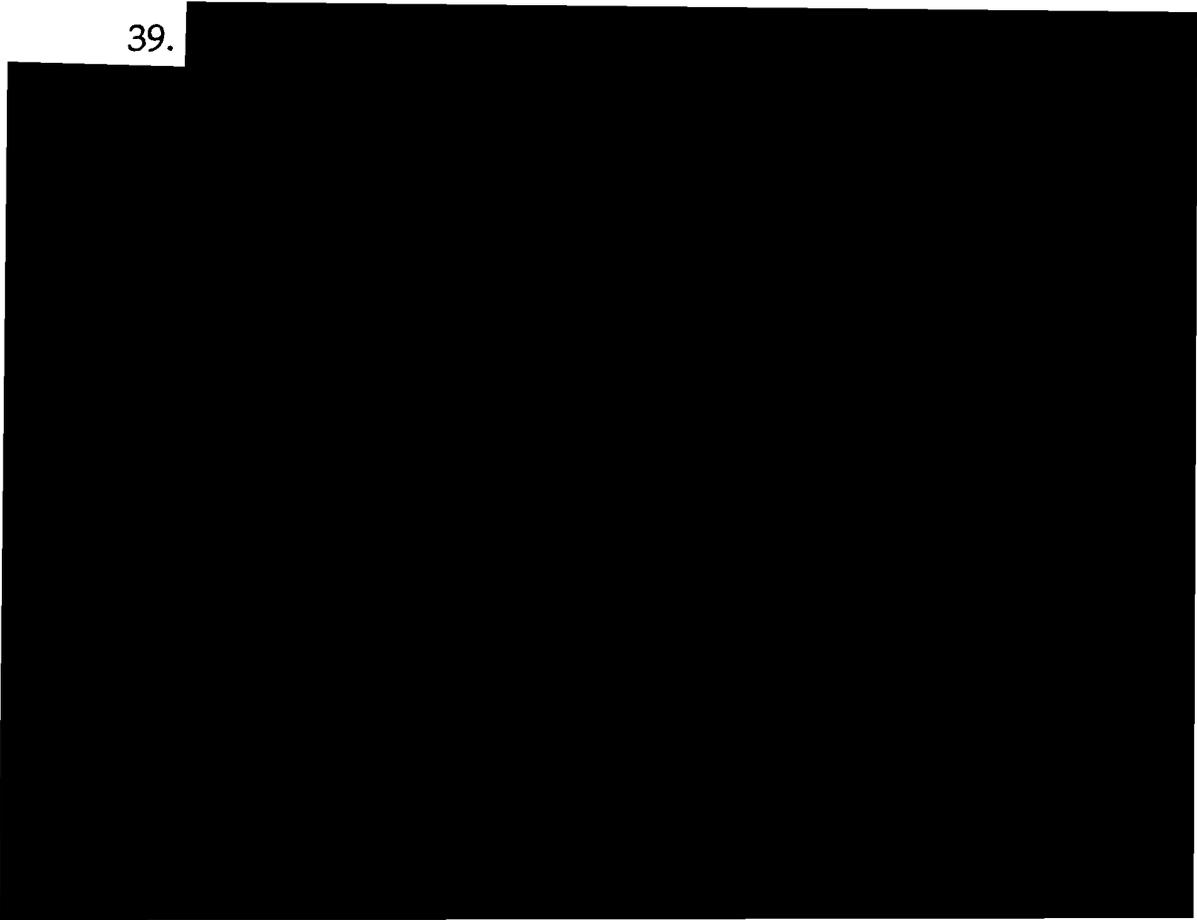
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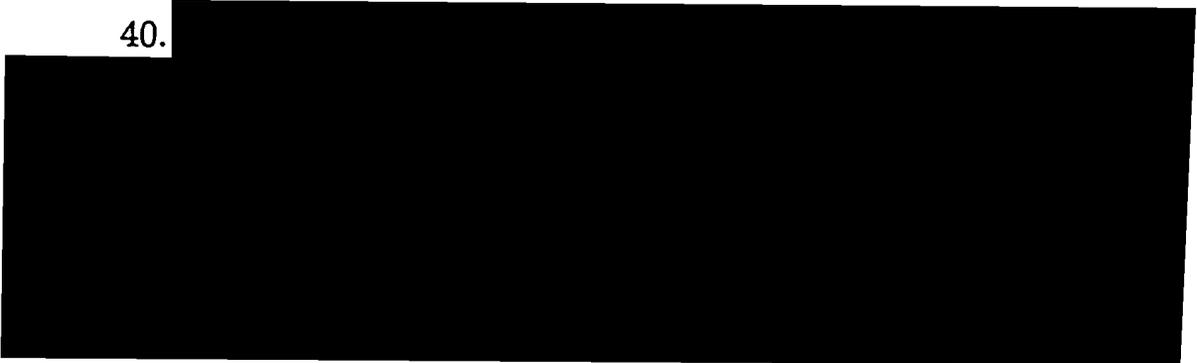
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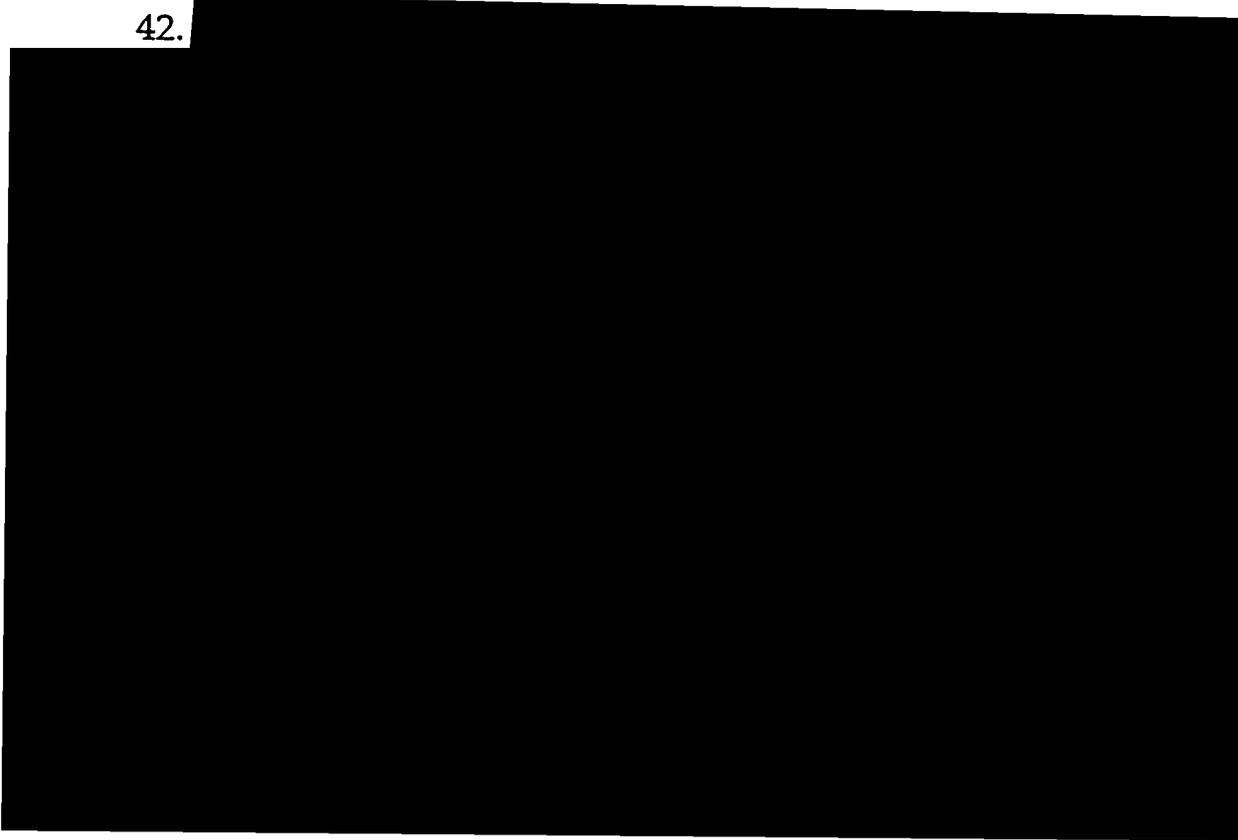




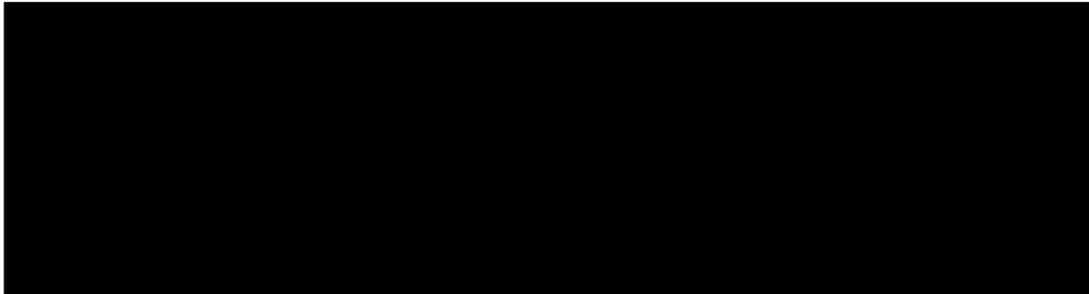
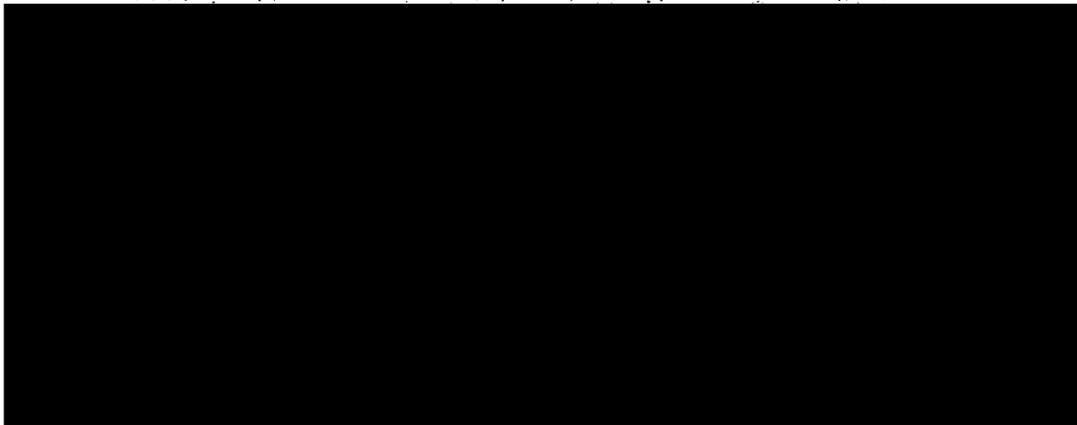
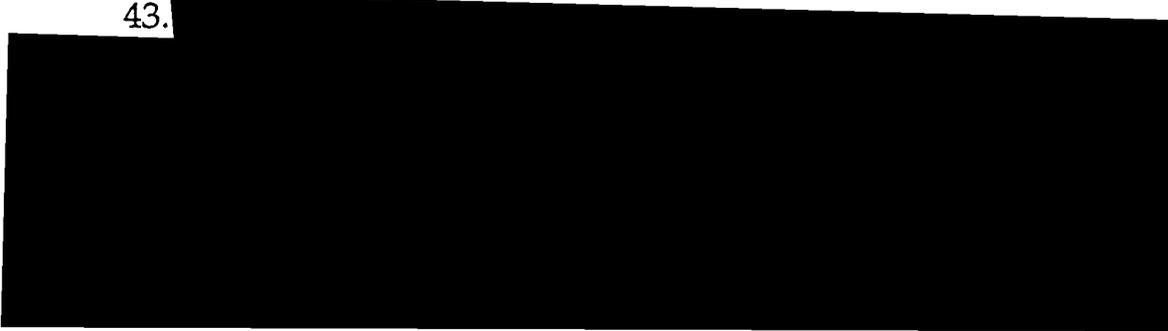
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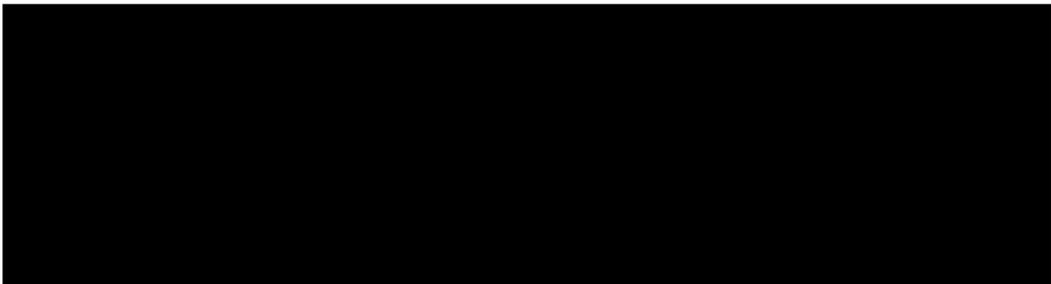
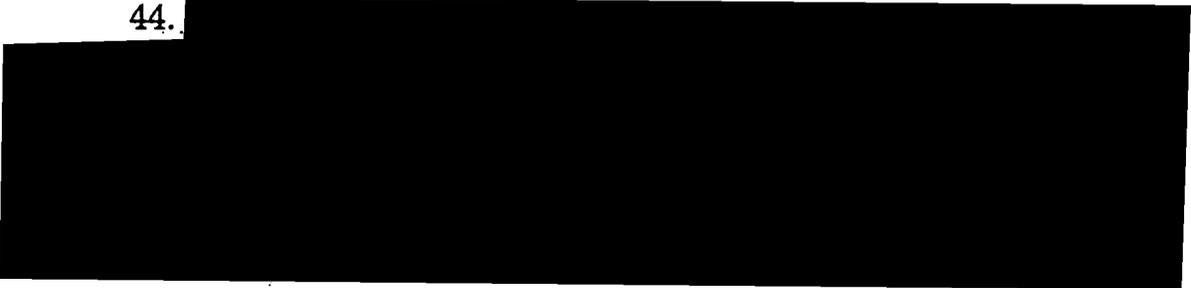
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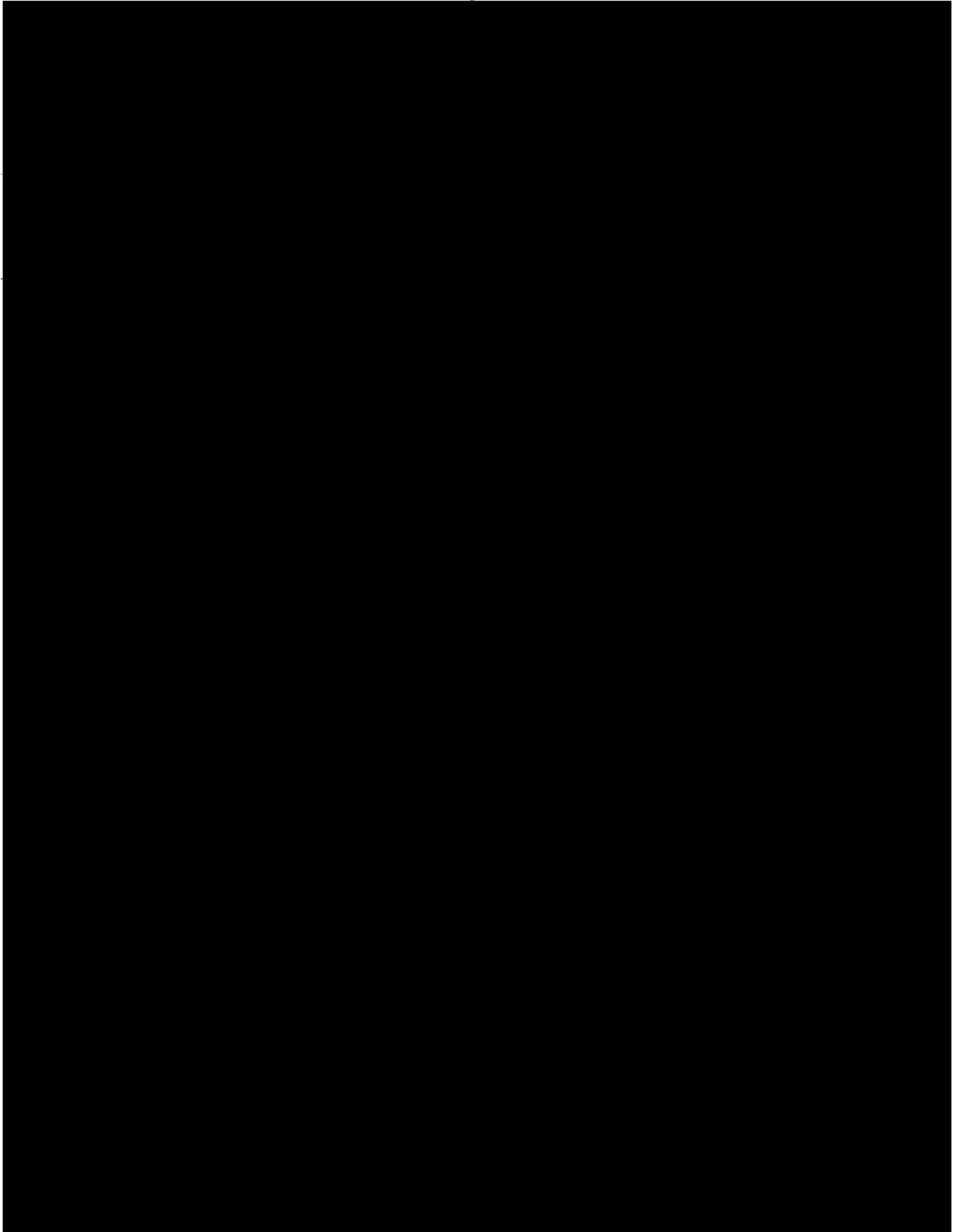


43.



44.





45.

[REDACTED]

[REDACTED]

46.

[REDACTED]

[REDACTED]

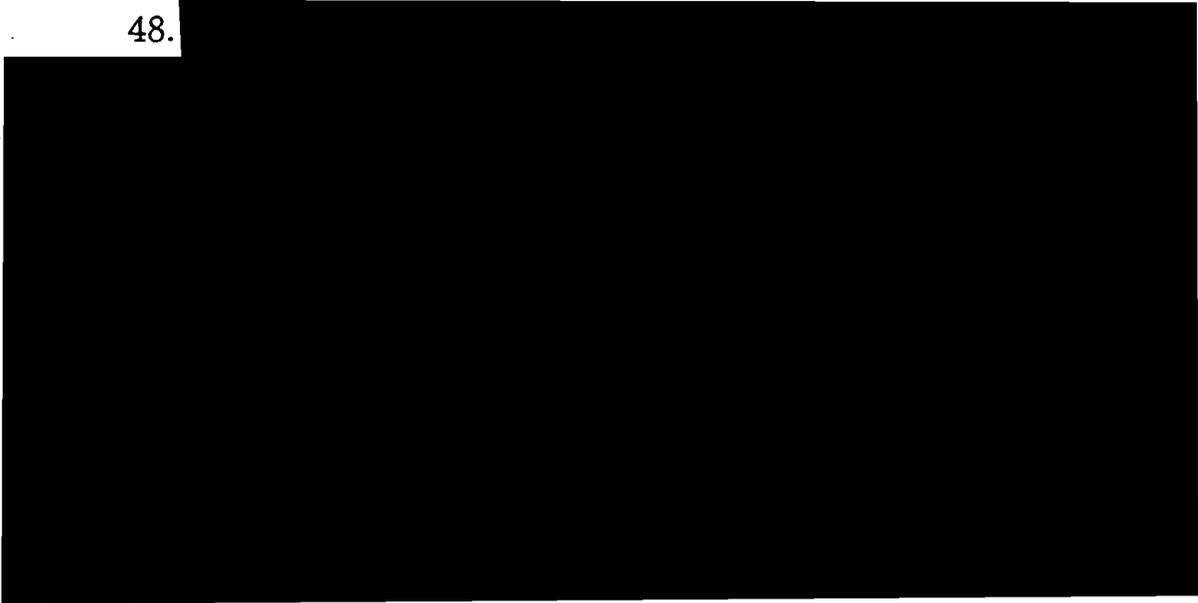
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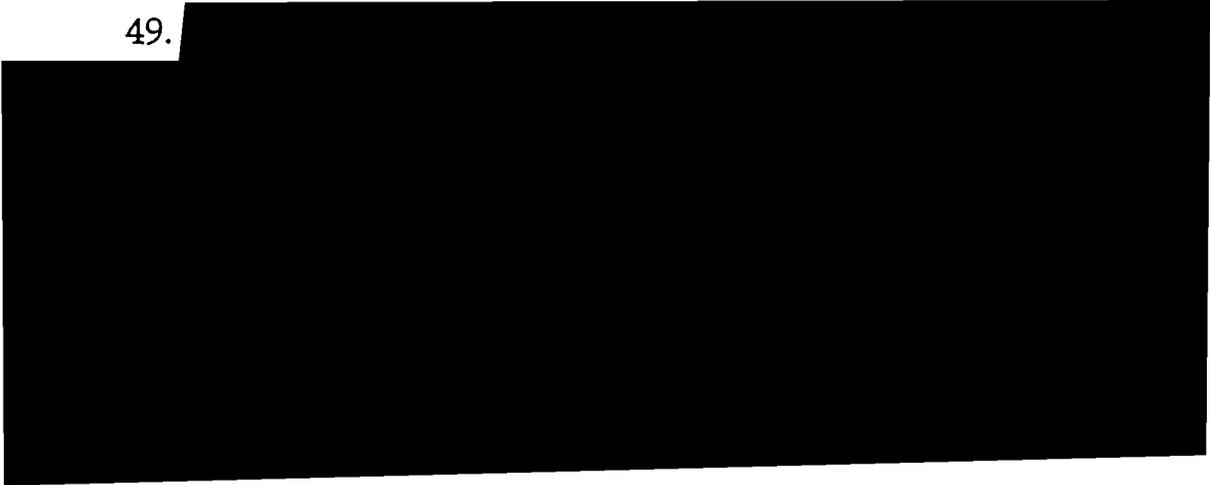
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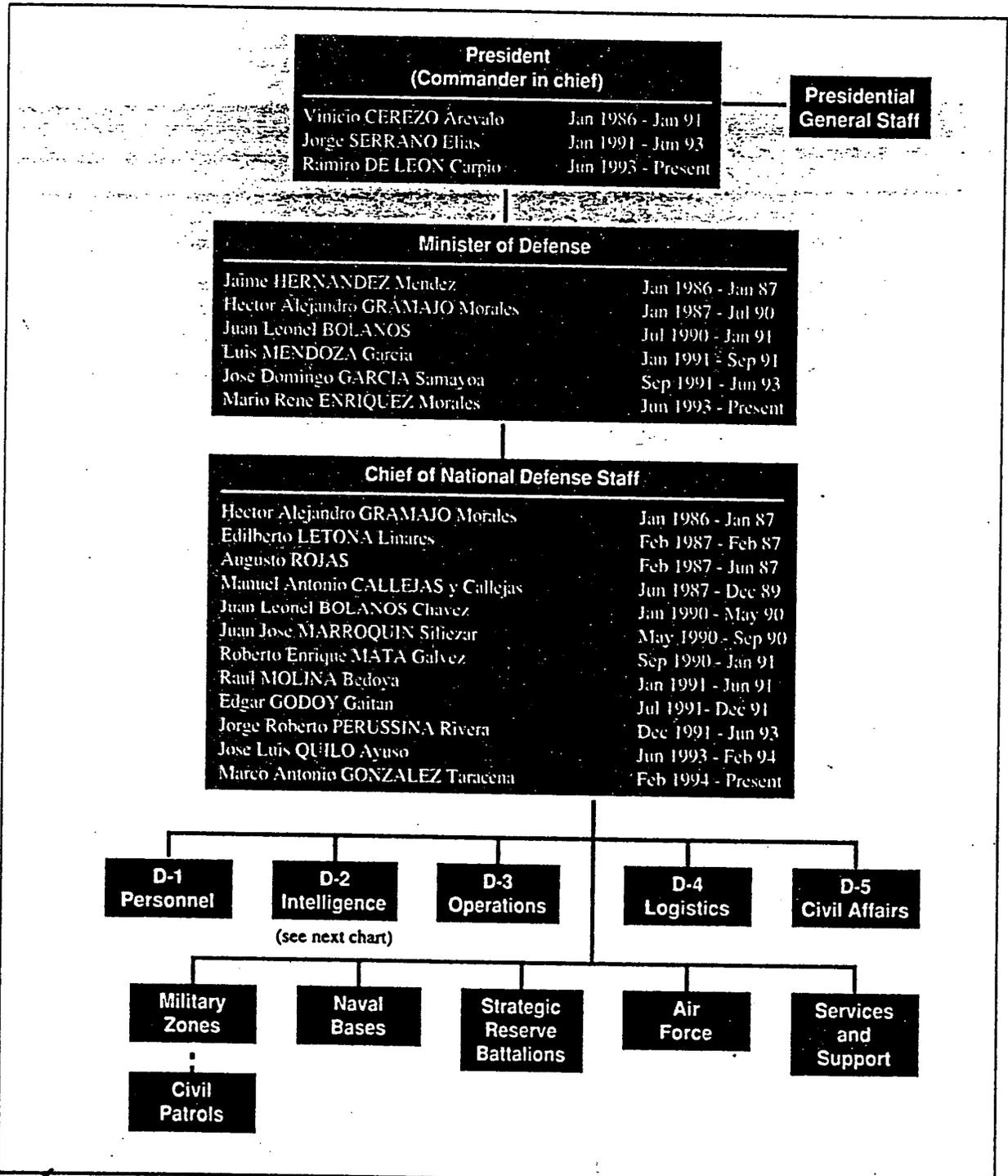
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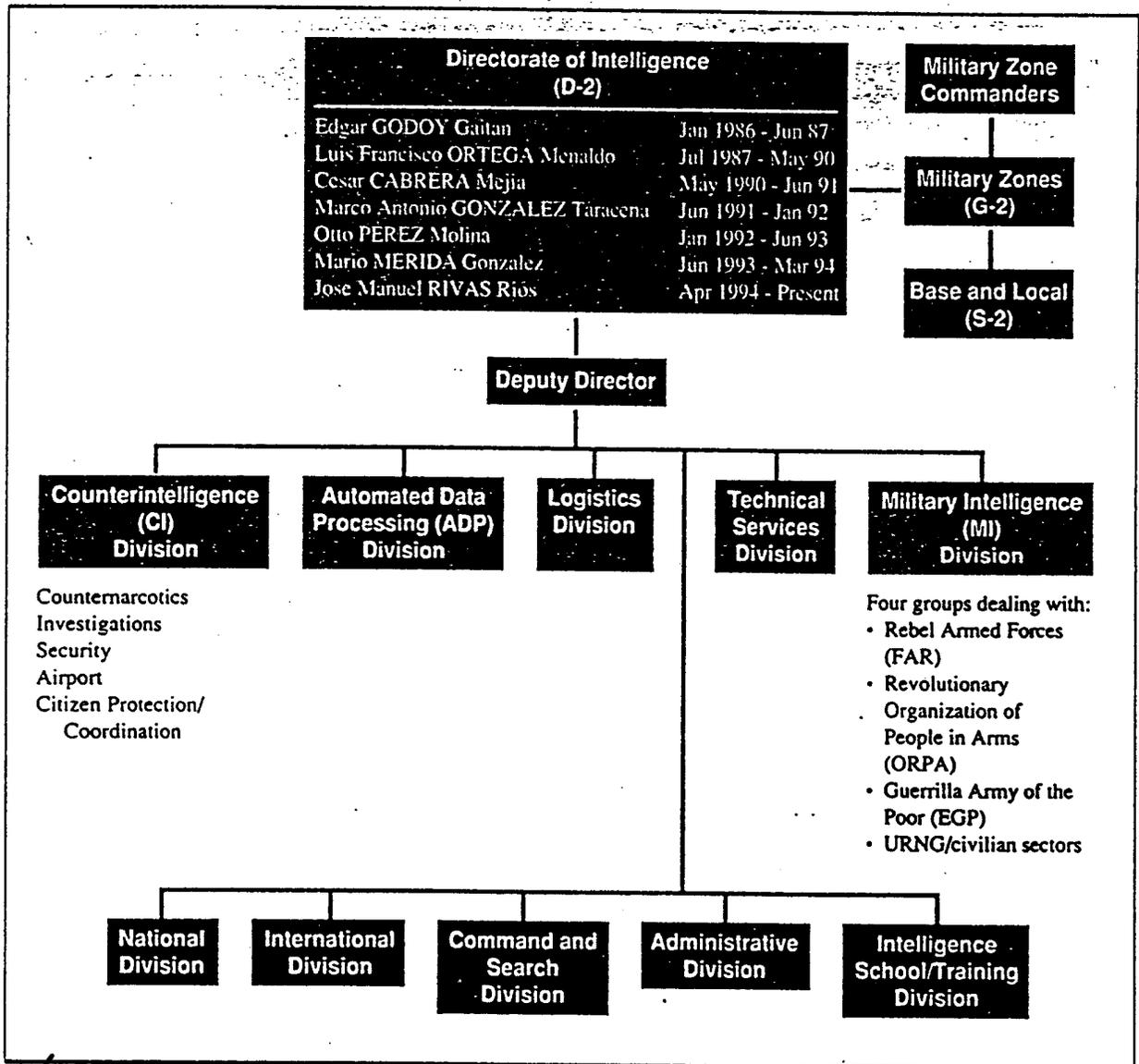
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Guatemalan Military Structure and Key Personalities



Guatemalan Directorate of Intelligence (D-2) Structure and Leadership



Secret

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WHAT INFORMATION OR ALLEGATIONS DID CIA ACQUIRE CONCERNING ALPIREZ'S KNOWLEDGE OF OR PARTICIPATION IN HUMAN RIGHTS ABUSES? WHEN WAS THE INFORMATION ACQUIRED? HOW WAS IT HANDLED? HOW RELIABLE WERE THE SOURCES OF THIS INFORMATION?

50. As explained earlier, CIA and U.S. Government file reviews were conducted in connection with [REDACTED] to maintain liaison contact with Alpirez in October 1987 [REDACTED]. Those reviews did not result in any indication that Alpirez was involved in human rights abuses.

51. August [REDACTED] 1990 Intelligence Report. [REDACTED]

[REDACTED] an account of the Army's surveillance of DeVine and a military cover-up that was then underway. This information, [REDACTED] was disseminated to specific consumers in Washington [REDACTED] on August [REDACTED] 1990.

52. October [REDACTED] 1991 Sensitive Memorandum. The first allegations found in CIA records that Alpirez may have been involved in human rights abuses were submitted to Headquarters by the Station on October [REDACTED], 1991 [REDACTED]

[REDACTED] This information included allegations that Alpirez had been present at DeVine's interrogation and that he was violent, had killed guerrilla prisoners and was behaving erratically. It was disseminated [REDACTED] as a sensitive memorandum on October [REDACTED] 1991 to:

[REDACTED]

9 [REDACTED]

[REDACTED]

53. The October 1991 allegations regarding Alpirez were at odds with prior reporting about him [REDACTED] up to that time. Station officers who dealt with Alpirez are consistent in describing him as one of the best Guatemalan officers they knew; talented and well thought of by senior military officers; one of the pro-American officers; and more friendly and outgoing than most Guatemalan officers. One former Station officer comments that the Station was stunned by the report of Alpirez's bizarre behavior and that it was in conflict with everything Station officers thought they knew about the man. This Station officer notes that Alpirez would not have been put in command of the Special Forces School if he had not been a good officer and that he was definitely not viewed by the Guatemalan military as an officer with a "past"—i.e., he had no involvement in criminal activities or serious human rights abuses.

54. [REDACTED] The information provided [REDACTED] as follows:

....

[REDACTED] Guatemalan soldiers from the Military Intelligence Office (S-2) of Military Zone 23 (MZ 23), Headquarters in Santa Elena, Peten Department, were ordered to arrest and interrogate [DeVine] on suspicion of having in his possession a stolen Guatemalan army rifle, allegedly sold to him by an army deserter. MZ 23 commander Colonel Mario Roberto Garcia Catalan ordered Captain Hugo Contreras, an officer attached to the S-2, to take a number of enlisted men to the area of Poptun, Peten Department, locate [DeVine] and recover the Galil rifle.

[REDACTED] comment: Garcia had earlier been blamed for the loss of other weapons under similar circumstances, a serious black mark in his record.) Contreras arrested [DeVine] and took him to the Guatemalan military base in Poptun. The base at Poptun is the training base of the elite "Kaibil" troops, and at that time it was under the command of Lt. Colonel Julio Roberto Alpirez.

■ [DeVine] was interrogated by Contreras with Alpirez present. Contreras, a violent man with an explosive temper, well-known for his brutality, wrapped a poncho around [DeVine's] head, allowing him to breathe from time to time. Although Contreras had apparently not been ordered to kill [DeVine], the individual died either from suffocation or heart failure. After he died, the body was taken in a truck back to a highway near his home, where it was placed in the road. The rifle, allegedly in [DeVine's] possession, was not recovered. (Field Comment: The wound on the neck of [DeVine] may have been inflicted to hide evidence of earlier suffocation.)

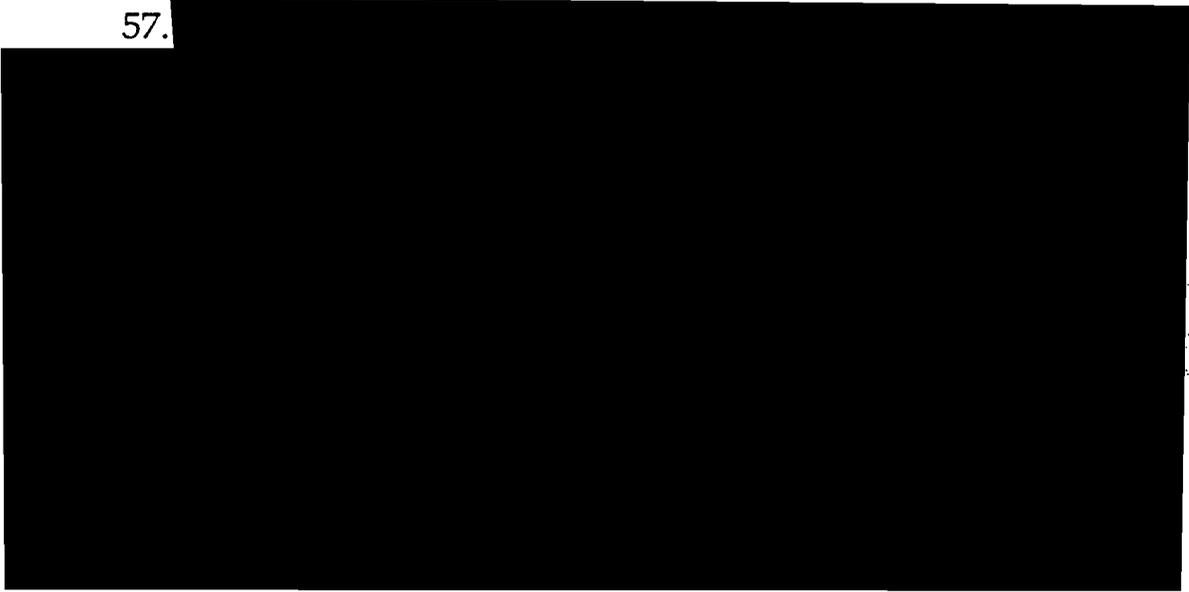
55. The disseminated version contained one substantive change in the text. As noted above, the intelligence report submitted by the Station contained as the first sentence in paragraph 4, "[DeVine] was interrogated by Contreras with Alpirez present." In the disseminated version, the sentence was altered to read, "Alpirez, among others, was present when Contreras interrogated [DeVine]." No information has been found to indicate what Headquarters was trying to achieve by reversing the order of the sentence and inserting "among others" into the original report.

■

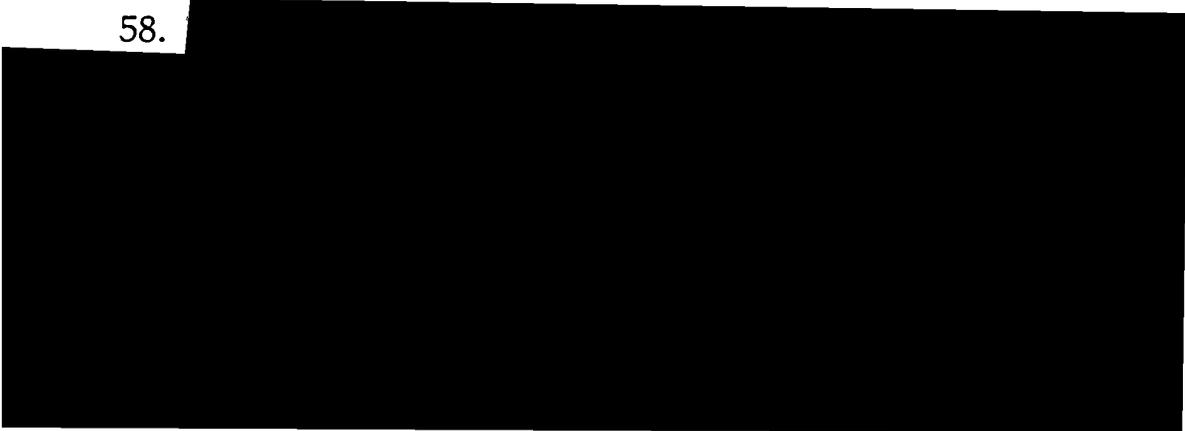
56.

■

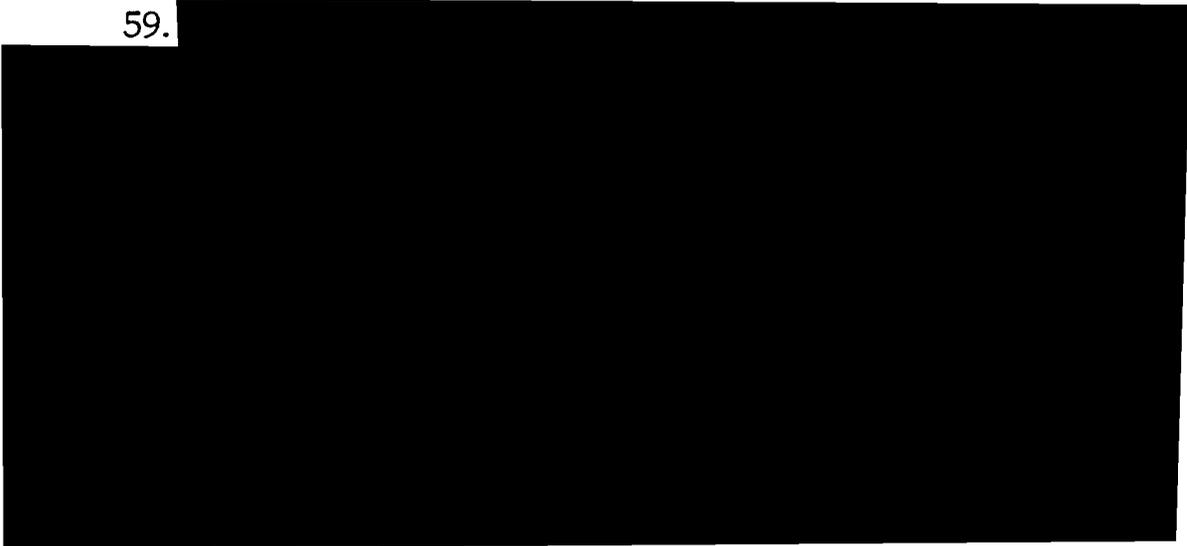
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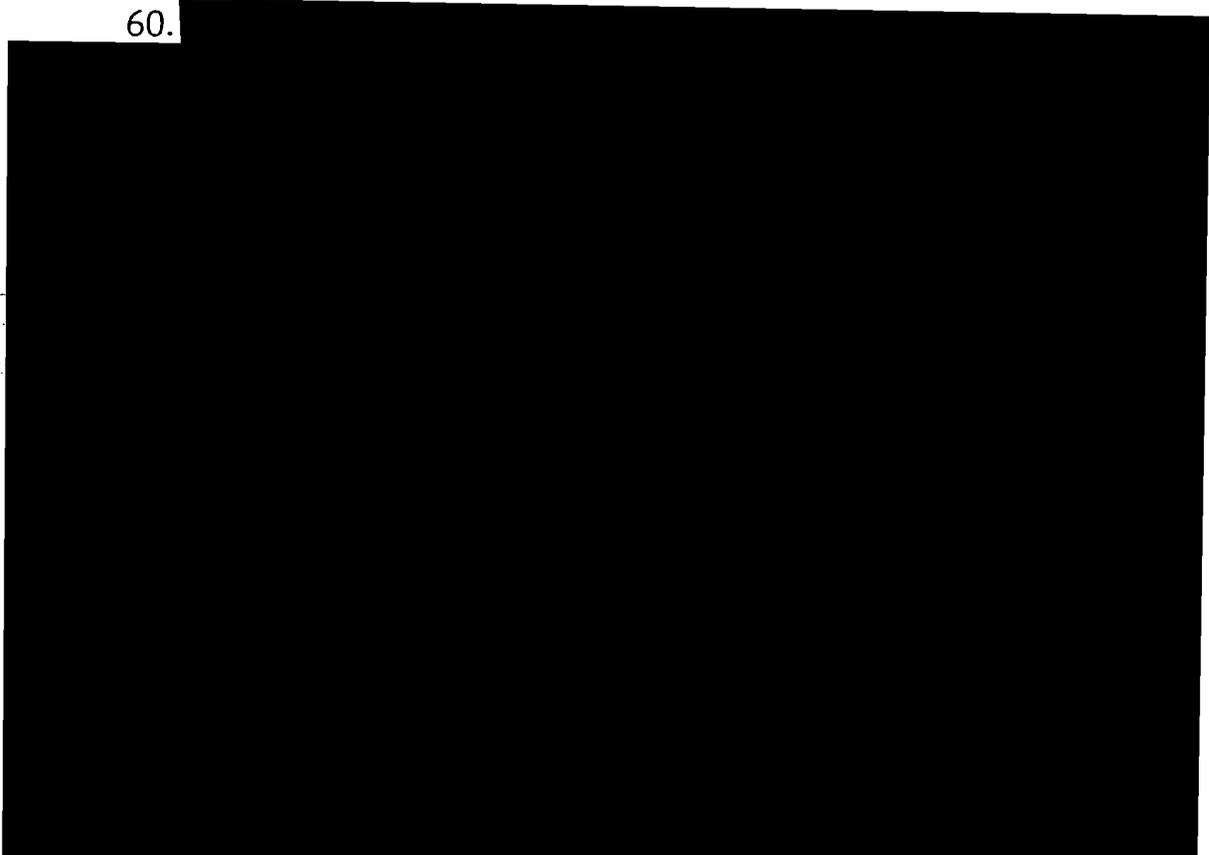
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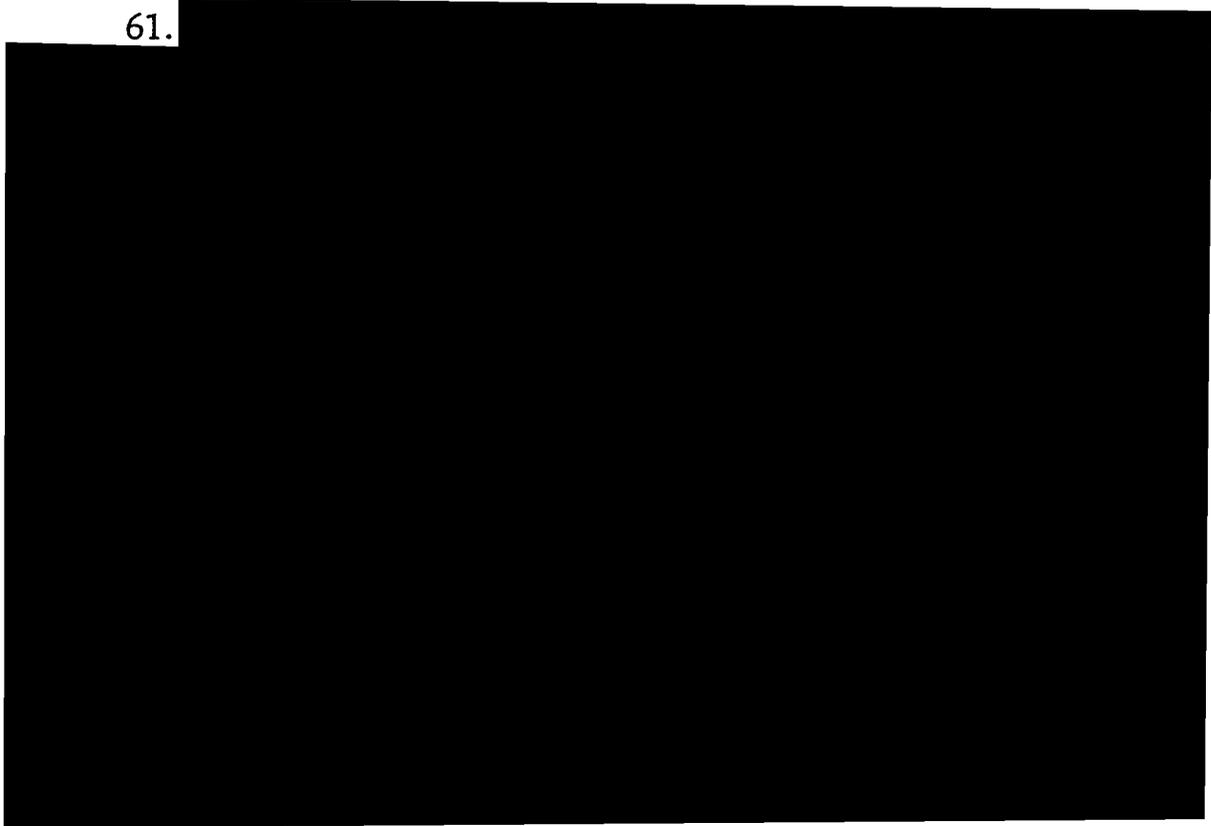
59.



60.



61.



62. [REDACTED]

63. [REDACTED]

■ Lt. Colonel Alpirez, now posted at MZ 18 with headquarters at San Marcos, is an extremely violent man who has murdered guerrilla prisoners in the past, and who recently has been observed engaging in bizarre behavior, such as walking through the town where he is currently stationed, exposing himself and firing weapons in the air. Colonel Garcia, the officer who ordered Captain Contreras to arrest [DeVine], has a personality similar to that of Alpirez. Garcia also has murdered guerrilla prisoners. Colonel Guillermo (Portillo) Gomez, the second in command of MZ 23 at the time of the killing of [DeVine], also is a violent person.

■ Following the murder of [DeVine], Alpirez made a statement in which he admitted certain aspects of the crime, carefully shielding his own participation. (Field comment: The contents of Alpirez's statement are not available.) Minister of Defense General Luis Enrique Mendoza Garcia, incensed by the statement made by Alpirez, which, if accurate, at least pointed to army involvement in the killing, ordered Alpirez to retract it. Alpirez refused to do so unless given a written order. Mendoza then removed Alpirez from command and sent him to a dangerous remote post

10 [REDACTED]

in San Marcos Department. Alpirez thought better of his defiance and requested permission to retract the statement. As of this date, however, he remains posted [REDACTED] San Marcos Department. Minister of Defense General Mendoza is the individual who has blocked all efforts to investigate the [DeVine] killing, believing that he is defending the Army as an institution.

64. [REDACTED]

[REDACTED]

65. [REDACTED]

[REDACTED]

66. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

67.

[REDACTED]

68.

[REDACTED]

69.

[REDACTED]

70. May 2, 1994 Intelligence Report. [REDACTED]

[REDACTED]

[REDACTED] in Military Zone 18 (San Marcos) in March 1992 when
Guatemalan guerrilla leader Bamaca, aka "Comandante Evarardo,"
(sic) was captured. [REDACTED]

[REDACTED] Bamaca's relatively high rank within the Revolutionary Organization of People in Arms (ORPA). [REDACTED] [REDACTED] military intelligence officers from the D-2 took Bamaca away shortly after his capture and that was the last time [REDACTED] saw Bamaca or heard anything about his status. [REDACTED]

71. [REDACTED]

72. [REDACTED]

[REDACTED] The information was disseminated [REDACTED] electronically on May 2, 1994, exclusively to:

Director, White House Situation Room;
Assistant Secretary of State for INR;
Assistant Secretary of State for Diplomatic Security;
Special Assistant to the Secretary of Treasury for
National Security;
Director, DIA;
Army Deputy Chief of Staff for Intelligence;
Director of Naval Intelligence;
Marine Corps Director of Intelligence;
Air Force Assistant Chief of Staff, Intelligence;
Director of the National Security Agency (NSA); and
[REDACTED]

73. [REDACTED]

[REDACTED]

74. October 7, 1994 testimony of former Guatemalan insurgent Santiago Cabrera Lopez. On October 7, 1994, former Guatemalan insurgent Santiago Cabrera provided information before a notary public in the law offices of Jose Pertierra in Washington, D.C. According to the written account of Cabrera's testimony, Bamaca had commanded the insurgent front to which Cabrera had belonged for a year and nine months until March 8, 1991, when Cabrera was captured by the Guatemalan military. In his lengthy testimony, Cabrera claimed to have seen Bamaca at various times during his captivity, beginning on March 12, 1992 at the Santa Ana Berlin base at Coatepeque in Quezaltenango Department. Cabrera said Bamaca was taken away from Santa Ana Berlin on April 15, 1992.

75. Cabrera said he next saw Bamaca at the Military Zone 18 base in San Marcos Department on approximately July 18, 1992. Cabrera stated that Alpirez arrived that afternoon and ordered that Bamaca was not to remain in the company of the other prisoners of war. Cabrera claims that he was ordered that night to take care of Bamaca, who was handcuffed and tied by his feet to a metal bunk bed. The next day, Alpirez returned and cautioned him against talking about what he had seen. Cabrera said he was ordered that evening to take a typewriter into the room where Bamaca was being kept and interrogated. Cabrera said Bamaca sounded as though he were sleepy or drugged, his body was severely swollen, his right arm and left leg were completely bandaged, his eyes were bandaged as well, and a green gas tank with valves and a pressure gauge was by the bed. According to Cabrera, Alpirez was there and again warned him against talking about what he had seen, saying he did not want to hear comments about Bamaca in that condition—tied up—and that Cabrera knew what would happen to him if he talked.

76. Cabrera says he saw Bamaca for the last time one or two days later. He could not see Bamaca's arms and legs because he was dressed in a soldier's uniform, but he was no longer swollen and he

spoke with a normal voice. Cabrera said he left the base for a few days and Bamaca was gone when he returned.

77. December 2, 1994 Intelligence Report [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] contact between Alpirez and Bamaca following Bamaca's capture.

[REDACTED] that Bamaca was captured alive in March 1992, but that he was now dead. [REDACTED]

[REDACTED] that Alpirez had taken charge of the interrogation of Bamaca as the then-Third Commander of Military Zone 18 (San Marcos). [REDACTED]

[REDACTED]
[REDACTED] Bamaca collaborated, providing information on the location of guerrilla camps and arms caches that resulted in successful operations against his former column. [REDACTED]

[REDACTED]
[REDACTED] did not explain how he knew Bamaca had died, where he might be buried, or whether he was tortured.

78. [REDACTED]
[REDACTED]
[REDACTED]

79. [REDACTED]
[REDACTED]

[REDACTED] The Station sent the information to Headquarters on December 1, 1994 and it was disseminated [REDACTED] on December 2, 1994 to:

White House Situation Room;
INR;
DIA;

Department of the Army;
Naval Operations;
Marine Corps;
Air Force;
NSA;
Treasury;
Energy;
U.S. Southern Command;

[REDACTED]

[REDACTED]

80. [REDACTED]

[REDACTED]

81. December 12, 1994 Station Report. On December 12, 1994, the Station submitted to Headquarters an operational cable stating

[REDACTED]

[REDACTED] that Alpirez, Major Raul Oliva Germeno, and Colonel Edgar Leonel Godoy all worked with Bamaca after his capture in the San Marcos area. [REDACTED]

[REDACTED] did not know whether Bamaca was still alive or dead but

[REDACTED] that Bamaca was not killed in San Marcos.

[REDACTED]

[REDACTED]

82. January 25, 1995 Intelligence Report. [REDACTED]

[REDACTED] concerning contact between Alpirez and Bamaca after Bamaca's capture.

[REDACTED]

[REDACTED] it was known within the senior ranks of the Army that Alpirez was the individual who killed Bamaca, but that senior officers had decided not to do anything with the information. [REDACTED]

[REDACTED]
[REDACTED] The Station submitted the information to Headquarters on January 25, 1995.

83. [REDACTED]

[REDACTED]

84. [REDACTED] information that Alpirez killed Bamaca was disseminated [REDACTED] on January 25, 1995 exclusively to:

- Director, White House Situation Room;
- Assistant Secretary of State for INR;
- Assistant Secretary of State for Diplomatic Security;
- Army Deputy Chief of Staff for Intelligence;
- Director of Naval Intelligence;
- Marine Corps Director of Intelligence;
- Air Force Assistant Chief of Staff, Intelligence;
- Director, NSA;
- Special Assistant to the Secretary of Treasury for National Security;

[REDACTED]
[REDACTED]

85. A January 25, 1995 operational cable from the Station providing details to the DO at Headquarters concerning the manner in which the information was obtained [REDACTED]

[REDACTED]

86. [REDACTED]

that Bamaca was alive but made no mention of Alpirez. (This information was included with information concerning clandestine prisons in an intelligence report that was disseminated as a sensitive memorandum on July 6, 1993.) On January 11, 1995, the Station commented in an operational cable to Headquarters that, [REDACTED]

[REDACTED]

[REDACTED] that one of the original investigators of the Bamaca case had proof that Bamaca had committed suicide, [REDACTED]

[REDACTED] Again, Alpirez was not mentioned.

[REDACTED]

87. [REDACTED]

[REDACTED]

[REDACTED]

88. [REDACTED]

[REDACTED]

[REDACTED]

89. Deputy Chief LA Division [REDACTED] does not recall any discussion within LA Division of attempting to confirm the information in the January 25, 1995 report: [REDACTED]

[REDACTED]

90. January 26-31, 1995 Meetings with NSC Staff. Four meetings were held at the National Security Council (NSC) between January 26 and 31, 1995 to discuss the January 25 report and how it could be used in a demarche to the Guatemalan Government. Those meetings included representatives from the NSC, CIA, State, and the Office of the Vice President. DoJ representatives attended three of the meetings

91. The first of these meetings was held on January 26, 1995 and, according to a memorandum regarding the meeting that was prepared by [REDACTED] was attended by [REDACTED] NSC members Richard Feinberg, George Tenet, and Chat Blakeman, State Department Deputy Assistant Secretary (DAS) for Central American Affairs Anne Patterson, Colonel Richard Wilhelm from the Office of the Vice President, and an unidentified DoJ official. At this meeting, the CIA representatives expressed concern about the requirement to provide early notification regarding the information to the intelligence oversight committees of the Congress. The NSC members asked CIA to defer temporarily any notification of the oversight committees to permit policy-makers to complete their strategy and prepare a demarche for Ambassador Marilyn McAfee to present to the Guatemalan Government. After the fourth meeting on January 31, 1995, a demarche mentioning Alpirez by name was prepared, sent to the Embassy and presented by

Ambassador McAfee to Guatemalan President Ramiro de Leon Carpio on February 6.

92. Tenet, now Deputy Director of Central Intelligence, states that the reasons the NSC members asked the CIA representatives to delay notifying Congress were:

- To have time to structure the demarche;
- To ensure that the National Security Advisor and the President were informed;
- To allow time to respond to an undefined problem that Patterson said the Embassy had with the January 25 report.

93. Based on the NSC request, CIA delayed advising the intelligence oversight committees until February 3, 1995, after the fourth meeting. The committees were told on February 3 of the January 25 intelligence report that Alpirez had killed Bamaca, [REDACTED] and the October 1991 allegations that Alpirez had been present at the interrogation of DeVine.

94. Agency DI Analysis. At the first meeting with NSC officials, Feinberg asked, among other things, for an analysis of all available data that linked Alpirez to Bamaca's death. [REDACTED]

[REDACTED]

95. The DI analysis was produced on January 27 by [REDACTED]
[REDACTED]
[REDACTED] of the DI's Office of African and Latin American Analysis (ALA). This analysis stated,

We have no firsthand accounts of Bamaca's fate, but have received a number of reports indicating that he was captured alive and killed while

in custody of the military. There is significant circumstantial evidence to suggest that Alpirez was at least the intellectual author of Bamaca's death.

96. To support these statements [redacted] refers to three intelligence reports—the January 25, 1995 intelligence report [redacted] that it was "known that within the senior ranks of the Army that Alpirez was the individual who killed Bamaca;" the December [redacted] 1994 intelligence report [redacted] that Alpirez had taken charge of Bamaca's interrogation; and the May [redacted] 1994 intelligence report in which Alpirez, [redacted] [redacted] had interviewed Bamaca after his capture. [redacted]

97. The January 27 analysis also stated, "Alpirez has a history of human rights violations." To support this statement, [redacted] cites the October 17, 1991 report that Alpirez was present at DeVine's interrogation, was violent and had killed guerrilla prisoners and a [redacted]

98. Not until the end of the DI analysis was it mentioned that other reports¹² indicate Bamaca was not killed in San Marcos and was taken away by D-2 personnel. The DI analysis also did not refer to the December 12, 1994 operational cable in which [redacted]

¹¹ [redacted]

¹² The May [redacted] 1994 intelligence report and [redacted]

reported the comments of [REDACTED] who said Alpirez, Oliva and Godoy had worked with Bamaca after his capture and had assured [REDACTED] that Bamaca was not killed in San Marcos.

99. At the second meeting with NSC members, on January 27, 1995, [REDACTED] and Chief of LA/[REDACTED] presented the DI analysis and other information concerning Bamaca and Alpirez to NSC members Feinberg and Blakeman, DAS Patterson, and Colonel Wilhelm. According to a memorandum concerning this meeting that was prepared by [REDACTED] DoJ did not send a representative to this meeting. [REDACTED] noted the judgment in the DI analysis that there was "significant circumstantial evidence to suggest that Alpirez was at least the intellectual author of Bamaca's death." The [REDACTED] memorandum contains no indication that there was any discussion of seeking additional information concerning whether or not Alpirez actually was involved in, or who else might have been responsible for, Bamaca's death.

100. The third meeting was held on January 30 and attended by [REDACTED] Feinberg, Blakeman, Bruce Pease of the NSC, Director of State Department's Office of Central American Affairs John Hamilton, Wilhelm, and Mary Ellen (Molly) Warlow of DoJ. At this meeting, according to a memorandum prepared by [REDACTED] Hamilton provided copies of a January 30, 1995 message from Ambassador McAfee raising concerns about the circumstantial nature of the evidence that was being relied upon in linking Alpirez to Bamaca's disappearance. [REDACTED]

[REDACTED] Feinberg requested a DI briefing and written comment on McAfee's message.

101. In her message, Ambassador McAfee pointed out that the information in the January 25 report regarding Alpirez and Bamaca was second-hand and possibly no more than rumor. She stressed the need for corroboration before acting on it, asked that past reporting

concerning Bamaca be taken into account and questioned the conclusions in the January 27 DI analysis. The message also included a review of earlier reporting concerning Bamaca and, while acknowledging Alpirez's negative reputation, questioned whether he could be condemned for having killed Bamaca solely on the basis of one report. McAfee also pointed out that Alpirez was unpopular within the Army and noted the possibility that he was being set up as a scapegoat. She expressed concern about [REDACTED] welfare and about damage to the peace process in Guatemala if a demarche were issued. She asked that [REDACTED] be consulted as to how a demarche would affect him and requested that the allegations be investigated before a demarche was made.

102. In response to Feinberg's request that the DI provide a comment regarding McAfee's message, [REDACTED] produced the following analysis on January 31:

31 January 1994 [sic]

[McAfee] cable...: " Alpirez, who was the San Marcos base third commander, took part in the interrogation of Bamaca. The extent of his involvement is not known. One [CIA] report says Alpirez was in charge of the interrogation. A DIA report states [REDACTED] [REDACTED] interrogated Bamaca, though this does not rule out others took part. The reports generally agree that Army intel took charge of Bamaca's interrogation and whereabouts, standard operating procedures (SOP) for captured guerrillas."

[DI] Comment: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[McAfee] Cable...: "As a third commander, Alpirez would not normally have been 'in charge' of the interrogation. This would have been left to the D-2/G-2. Nonetheless, Alpirez had frequent intel assignments and, as such, it is plausible he was involved, but we would feel more comfortable having the opportunity of corroborating this."

[DI] Comment: [REDACTED]

[McAfee] Cable...: "...But can we say he killed Bamaca on the basis primarily of one intel report reporting rumors circulating in the Army?...Again, no report quotes an eyewitness who saw Bamaca's actual death."

[DI] Comment: [REDACTED]

[McAfee] Cable...: ".....It is not out of the realm of reason he is being set up on the off-chance a scapegoat is later needed....."

[DI] Comment: [REDACTED]

103. A memorandum prepared by [REDACTED] concerning the fourth meeting, held on January 31, 1995, states that DI analysts had prepared the written analysis Feinberg had requested and were able to satisfy NSC and State representatives that there was a strong circumstantial case against Alpirez. Participants in this meeting were the same individuals who attended the January 30 meeting.

104. March 27, 1995 interview of Alpirez by the Guatemalan Public Prosecutor. On March 27, 1995, Alpirez was interviewed at the Public Prosecutor's Office in Guatemala City in connection with the Guatemalan special investigation into Bamaca's disappearance. According to a transcript of the interview [REDACTED] he was asked when he had served in the D-2. He replied that he had worked in the D-2 as Chief of Administration from 1981 to 1984. In response to specific questions, Alpirez said that he was named Third Commander of MZ 18 (San Marcos) on January 1, 1992 and was transferred to another post on November 30, 1992.¹³ He said he served in San Marcos for 11 months and his duties consisted of assisting the Second Commander of MZ 18 in coordinating the activities of the General Staff, monitoring the upkeep of the base facilities, and supervising the mechanical services and enlisted men's training.

105. Alpirez specified that, as Third Commander, he was in command of no units and had no troops under his command.¹⁴ He took part in no missions because his work was done at command headquarters, although he occasionally oversaw administrative aspects of the detachments. He denied knowledge of military operations conducted against insurgents in Quezaltenango Department and Military Zone 18 and pointed out that, jurisdictionally, Quezaltenango Department is independent of

¹³ There is conflicting information concerning exactly when Alpirez left the position as head of the Special Forces School and when he arrived in San Marcos as Third Commander. A May 31, 1991 [REDACTED] message described Alpirez as "former commander of the Poptun 'rangers' training base." A June 4, 1991 Station cable described Alpirez as "ex-commander of the Special Forces (Kaibiles) School. A September 25, 1991 Station cable states that Alpirez recently has been reassigned to a new post. The October 17, 1991 intelligence report states that Alpirez was posted to Malacatan, which is about an hour drive from the town of San Marcos in San Marcos Department. [REDACTED]

Military Zone 18 (San Marcos). He stated that he was not aware of any capture of insurgents while he was Third Commander of Military Zone 18. He denied knowing anything about the capture of Santiago Cabrera, said he had not spoken with Cabrera, and claimed that interrogating prisoners was not among his duties. Alpirez denied knowledge of Bamaca's capture, interrogation, or being moved among various military units.

106. April 10, 1995 Independent Analysis. An independent analysis of the Alpirez case was produced on April 10, 1995 by [REDACTED] one of the DI analysts who had participated in the DO/DI working group that produced background information for ADCI Studeman in connection with the April 5, 1995 SSCI hearing on Agency activities in Guatemala. [REDACTED] drafted a memorandum addressed to the DDI, DDO and Executive Director. The memorandum went no further than the DDI, however. In his memorandum, [REDACTED] raised questions regarding the validity of the October 17, 1991 intelligence report and referred to a fundamental failure to do the basic homework that was needed in this case.

107. [REDACTED] analysis points out the contradictions between the October 17 report and earlier Embassy and CIA reports concerning DeVine's death. The analysis identifies other information submitted by the Station and Embassy that shows that Alpirez was one of the most prominent members of the Guatemalan officer corps and attempted to resist the cover-up of the military's involvement in DeVine's killing. [REDACTED]

[REDACTED]

108. Concerning Bamaca, [REDACTED] analysis states that the January 25, 1995 report seems to provide strong circumstantial evidence concerning Alpirez's involvement in the death of Bamaca.

However, once the extent to which Alpirez had become an outcast in Guatemalan military circles as the result of his stance on DeVine's killing is recognized, the "table-talk" of two officers stating that his role in Bamaca's death was known in the military takes on a different light. Per [REDACTED] if the Guatemalan military wanted to identify a scapegoat for the death of Bamaca, Alpirez would be a prime candidate. The [REDACTED] analysis does not assert that Alpirez is innocent in the question of Bamaca's fate, but suggests keeping an open mind in the matter.

109. April 26, 1995 State Department Telegram. On April 26, 1995, State Department sent a telegram about a meeting the day before between Guatemalan Ambassador to the U.S. Edmond Mulet and ARA Director of Central American Affairs Hamilton. According to the telegram, Mulet said during this meeting that he had spoken with Alpirez during his visit to Guatemala and Alpirez had admitted to participating in a massive, centrally organized cover-up of military involvement in DeVine's killing. This cover-up had been organized by [REDACTED]

[REDACTED] According to Mulet, Alpirez had made a tape of an interview with [REDACTED] which Alpirez protested the cover-up as unsustainable and [REDACTED] pointed out that both he and Alpirez were under orders from [REDACTED] to limit damage to the military in the DeVine case.

110. [REDACTED]

[REDACTED]

111.

[REDACTED]

[REDACTED]

112.

[REDACTED]

113.

[REDACTED]

114.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] that Bamaca had been turned over to the D-2. The Station reported this to Headquarters on May 19. The November 1994 information had not mentioned Alpirez and had been disseminated on November 19, 1994 [REDACTED]

[REDACTED]

[REDACTED]

115. [REDACTED]

[REDACTED]

[REDACTED]

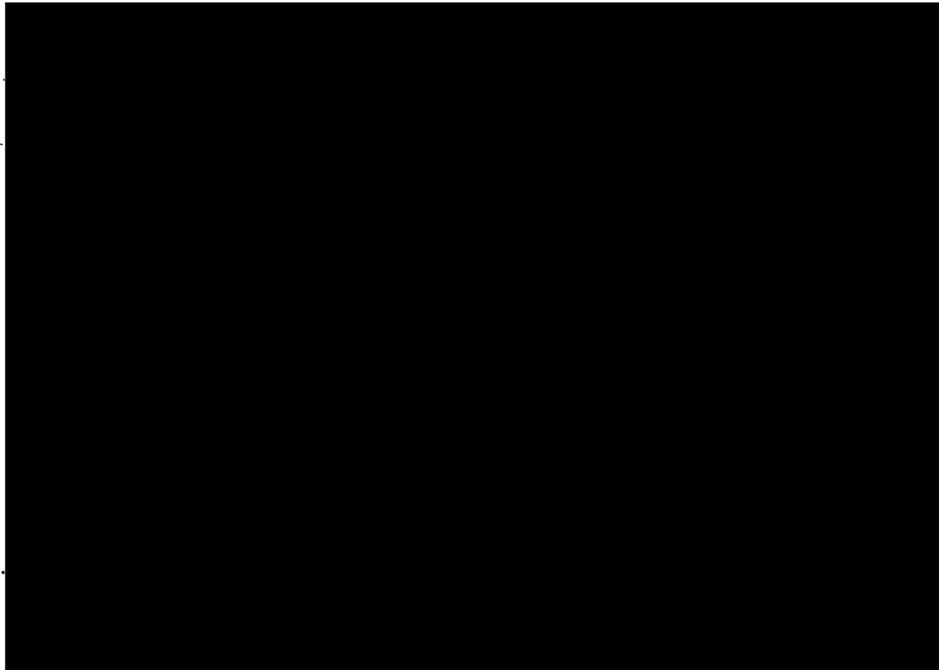
116. May [REDACTED] 1995 Intelligence Report. [REDACTED]

[REDACTED]

[REDACTED] that Alpirez and former MZ 23 Commander Garcia Catalan, who were suspended from the military on April 26, 1995 pending investigation into allegations about their involvement in DeVine's death, are scapegoats being offered by the Ministry of Defense in an effort to protect retired senior officers.

[REDACTED] believe that Alpirez did not know about DeVine's killing until afterward and only assisted in the cover-up of the murder on orders from more senior officers.

The Station originally submitted this information in a May [redacted], 1995 operational cable. Headquarters asked the Station to resubmit the information on a intelligence report. The Station did so on May [redacted] and it was disseminated [redacted] on May [redacted], 1995 to:



117. The May [redacted] 1995 operational cable that had originally been submitted by the Station explained [redacted] the Defense Ministry was searching for a sacrificial lamb in an effort to resolve the DeVine case and that Alpirez and, to a lesser extent, Garcia Catalan were being offered up. [redacted] Captain Contreras [redacted] had not killed DeVine, but that one of the enlisted men who captured and interrogated DeVine had killed him.

118. May 13, 1995 [redacted] Report. The [redacted] reported on May 13, 1995 that [redacted] Alpirez, who was feeling extremely pressured and nervous and believed that the brunt of the accusations in the DeVine case were being leveled against him. [redacted] Alpirez was thinking of confessing to perjury and obstructing justice

in the trial of the Guatemalan military personnel accused of killing DeVine. This would permit Alpirez to reveal all he knows about the killing and clear himself of accusations that he was involved. He would implicate in the cover-up many Guatemalan military officers, including some still on active duty.

119. [REDACTED]

[REDACTED]

120. [REDACTED]

[REDACTED]

121. May [REDACTED] 1995 Intelligence Report. [REDACTED]

[REDACTED]
[REDACTED] that Alpirez was not involved in Bamaca's death.
[REDACTED] that Bamaca

was turned over to military intelligence officers in Guatemala City
sometime after his capture. [REDACTED]

[REDACTED] that Alpirez had made an offer to
Defense Minister General Mario Rene Enriquez Morales to take
responsibility for "the Bamaca situation" to save the Army's image,
but Enriquez did not accept.

122. The Station submitted the information to Headquarters on
May [REDACTED] 1995. It was disseminated [REDACTED] on
May [REDACTED] to:

[REDACTED]

123. [REDACTED]

[REDACTED]

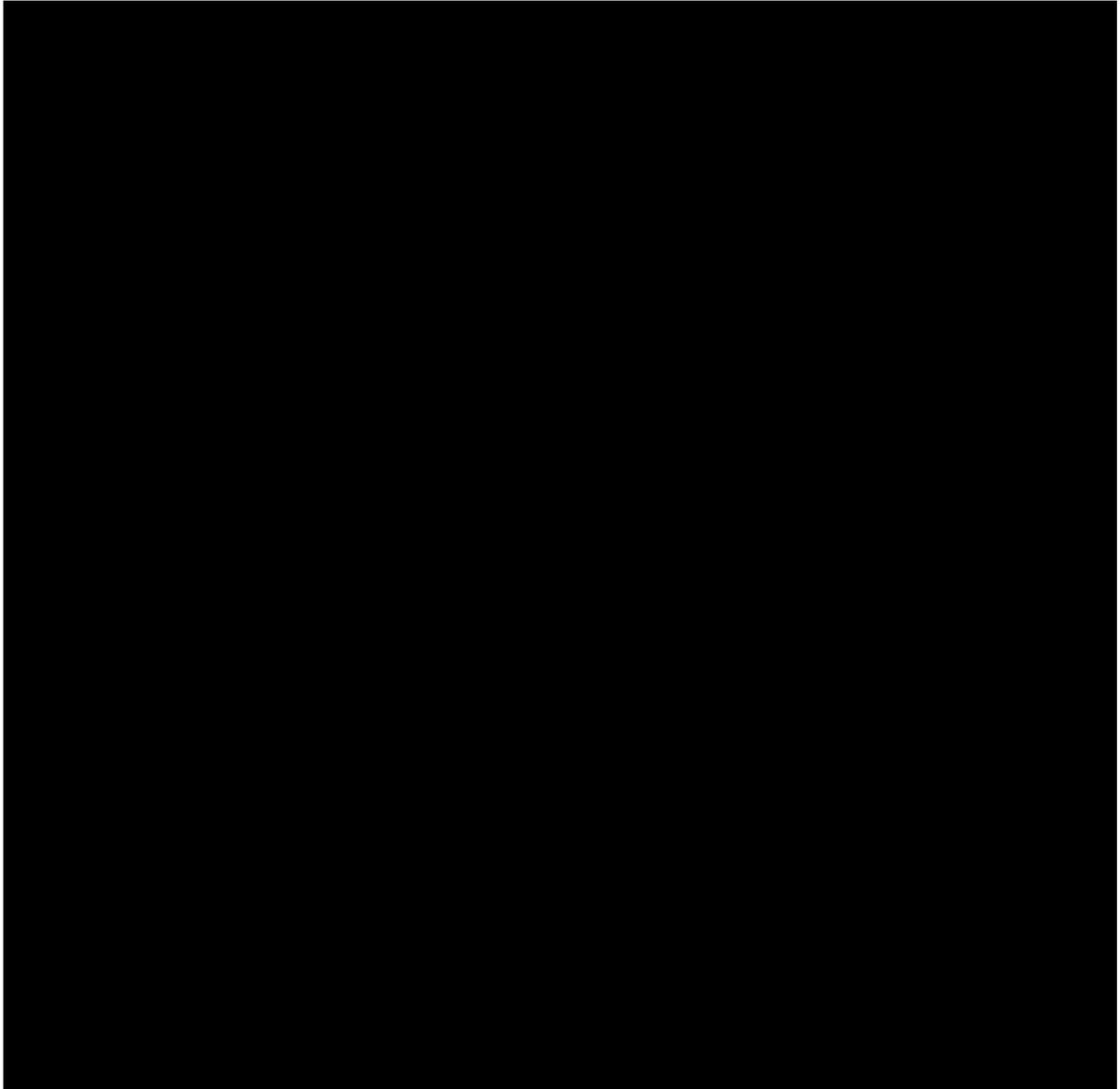
124. May [REDACTED] 1995 Intelligence Report. [REDACTED]

[REDACTED]

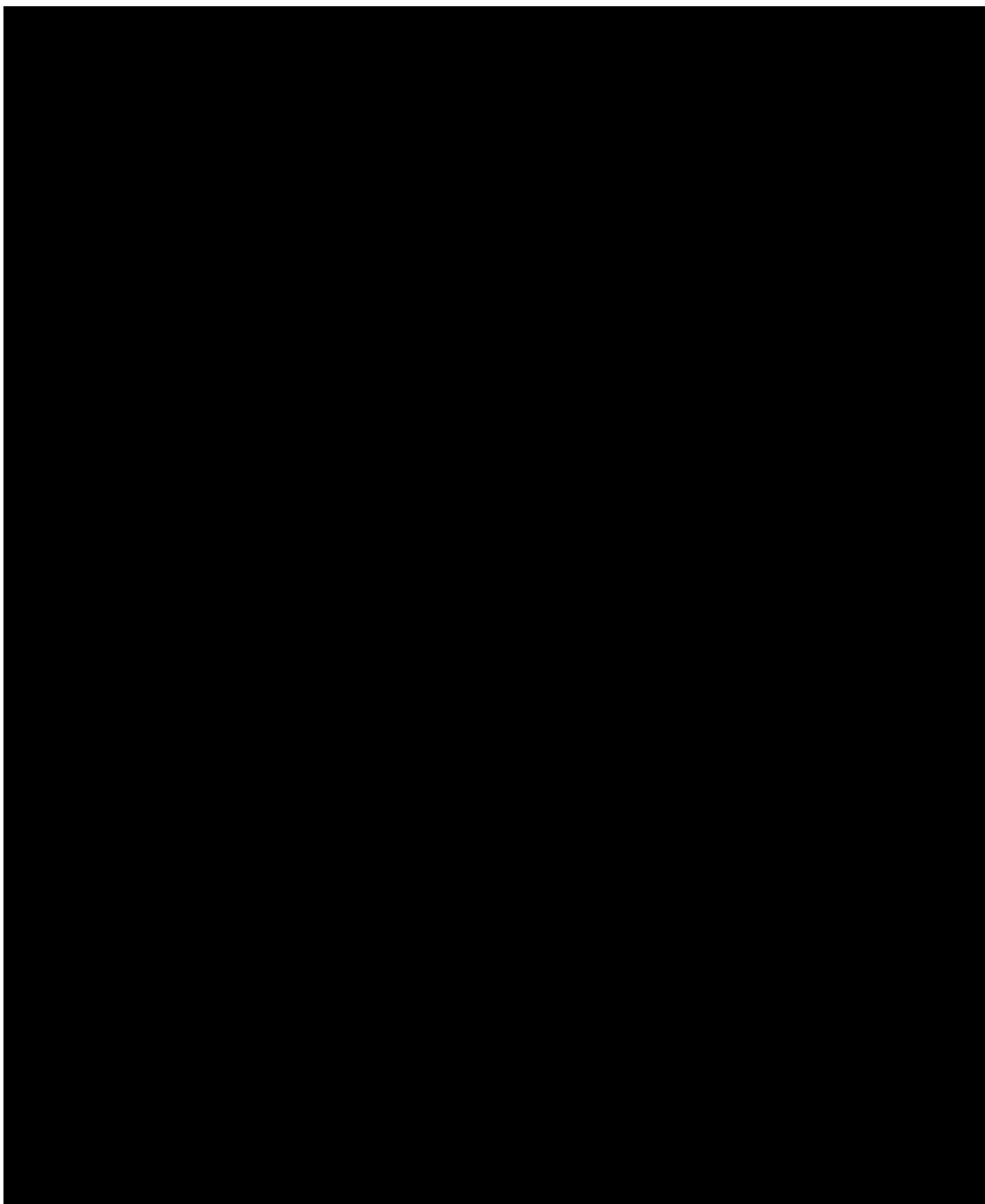
[REDACTED] maintained that he had nothing to do with DeVine's killing. [REDACTED] that when the team of enlisted men arrived, he refused to admit them to the Special Forces training base and the team then went to a local drinking establishment. [REDACTED] he had no prior knowledge of the team's intent to apprehend and interrogate DeVine.

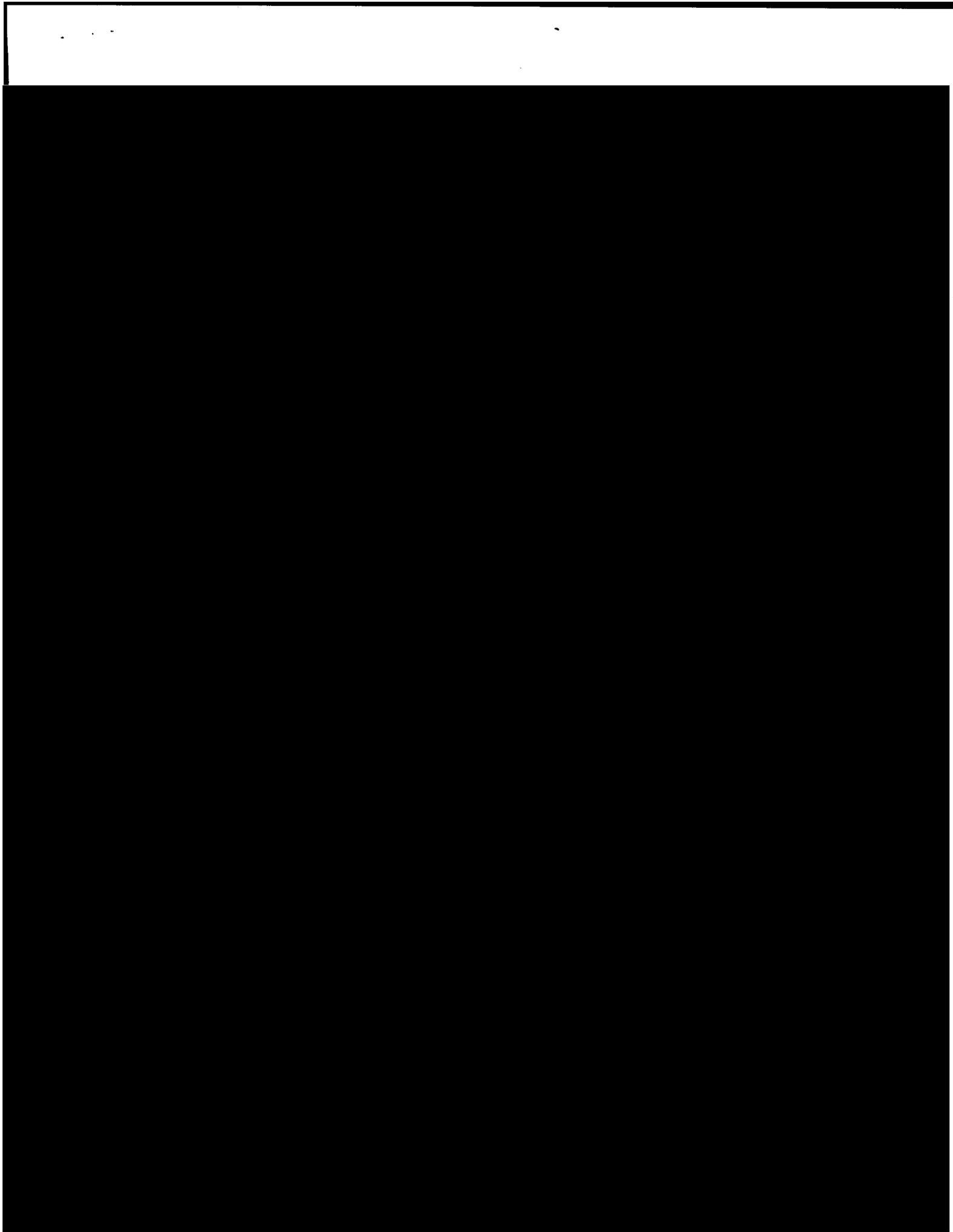
125. On May [REDACTED] Headquarters instructed the Station to resubmit the information as an intelligence report. The Station submitted the report to Headquarters on May [REDACTED] and it was disseminated [REDACTED] on the same day to:

[REDACTED]

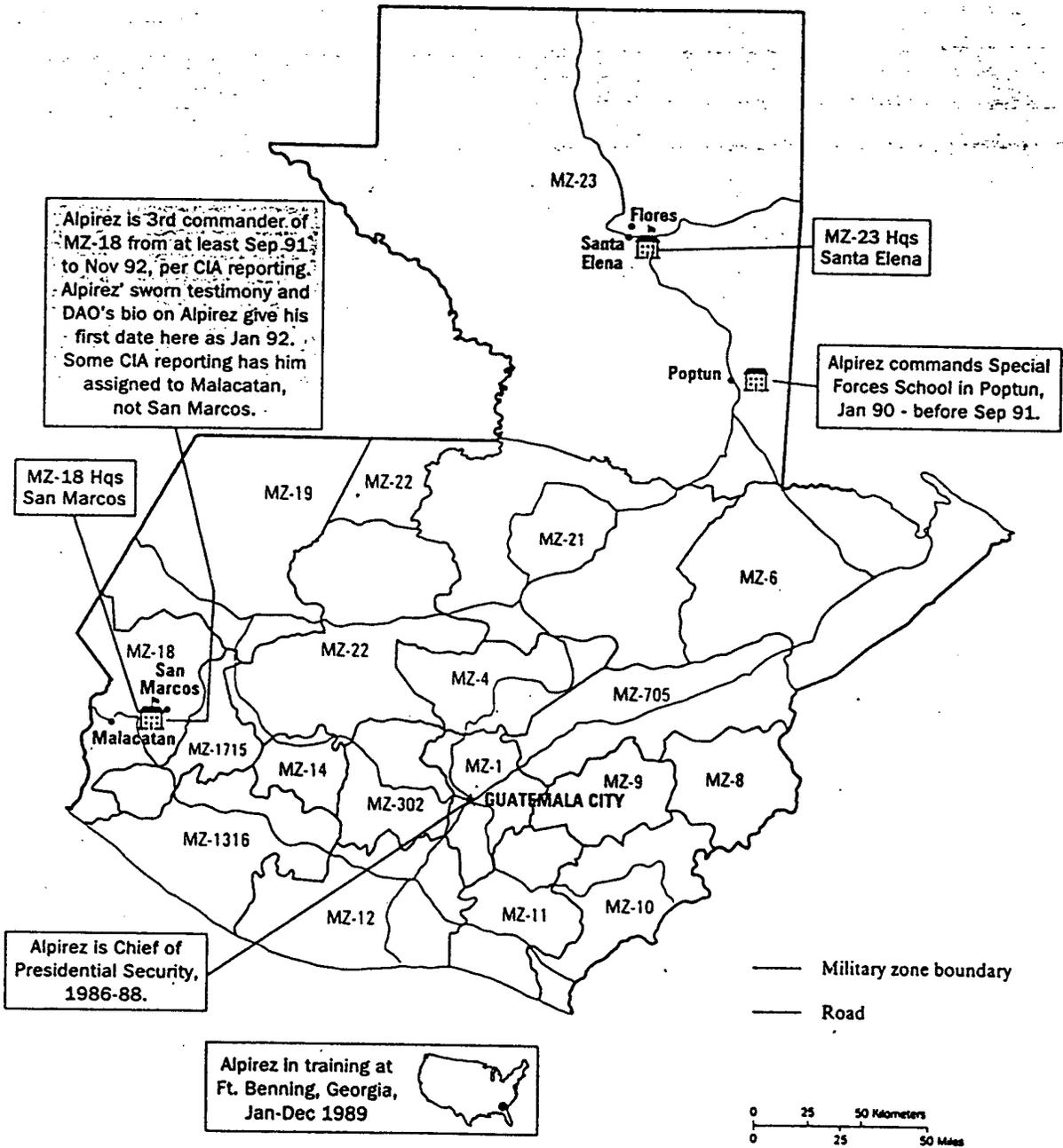


SECRET





Guatemala: Key Alpirez Assignments and Locations



[Redacted]

[Redacted]

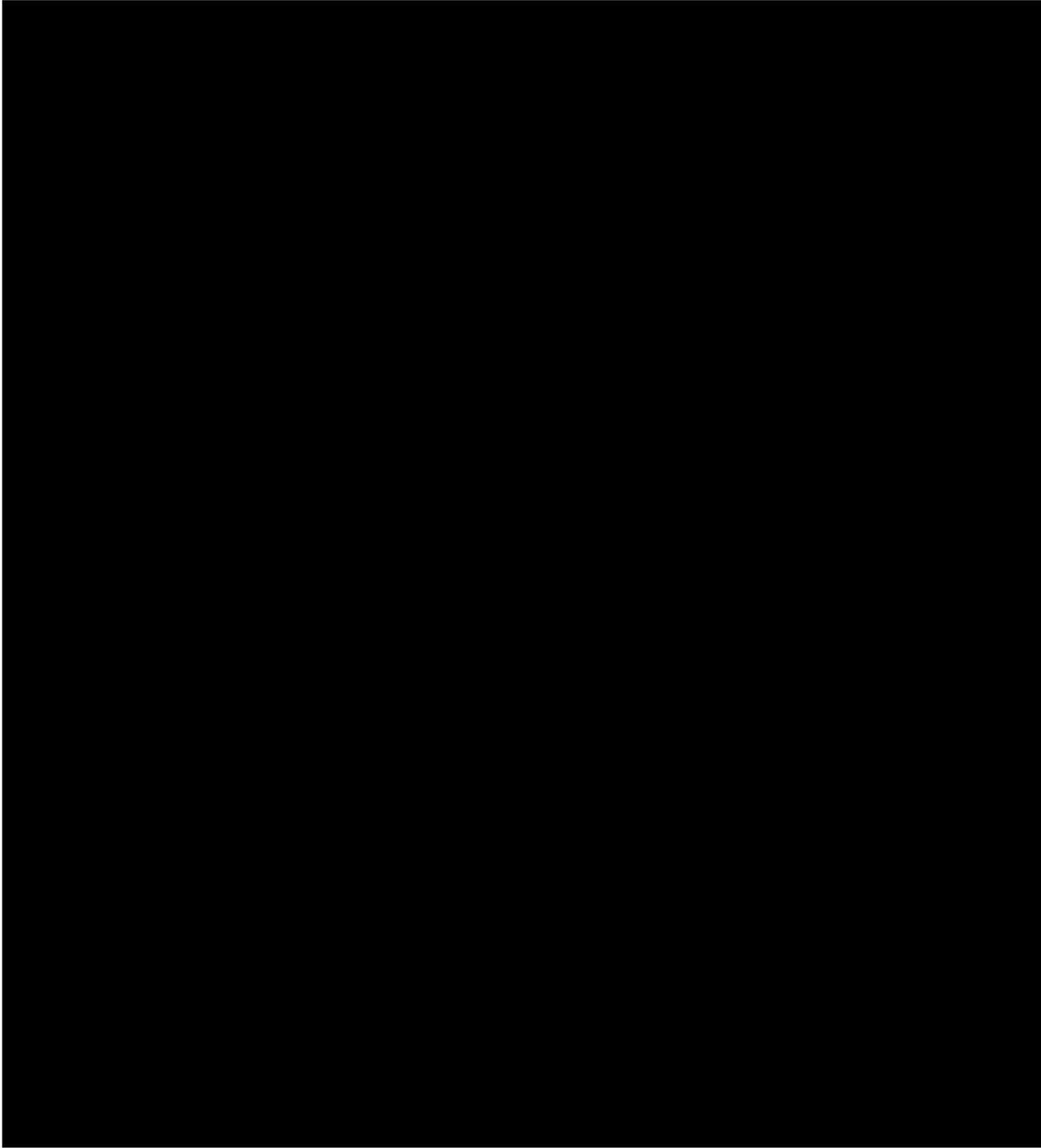
[Redacted]

Occupants of Senior Guatemalan Positions

	1987	1988	1989	1990	1991	1992
President	Vinicio CEREZO Arevalo			Jorge SERRANO Elias		
Minister of Defense	Hector Alejandro GRAMAJO Morales			Juan Leonel BOLANOS		Jose Doi
				Luis MENDOZA Garcia		
D-2 Army Head	Edgar GODOY Gaitan	Luis Francisco ORTEGA Menaldo			Cesar CABRERA Mejia	Otto I
				Marco Antonio GONZALEZ Taracena		
Head of Center for Analysis ("Archivos") and predecessor organizations	Julio Roberto ALPIREZ	Juan VALENCIA Osorio			Rolando	
				Morris Eugenio DE LEON (The Department of Presidential Se		

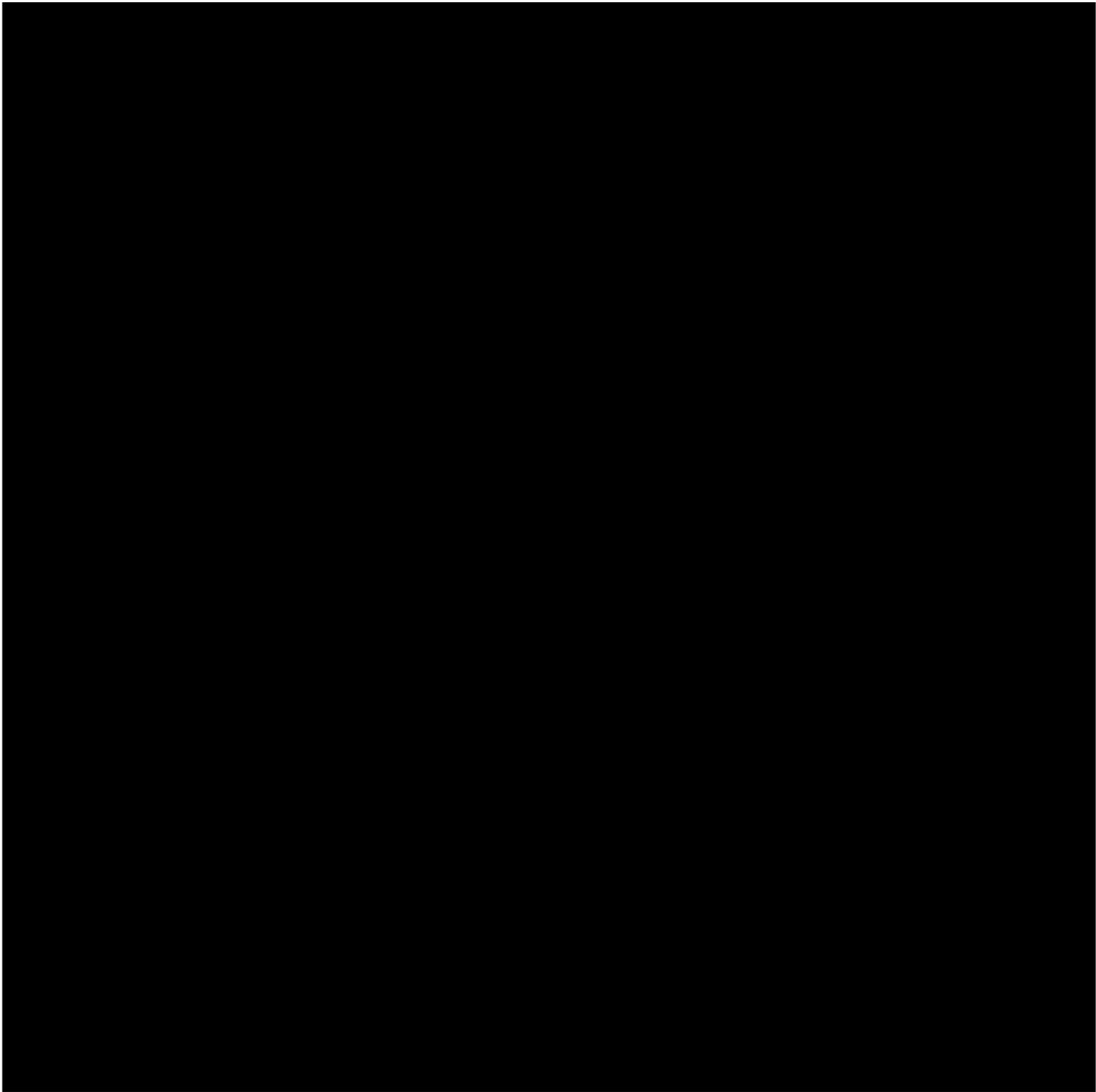
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Chronology: Key Events Pertaining to Julio Roberto Alpirez

1987	
1987	James Michel is Ambassador to Guatemala. [REDACTED]
Early 1987	Station contact with Alpirez begins in liaison context.
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
1988	
[REDACTED]	[REDACTED]
August	Station reports information alleging Alpirez is involved in narcotics trafficking and says additional information would be provided. No follow-up report.
1989	
January 1989	Alpirez enters Command and General Staff Course.
[REDACTED]	[REDACTED]
October 18	Thomas Stroock becomes Ambassador to Guatemala.
December	Alpirez returns to Guatemala
1990	
January 8, 1990	Alpirez assigned as Commandant of Special Forces School in Poptun.
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

June 9	U.S. citizen Michael DeVine is found dead on a road near his home.
August [redacted]	Alpirez [redacted] on June 8, enlisted men came to his base before surveilling DeVine. Military cover-up underway and Alpirez being pressured to retract his statement.
[redacted]	[redacted]
	1991
[redacted]	[redacted]
[redacted]	[redacted]
October [redacted]	Station forwards information [redacted] claiming that Alpirez said he was present during interrogation of DeVine and information from [redacted] that Alpirez was violent and had been acting erratically, killed guerrilla captives and was transferred because of his refusal to retract statement implicating military in DeVine's killing.
[redacted]	[redacted]
[redacted]	[redacted]
October 23	Hqs requests clarification concerning [redacted] information.
October [redacted]	[redacted] that Alpirez hid his personal involvement when he reported on DeVine killing and adds that, considering his character and personality [redacted] Station finds plausible that Alpirez was personally and directly involved in the killing.
October 27	Crimes report is drafted by LA legal counsel and sent to OGC.
October [redacted]	October [redacted] report is disseminated.
[redacted]	[redacted]

November 18

Deputy Assistant Attorney General Richard is briefed.

November 19

Formal crimes report is sent to DoJ.

1992

March 12, 1992

Bamaca is reportedly involved in a firefight and captured in or near San Marcos Dept.

[REDACTED]

[REDACTED]

April

Intelligence report lists Alpirez among officers who may be involved in narcotics trafficking because he owns a home beyond his means as a military officer.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

June

[REDACTED] names Alpirez as involved with Lt. Col. Ochoa, arrested in early 1991, in narcotics trafficking.

July

[REDACTED]

ordered by Defense Minister Mendoza to submit a false statement about the DeVine case, had refused, and had been sent to San Marcos Dept. as punishment.

September

Station reports six enlisted men each sentenced to 30 years for DeVine killing. Contreras absolved.

[REDACTED]

[REDACTED]

1993

May 11, 1993

Contreras sentenced to 20 years in prison.

June	Marilyn McAfee arrives as Ambassador to Guatemala.
[REDACTED]	[REDACTED]
	1994
May [REDACTED] 1994	Intelligence report [REDACTED] [REDACTED] and military intelligence officers had picked up Bamaca and taken him away shortly after he was captured.
December [REDACTED]	Intelligence report disseminated stating that Alpirez took charge of Bamaca's interrogation in San Marcos, Bamaca collaborated and provided information on his former column and Bamaca is now dead.
	1995
January [REDACTED] 1995	[REDACTED] that "the senior ranks of the Army " know Alpirez killed Bamaca.
January 26-31	Four meetings at NSC to discuss U.S. Government reaction; CIA is asked to delay congressional notification.
January 27	ADCI asks IG to investigate CIA relationship with Alpirez.
February 3	SSCI and HPSCI staff briefed on information connecting Alpirez to DeVine and Bamaca [REDACTED]
February 6	Demarche is presented to Guatemalan President by U.S. Ambassador.
February 15	SSCI sends additional questions to IG for investigation.
March 22	Rep. Torricelli makes public allegations that CIA knew and covered up Alpirez' involvement in DeVine and Bamaca killings.

WITH REGARD TO ALPIREZ, DID THE AGENCY COMPLY WITH REGULATIONS CONCERNING THE NEED TO KEEP AMBASSADORS INFORMED?

127. [REDACTED]

[REDACTED]

128. [REDACTED]

[REDACTED]

129. [REDACTED]

[REDACTED]

130. Ambassador McAfee arrived in Guatemala in June 1993 to replace Stroock. By that time, the trial in the DeVine case had ended and Captain Contreras had been convicted, sentenced and had escaped one month earlier. [REDACTED]

[REDACTED]

[REDACTED]

131. [REDACTED]

[REDACTED]

[REDACTED]

132. [REDACTED]

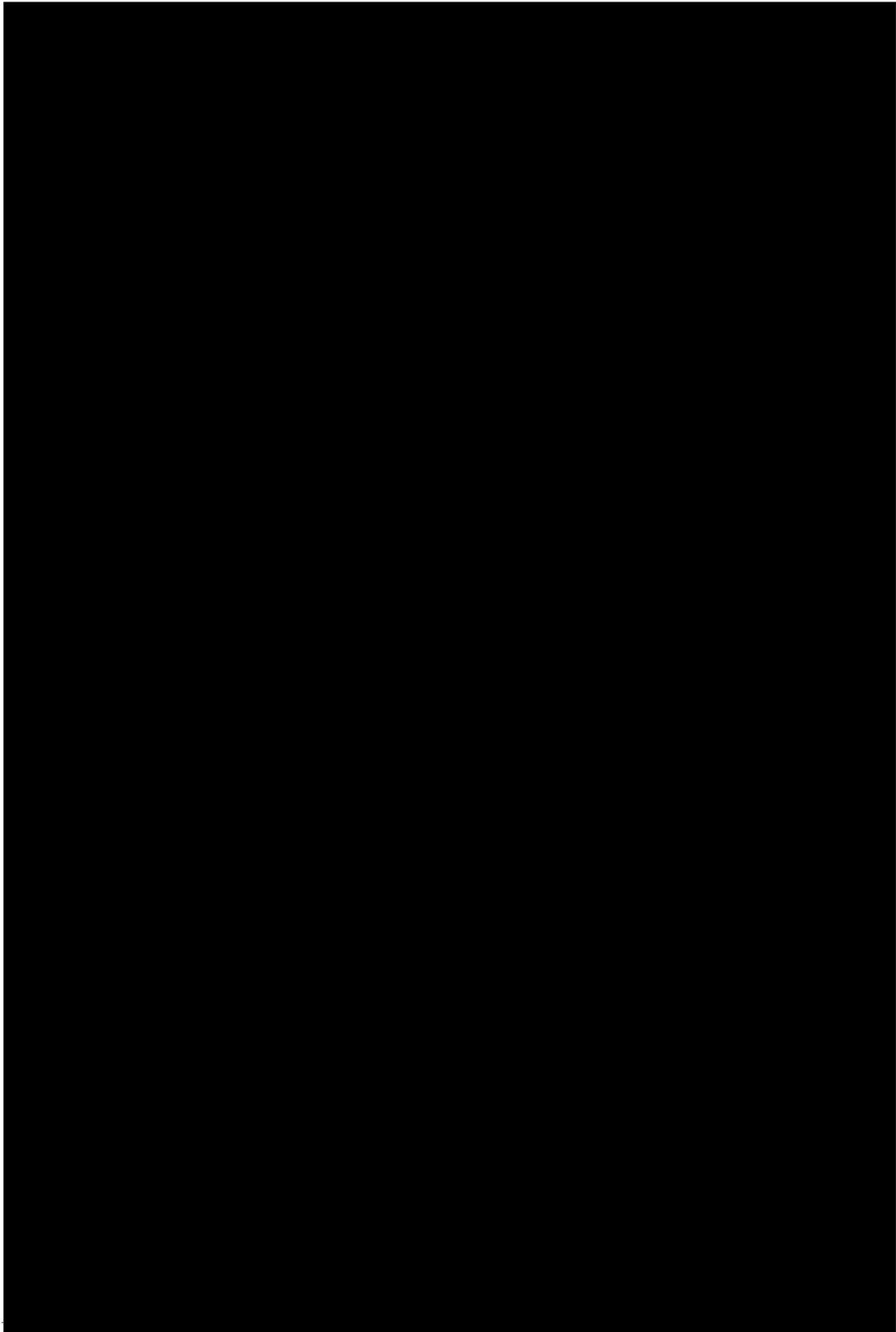
[REDACTED]

133. [REDACTED]

[REDACTED]

134. The 1977 agreement between CIA and the Department of State concerning relations between the two agencies, as transmitted in an October 27, 1977 State Department message, (STATE 257648) provides that:

~~SECRET~~



71
~~SECRET~~

[REDACTED]

[REDACTED]

135.

[REDACTED]

[REDACTED]

[REDACTED] It is clear, however, that COSs and Headquarters are expected to exercise sound judgment and discretion as to what an Ambassador should be told and when. [REDACTED]

[REDACTED]

WHAT OTHER DEROGATORY INFORMATION DID CIA ACQUIRE CONCERNING ALPIREZ AND HOW WAS THIS INFORMATION HANDLED? WHAT INFORMATION IS AVAILABLE CONCERNING ALLEGATIONS BY A FORMER EMPLOYEE OF THE DRUG ENFORCEMENT AGENCY (DEA) REGARDING CIA KNOWLEDGE OF ALPIREZ HAVING DEVINE KILLED FOR DISCOVERING A DRUG OPERATION RUN BY ALPIREZ?

136. The only other derogatory information about [REDACTED] that appears in Agency files consists of several reported allegations that [REDACTED] was involved in narcotics trafficking. One of these reports came from a DEA source, three from Agency assets and one from the [REDACTED]. In addition, a report was found in DEA Headquarters files alleging that a [REDACTED] had counterfeit cashiers checks and had ordered an assassination of a Guatemalan. No record has been found in Agency or DEA files that these allegations were acted on by the U.S. Government.

137. June 9, 1988 Drug Enforcement Administration (DEA) Memorandum. Station files include a June 9, 1988 memorandum mentioning [redacted] that was prepared by then-DEA Special Agent (SA) [redacted]. The report is entitled "Narcotics Trafficking of the [redacted] Intel, Org." [redacted] is mentioned only in the first two paragraphs of the memorandum, which read:

1. During the month of May 1988, on several occasions, SA [redacted] debriefed [source] in regard to the narcotics trafficking of the [redacted] International Organization.

2. The [source] stated that he/she has personally known [redacted] for the past several years (1984). The C.I. has identified [redacted] as a member of the security force for the Presidential Palace (El Archivo). He was also the director of the "BIEN" The National Police Investigative Unit under [redacted]. At the present, [redacted] is a group supervisor of the Archivo. [redacted] supervisor has been identified as [redacted] alias [redacted]. The C.I. claims that [redacted] is aware of [redacted] illegal activities. (Emphasis added.)

138. The memorandum carries no indication of dissemination to agencies outside DEA. The name of the head of the DEA office in Guatemala, Country Attaché [redacted] appears below [redacted] name on the bottom of the first page, although neither of them had signed the memorandum. Attached to it is an undated covering note from [redacted] to [redacted] at the time, saying "attached is a draft of the DEA report on the subject matter we discussed. Please destroy it or return it when you are finished with it." There is no indication when or how the Station obtained a copy.

139. In his memorandum, DEA SA [redacted] appears to have confused and intermingled information concerning several unrelated individuals and activities. With regard to [redacted] on April 27, 1988, the U.S. Customs Service apprised CIA that one of its sources visiting Guatemala had met [redacted] who offered assistance to Customs in a counternarcotics operation. [redacted]



140. Headquarters subsequently confirmed some aspects of what the Station had heard from Alpirez. It also informed the Station that Customs had no authority to conduct the kind of maritime operation the Customs source had described, but was not always aware of all its field office operations because of the decentralized nature of the Customs structure. It further stated that Customs had discussed the case with DEA.

141. With regard to [redacted] the person [redacted] claimed was known as [redacted] CIA records contain only DEA information indicating that a [redacted] possibly of Guatemalan nationality, was involved in transferring cocaine and marijuana from Cuba to the U.S. via Guatemala by aircraft from November 1988 to April 1989. As noted in paragraph 150 below, a [redacted] did work in the Presidential Security Department when [redacted] was its chief and in August 1988 was alleged to have been involved in narcotics trafficking.

142. Concerning [redacted] the alias [redacted] attributed to [redacted] [redacted] CIA files

contain no indication other than [redacted] memorandum that [redacted] was ever known by the name of [redacted]

143. August 25, 1988 DEA Memorandum. As the result of a file search requested by OIG, in late June 1995 DEA Headquarters found another relevant document in its files. An August 25, 1988 memorandum prepared by then-DEA Special Agent [redacted] was based on information provided by the same DEA source as the June 1988 information. There is no indication that the August 1988 information was previously shared with CIA Headquarters or the Station. The memorandum refers to [redacted] (sic).

144. This [redacted] is mentioned in four places in the memorandum. The first is:

2. The [source] stated that on Saturday, August 20, 1988 at approximately 11:00 a.m., as pre-arranged he was suppose [sic] to meet with [redacted]. At approximately 11:30 a.m., Guatemalan Military [redacted] [sic] arrived and stated that [redacted] with oral orders from [redacted] [sic--original text incomplete] The [source] stated that he wished to tell [redacted] that he [source] knew of a Colombian that wanted to transfer cocaine from Colombia to the US by aircraft, refueling in Guatemala....

145. The second mention of [redacted] is:

NON DRUG RELATED INFORMATION:

1. The [source] stated that Guatemalan [redacted] has in his possession several thousand Bank of America cashiers checks that are counterfeit [sic] and were offered to the [source] for distribution. The [source] refused the cashiers checks....

146. [redacted] is mentioned for a third time as follows:

2. The [source] further related that he had been told by [redacted] that by orders of [redacted] [redacted] had assassinated a former member of there [sic] unit (ESTADO MAYOR PRESIDENCIAL) by the name of [redacted]

According to [REDACTED] was stabbed four (4) times with a Bayonet and shot twice by [REDACTED]...

147. The fourth mention of [REDACTED] occurs in the "Indexing Section" of [REDACTED] memorandum:

[REDACTED] - Guatemala Military Lt. Col. Previously identified. [sic]

148. [REDACTED]

149. [REDACTED]

150. August [REDACTED] 1988 Station Report. [REDACTED]

[REDACTED] that Alpirez had instructed one of his subordinates, [REDACTED] to become involved in a narcotics network; disrupt the network; obtain the cocaine; and run the operation for personal profit. The Station reported the information to Headquarters on August [REDACTED] and added that it was investigating the allegation, [REDACTED]

[REDACTED] The Station officer [REDACTED] recalls that [REDACTED] provided a lot of rumor, not a lot of intelligence, and did not provide follow-up information. The Agency file [REDACTED] contains nothing further concerning this allegation.

151. The Station officer [REDACTED] believes that the Station would have tried to obtain confirmation of the allegation that Alpirez was involved in narcotics trafficking, but was very busy

and not likely to send a message to Headquarters if it found no further information. He maintains that the absence of further information on the August 1988 allegations indicates that nothing further was available, not that the Station did not attempt to obtain more information. [REDACTED]

152. [REDACTED]

153. April [REDACTED] 1992 Intelligence Report. [REDACTED]

[REDACTED] including Alpirez, allegedly involved in narcotics trafficking. The Station originally submitted the information to Headquarters in an operational cable [REDACTED] noting that it was not being submitted as an intelligence report because of its inconclusive and circumstantial nature and because of possible biases by the individuals from whom [REDACTED] had obtained the information. [REDACTED] that Alpirez owned a house in the Granjas San Antonio in Don Justo that he could not afford on his military salary and that he may have gotten rich through narcotics trafficking or other illegal activity. [REDACTED] that Alpirez was suspected of narcotics trafficking because he, [REDACTED] had purchased a very

expensive home in the Colonia San Lazaro in Zone 15 of Guatemala City.

154. On March 28, 1992, Headquarters instructed the Station to resubmit the information as an intelligence report [REDACTED]

[REDACTED]
Headquarters also stated that follow-up reporting to confirm, refute, or elaborate the original information would be welcome.

155. On April [REDACTED], 1992, the Station resubmitted the information as an intelligence report [REDACTED]

[REDACTED]
[REDACTED] Headquarters disseminated the report [REDACTED] the same day to:

NSA;
State;
DEA;
DIA;
Customs;
Treasury;
FBI;
Coast Guard;
White House Situation Room;
Southern Command; and

[REDACTED]
[REDACTED]
[REDACTED]

156. June [REDACTED] 1992 Intelligence Report. [REDACTED]

[REDACTED] the Station received another allegation connecting Alpirez with narcotics trafficking [REDACTED]

[REDACTED]
[REDACTED] information [REDACTED] concerned a narcotics operation run by a Guatemalan named Mario Raul Peralta. The report described the involvement of Peralta with Lt. Colonel Carlos

159. May 4, 1995 Allegations. In a May 4, 1995 letter to the CIA IG, Representative Torricelli stated that he had been informed by a former DEA employee that the CIA had information indicating that DeVine's killing was "politically motivated" in that the former DEA employee had alleged that DeVine had discovered a "drug operation" run by [REDACTED] and [REDACTED] had DeVine killed to keep the discovery secret. [REDACTED]

160. [REDACTED]

161. [REDACTED]

[REDACTED]

162.

[REDACTED]

163.

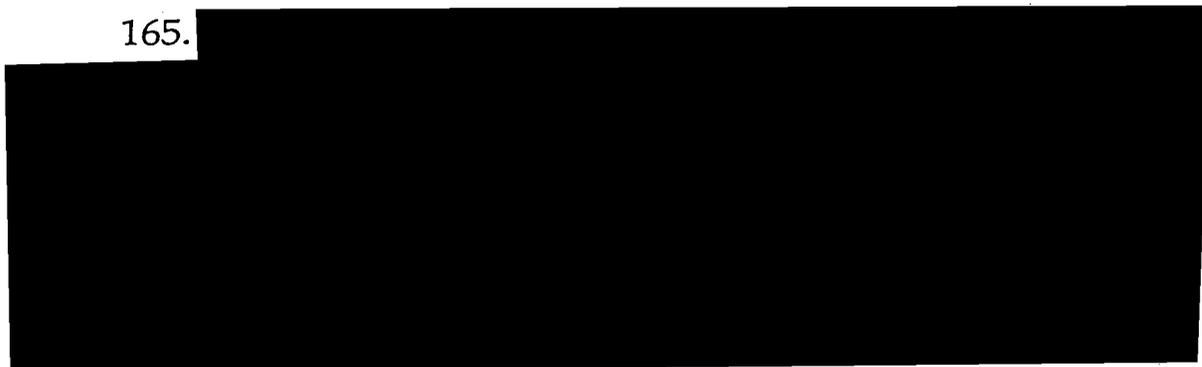
[REDACTED]

¹⁶ According to [REDACTED] biographic data on Alpirez, Alpirez served in the D-2 of the National Defense Staff from 1978-82, [REDACTED] Station cables refer to Alpirez has having served in the D-2 but contain no dates for when he did so. During a March 1995 interview by the Guatemalan Public Prosecutor's Office, Alpirez stated that he had served in the D-2 from 1981-1984. Thus, it appears he was not a D-2 officer in June 1990 when DeVine was killed.

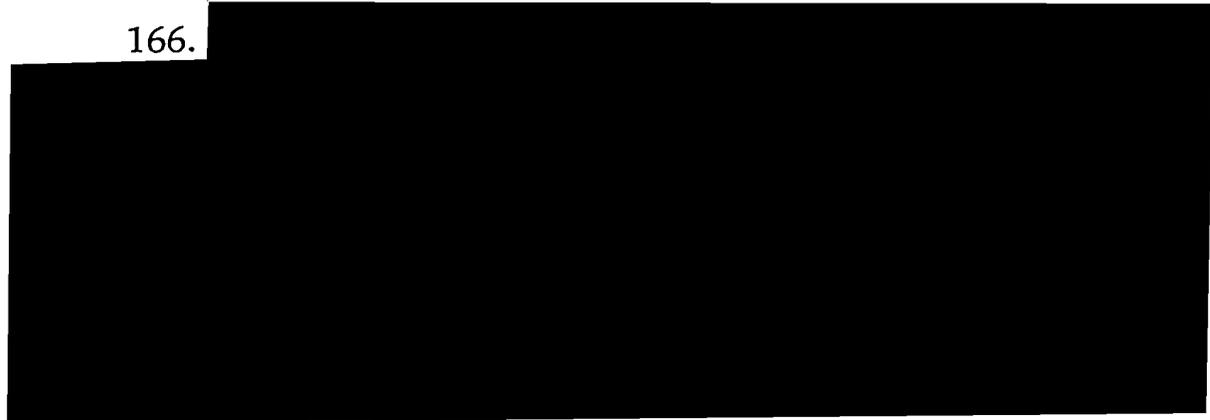
164.



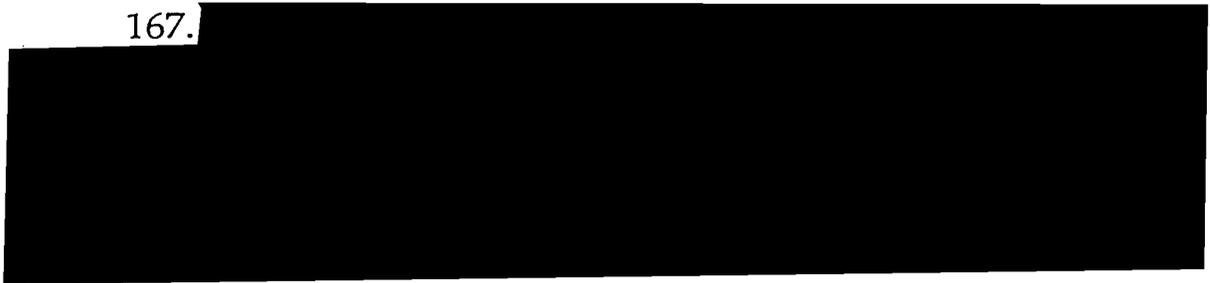
165.



166.



167.



DID CIA'S FAILURE TO NOTIFY DOJ OF REPORTS IMPLICATING ALPIREZ IN NARCOTICS TRAFFICKING HINDER THE ATTORNEY GENERAL'S ABILITY TO DETERMINE WHETHER THE DEVINE MURDER WAS POLITICALLY MOTIVATED? SHOULD THE REPORTS HAVE BEEN PROVIDED TO DOJ UNDER EXISTING CRIMES REPORTING PROCEDURES?

168. The May 4, 1995 letter to the CIA Inspector General from Congressman Robert Torricelli stated that a "former Drug Enforcement Administration employee" alleged that the DeVine murder was politically motivated, and that DeVine was murdered because he had discovered a drug operation being run by [REDACTED]. The letter also suggested that CIA officials would be guilty of "obstruction of justice" if they concealed such information when the October 1991 allegations that [REDACTED] was present at the interrogation of DeVine were referred to the Department of Justice. [REDACTED]

169. It appears that section 2332 of Title 18 of the U.S. Code is the statute referred to in this letter as granting the United States the ability to prosecute foreign nationals for crimes against American citizens abroad when such crimes have a "political" element. That provision, appearing in Chapter 113B of Title 18, is part of the codification of the Antiterrorism Act of 1990. Section 2332 provides criminal penalties for murdering a U.S. national who is outside the United States. However, the murder of a U.S. national overseas only constitutes a violation of that statute and confers criminal jurisdiction on U.S. District Courts in cases where the Attorney General certifies that the murder was intended to coerce, intimidate, or retaliate against a government or a civilian population.

170. If CIA officials had information relating to the DeVine case that would have assisted the Attorney General in making a determination that DeVine's murder was intended to coerce,

intimidate, or retaliate against a government or civilian population, such information should have been provided to DoJ with or following the referral. However, there is no indication that Agency officials either had or withheld any such information from DoJ and therefore there could be no obstruction of justice on that basis.

171. [REDACTED]

172. Six reports have been identified that contain information alleging that Alpirez might have had knowledge of, or have been involved in, narcotics trafficking. None of the reports constitutes direct evidence of such involvement. (These reports are summarized in paragraphs 137 - 152 of Volume III.) At the time of the referral to DoJ of the October 1991 allegation that Alpirez was present at DeVine's interrogation, the Agency had two and possibly three of these reports in its possession. One was from DEA, one from the DAO, and one was acquired by the Station in 1988. The latter was not disseminated outside the Agency, apparently because of a lack of corroborating information.

173. None of the six reports suggests that the DeVine murder was linked in any way to drug trafficking, or, more importantly, had as its purpose coercion, intimidation, or retaliation against a government or civilian population. No evidence has been found to indicate that any CIA official intentionally withheld these reports from DoJ in order to prevent or hinder the Attorney General from certifying that the DeVine murder was politically motivated or for any other reason. Finally, DEA reports that it has located no additional information in its files to indicate that [REDACTED] was involved in narcotics trafficking.

174. Federal law, 28 USC 535, requires any information, allegation, or complaint received by Federal departments or agencies that relates to a violation of Title 18 of the U.S. Code by Government officers or employees to be reported to the Attorney General. In addition, Executive Order 12333 governing United States intelligence activities requires the heads of departments and agencies with organizations in the Intelligence Community to report to the Attorney General possible violations of any federal criminal law by employees and to likewise report violations of specified federal criminal laws by any other person. This responsibility is required to be carried out as provided in procedures agreed upon by the Attorney General and the head of the department or agency concerned.

175. Pursuant to these requirements, the Director of Central Intelligence and the Attorney General agreed upon crimes reporting procedures for CIA that have been in effect since 1982. Those procedures do not specifically require the reporting to the Department of Justice of possible drug trafficking offenses committed by non-employees. However, in a contemporaneous exchange of letters between the Attorney General and the DCI, the Attorney General stated that the question had been raised about the need to add narcotics violations to the list of reportable non-employee crimes. The Attorney General noted that, in view of the clear authority of the Agency to collect information concerning narcotics matters and to disseminate such intelligence to law enforcement agencies, including the DoJ, as well as the excellent cooperation DEA has received from CIA on these matters, no formal requirement to report such offenses was added to the procedures. Despite the lack of a formal requirement to do so, however, CIA has regarded narcotics offenses by non-employees to be reportable under the crimes reporting procedures.

176. In order for a possible non-employee crime to be reportable under the crimes reporting procedures, the Agency must receive an allegation, complaint, or information tending to show that the non-employee may have violated a federal criminal statute. This means that a certain degree of specificity must be contained in the information, allegation, or complaint that is received by the Agency.

These determinations are made by the Agency's OGC regarding potential offenses by non-employees except for matters investigated by OIG. If the reports that mentioned Alpirez (discussed in paragraphs 137 through 152) were shared with OGC, it appears unlikely, with one exception, that OGC would have considered them to relate to a violation of U.S. law or to be sufficiently specific to make a formal crimes report to DoJ. Furthermore, the procedures for crimes reporting to DoJ have not been interpreted to require CIA to report information concerning possible violations of U.S. law obtained from a U.S. law enforcement agency. The one report that could be interpreted to connect [REDACTED] with a possible violation of U.S. law is a memorandum DEA provided to OIG in late June, 1995.

177. The first report, a DEA memorandum dated June 9, 1988 contains the statement that [REDACTED] was aware of another individual's illegal activities. This memorandum contains no allegation or information to indicate that [REDACTED] was involved in a violation of U.S. law. Thus, it would not be reportable.

178. An August 25, 1988 DEA memorandum was provided to OIG by DEA in late June 1995. The information in the memorandum regarding narcotics trafficking is fragmentary and difficult to understand. It states that the source expected to meet with [REDACTED] Instead Guatemalan Major Carlos Charaj "arrived and stated that [REDACTED] with oral orders from [REDACTED] [sic--original text incomplete]." The memorandum goes on to say that the source wished to tell [REDACTED] that the source knew of a Colombian who wanted to send cocaine to the U.S. through Guatemala. This information clearly relates to an intended violation of U.S. law and, when read in light of other information the memorandum contains that [REDACTED] [sic]" had thousands of counterfeit Bank of America cashiers checks he offered to the source for distribution, could be interpreted to also "link [REDACTED] [sic]" to the potential narcotics trafficking offense. However, there is no indication this information was shared with CIA at the time. Furthermore, the crimes reporting procedures have not been interpreted to require CIA to report to DoJ information concerning

possible violations of U.S. law received by CIA from a U.S. law enforcement agency.

179. An August 31, 1988 station report stated that Alpirez had instructed a subordinate to become involved in a narcotics network, disrupt the network, obtain the cocaine, and run the operation for personal profit. The Station reportedly attempted to acquire additional information, but was unsuccessful. This information was not reportable under the crimes reporting guidelines because it does not clearly indicate a possible violation of U.S. law. While the Agency could have chosen to disseminate the report in intelligence channels to appropriate U.S. law enforcement agencies, the Station officer who received the information from the source recalls that the source provided a lot of rumor, not a lot of intelligence, and did not provide follow-up information. [REDACTED]

180. [REDACTED]

[REDACTED] This information, while perhaps meeting standards for dissemination as intelligence, also did not evidence a possible violation of U.S. law and thus was not specific enough to merit a crimes report under the crimes reporting procedures. Furthermore, because the report originated in another department, it is not clear that CIA would have had the responsibility to make a crimes report based upon it.

181. An April [REDACTED] 1992 intelligence report [REDACTED]

[REDACTED] including Alpirez, who were allegedly involved in narcotics trafficking. This report was originally submitted by the Station as an operational cable because of its inconclusive and circumstantial

nature and because of possible bias by the individuals from whom [REDACTED] obtained the information. [REDACTED]

[REDACTED] that Alpirez owned a house that he could not afford on his military salary and may have gotten rich through narcotics trafficking. This report also did not evidence a violation of U.S. law and was not specific enough to require a crimes report, but was disseminated to DEA, the U.S. Customs Service and the FBI, among others, for intelligence purposes.

182. [REDACTED]

DID CIA COMPLY WITH THE RELEVANT STATUTES, REGULATIONS, AND PROCEDURES CONCERNING HUMAN RIGHTS ISSUES THAT WERE IN EFFECT WHEN THE OCTOBER 1991 INFORMATION WAS RECEIVED?

183. Executive Order 12333, of December 4, 1981 states in Part 2.1 that intelligence activities are to be conducted in a "responsible manner that is consistent with the Constitution and applicable law and respectful of the principles upon which the United States was founded."

184. [REDACTED]

[REDACTED]

185. [REDACTED]

[REDACTED]

186. In dealing with Alpirez in October 1991, Guatemala City Station acted in a manner that was consistent with the guidance available at the time [REDACTED]

[REDACTED]

[REDACTED]

187. On the other side of the coin, it does not appear that much effort was put into determining the veracity of the allegations against Alpirez. However, no requirement to verify such information was formally imposed on Agency Stations until August 1992, ten months after the October 1991 report had been received. [REDACTED]

[REDACTED]

[REDACTED] the Station could have sought additional details concerning the allegations against Alpirez from other sources. There is no indication that any thought was given to doing so, however, despite the apparent inconsistencies between these allegations and all other then-available information concerning Alpirez and regarding the DeVine killing.

WHAT AND WHEN WAS CONGRESS TOLD ABOUT THE OCTOBER 1991 REPORT THAT ALPIREZ HAD BEEN PRESENT AT DEVINE'S INTERROGATION [REDACTED] WERE THE STATUTES, REGULATIONS AND PROCEDURES IN EFFECT REGARDING NOTIFICATION OF CONGRESS FOLLOWED?

188. There are specific statutory and Agency policy requirements for notifying Congress of Agency activities. (See Volume I.) These requirements include a general statutory requirement to keep the intelligence committees "fully and currently informed" regarding the Agency's activities [REDACTED]

[REDACTED] In addition, Agency policies govern the extent to which information regarding intelligence sources is shared.

189. In April and May 1991, respectively, CIA's Office of Congressional Affairs (OCA) prepared written responses from the Agency to the House Permanent Select Committee on Intelligence (HPSCI) and SSCI regarding the question, "What contribution has CIA made to the investigation of the murder of U.S. citizen Michael DeVine in Guatemala?" The Agency responses cited the information provided [REDACTED] in August 1990 that linked the Guatemalan military to DeVine's death and reported a military cover-up. They were prepared five months before the October 1991 report alleging Alpirez's involvement in the DeVine killing and it appears that at least the HPSCI may have been provided this information in the form of a response to a Question for the Record (Q&A).

190. October 1991 [REDACTED] LA Division considered briefing the HPSCI and SSCI concerning the October 1991 allegations that Alpirez had been present at the interrogation of DeVine almost immediately after the information was received from the Station. [REDACTED]

[REDACTED] they recognized the seriousness of the allegations against Alpirez upon receipt of the October [REDACTED] 1991 report. [REDACTED] were concerned with

notifying all the appropriate entities and, while he does not recall a formal meeting concerning notification of Congress [REDACTED] discussed it informally [REDACTED]

191. [REDACTED]

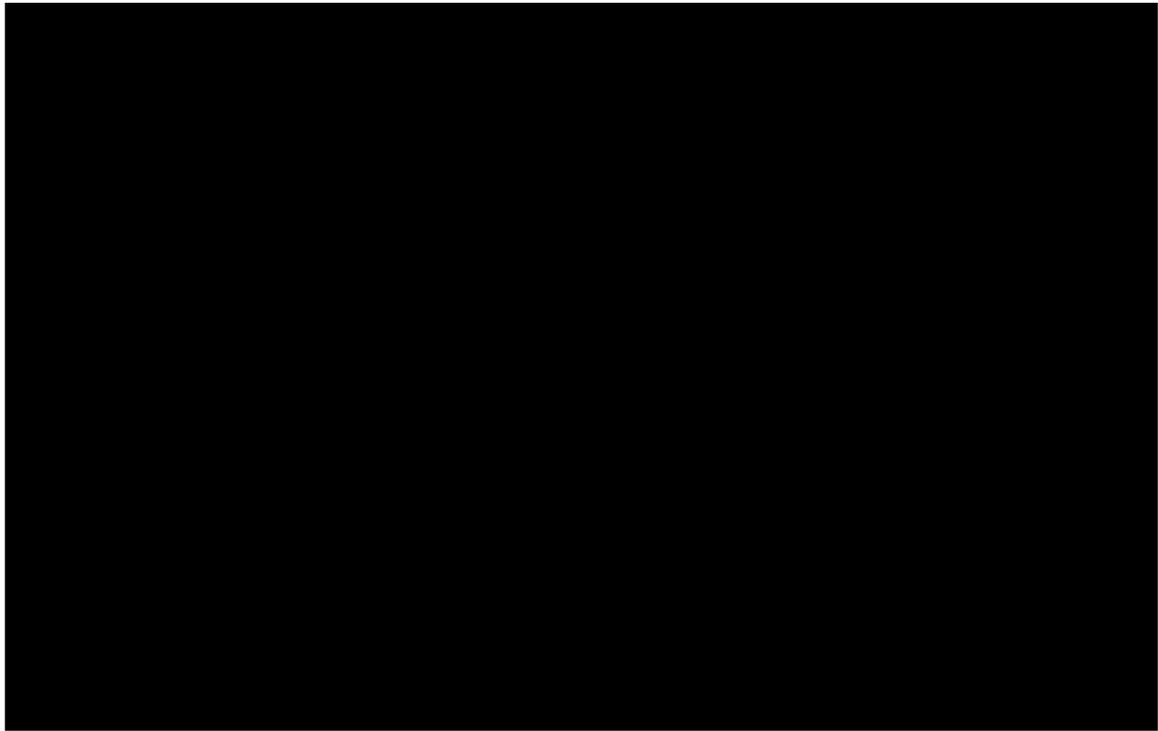
[REDACTED] that, by October 23, LA Division intended to brief the HPSCI Staff Director regarding the report that Alpirez was present at the interrogation of DeVine [REDACTED] The intention was that the briefing would take place prior to dissemination of the intelligence report and the HPSCI briefing, both of which occurred on October [REDACTED] 1991.

192. In response to the question, "[What is] CIA[']s contribution to the investigation of the murder of Michael DeVine in Guatemala?" The Q&A page updated information provided earlier related to DeVine and commented on the prosecution of Guatemalan military personnel who had been accused of having participated in the killing. The Q&A then addressed the allegations about Alpirez as follows:

(FYI: The following has not been briefed to HPSCI, or HPSCI staff, as of 23 October. We are *attempting* to arrange a briefing for the Staff Director before the 29 October HPSCI Hearing.) [Emphasis added.]

Recent reporting [REDACTED] indicates that Julio Roberto Alpirez [REDACTED] was present at the killing of Mr. De[V]ine by Captain Contreras, S-2 officer of the Peten military region. This reporting conflicts with other information on the case. We have forwarded to the Station additional questions to attempt to clarify the information. We will then brief the Department of Justice. (We anticipate having the report to the Intelligence Community and briefing Justice prior to 29 October.)

193. [REDACTED]



194. The information regarding Alpirez apparently had not been provided to the HPSCI staff members at the October 21 pre-briefing [REDACTED]



195. It is not known whether the Q&A page was approved by LA Division Chief [REDACTED] or [REDACTED] before it was included in the DO Briefing Book [REDACTED] for DDO Twetten and for Kerr, who actually testified during the October 30 HPSCI hearing. A copy of the Q&A page was also included in the Briefing Book prepared for Kerr in the SSCI hearing on November 20, 1991. [REDACTED]

196. Although the Q&A page was included in the Briefing Book that was used by Kerr, it is not clear whether the Q&A was discussed

at his October 28 pre-briefing by the DO. No LA Division personnel were present, according to Kerr's calendar. Kerr does not recall any discussion of the issue. He says that, if he had focused on it, he would not have wanted to raise the information about Alpirez at a hearing without having first informed the HPSCI chairman and staff.

[REDACTED]

197. The Q&A page was significant in several respects. It specifically identified Alpirez and provided key information concerning his alleged presence at the interrogation when DeVine died.

[REDACTED]

[REDACTED] It mentioned that the allegations differed from earlier reporting, presumably referring to the August 1990 [REDACTED]

[REDACTED]

[REDACTED] It also stated that additional questions were being sent to the Station to clarify these differences. The Q&A page also mentioned that the Intelligence Community and the Department of Justice were to be advised by the scheduled date of the HPSCI hearing.

198. As far as can be determined from Agency records, representatives of neither the HPSCI nor SSCI were briefed on the substance of this Q&A page in 1991.¹⁷ [REDACTED]

[REDACTED] did not come up during the hearings and the question addressed in the Q&A page was not raised. Key committee staff at the time-

[REDACTED]

[REDACTED] former SSCI Staff Director George Tenet [REDACTED] do not recall being briefed on the Alpirez information in 1991. Neither then-DDO Twetten nor

¹⁷ The SSCI has shown OIG selected documents from its files and showed copies of SSCI records relevant to the congressional notification issues [REDACTED]

[REDACTED] The HPSCI Counsel has indicated that it would not share staff notes with OIG but also reported that it had found no documents in its files concerning the issue of whether or not proper congressional notification was accomplished by Agency personnel.

LA Division Chief [REDACTED] recall participating in or being advised of such a briefing.

199. No evidence has been found in Agency records to indicate that the committees were briefed in 1991 regarding the allegation that Alpirez was present at DeVine's interrogation. Cable traffic between Headquarters and the Station contains several direct and indirect references to providing information to DoJ and to an ongoing criminal investigation, but no reference to notifying Congress.

200. Why the intended briefings of the HPSCI and SSCI did not take place is not known, but current and former Agency officers do not recall participating in or knowing of any conversation regarding not briefing the committees or any decision not to do so. None of the DO officers most likely to have been involved in preparing the Q&A page-- [REDACTED]

[REDACTED] recalls why the committees were not briefed. A number of officers indicate that the Q&A page has all the earmarks of having been prepared by [REDACTED] who was often involved in preparing responses to the Congress because of her skill and experience. Others point out that the language in the Q&A page referring to DoJ was not something that would normally have been included by LA Division officers, suggesting that [REDACTED] at least coordinated on the page. [REDACTED] remembers concentrating on "the DoJ angle"--meaning the preparation of a crimes report to the Department--and vaguely understanding that LA Division intended to brief the committees "early on" about the October 1991 information.

201. The indication in the Q&A page that the Alpirez information was current "as of October 23" suggests that it was not provided at the pre-briefing of HPSCI staff members two days earlier and that it may have been added as a result of discussions that occurred during or after that session. A number of LA Division officers point out that the information in the Q&A page indicates an intention and a commitment to the DDO, if not the Acting DCI, to brief the HPSCI. Such a commitment would not have been included in a Briefing Book for DDO Twetten without an expectation that it would be accomplished. Moreover, some officers point out that the

committees did not like to learn about significant information for the first time in a hearing, so there was a strong incentive to brief the staff members before such sessions.

202. The responsibility for ensuring that the committees were briefed would have been shared by the three components involved: LA Division, [REDACTED] and OCA. Under procedures in effect at the time, DO officers were not authorized to contact the committees directly but were supposed to do so through OCA. Although many officers acknowledge that there was a great deal of direct informal contact with the committees, face-to-face briefings were supposed to be scheduled by OCA and the DO generally relied on OCA to make such arrangements. Thus, LA Division probably would have had to take the initiative and proceed with OCA directly or through [REDACTED] acknowledges that pursuing a briefing was his and LA Division's responsibility, at least initially.

203. Former DDO Twetten, then-ADDO Ted Price, [REDACTED] and Kerr agree that the committees should have been briefed on the October 1991 information about Alpirez. Price is incredulous that the committees were not briefed, because he believes that the DO had no incentive not to do so. In his view, the story was a good one because the Agency had acted properly and responsibly. [REDACTED]

[REDACTED] As soon as the information was acquired alleging he was present at DeVine's interrogation, the information was disseminated to the State Department and other Executive branch recipients, [REDACTED] and the information was turned over to DoJ for investigation and possible prosecution. However, Price has no specific recollection of knowing about the report until late 1994 and says that, "had I known about the Alpirez problem, I would have done something about it."

204. Kerr remembers the October 1991 information about Alpirez but not the Q&A page, and he acknowledges he was responsible as well to ensure the briefing took place. Kerr recalls that Agency policy at the time was to provide significant intelligence required by the committees, but not to identify sensitive intelligence

sources unless such assets were engaged in illegal or improper conduct and their activities were relevant to committee oversight. In this case, the allegations against Alpirez arguably brought him within the scope of that exception.

205. A number of possible explanations were advanced by those involved as to why the intention to brief the committees was not carried out. One is that attempts to schedule meetings with Staff Directors before the quarterly reviews by the committees may have been to no avail because of the short time between receipt of the October 1991 information and the dates of the quarterly reviews. The Staff Directors were very busy and it was not unusual to have difficulty setting up such meetings. Once the Committee hearings were completed and questions about the DeVine case were not asked, the Division's attention may have been drawn to other issues. Another theory is that the Agency would have been hesitant to brief the committees before the information was disseminated to other agencies and DoJ. Although the Q&A page states an intention to brief DoJ by October 29, that briefing did not take place until November 18. By that time, the Division's intent to brief the committees may have diminished significantly in the face of other pressures.

206. [REDACTED] is clear that he did not make any decision not to brief the committees and believes the issue simply "fell between the cracks" after the October 29 and November 20 committee briefings due to intervening events. After the briefings, he moved on to a large number of other priority issues affecting the Division, simply overlooking the Alpirez issue and not being reminded of it. He says that he "recognizes he made the mistake of not adding to his current 'tickler list' the need to ensure that the process of scheduling meetings with the Staff Directors continued and was in fact culminated."

207. [REDACTED] first theorized that OGC might have advised LA Division not to report the information to the committees because of DoJ's interest, but he no longer believes this to have been the case. [REDACTED] agrees and says that she had substantial experience with crimes reporting and would not have delayed a congressional briefing

because DoJ was deliberating a case. Both [redacted] and then-Deputy Chief, [redacted] indicate that the Division was very large and very busy at the time and this may have contributed to the failure to inform the committees.¹⁸ [redacted] also said that [redacted] and he made a mistake in assuming that their very capable subordinates would take care of the briefing. [redacted] in response, says that "subordinates do not take care of briefings of Congress unless told to do so by either the Chief or Deputy Chief" of the Division.

208. [redacted]

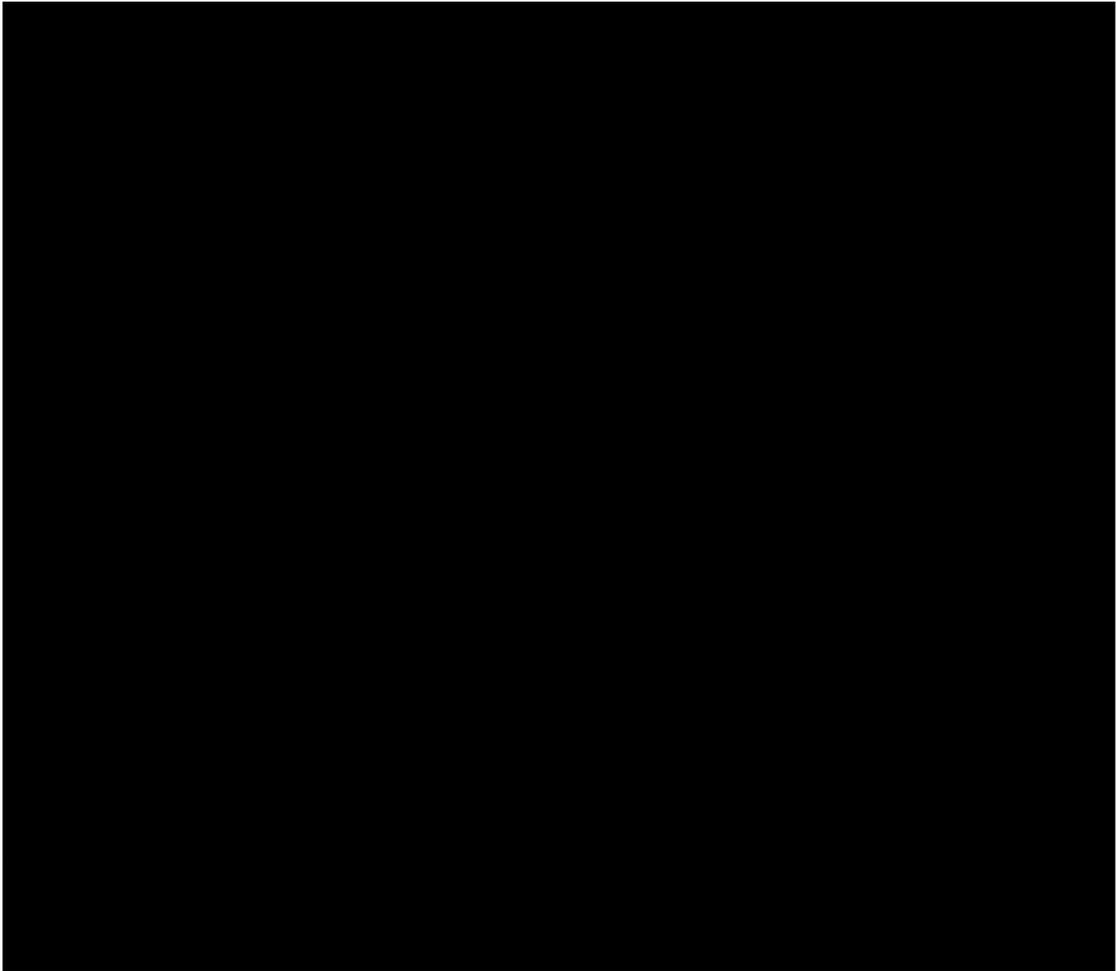
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209. [redacted]

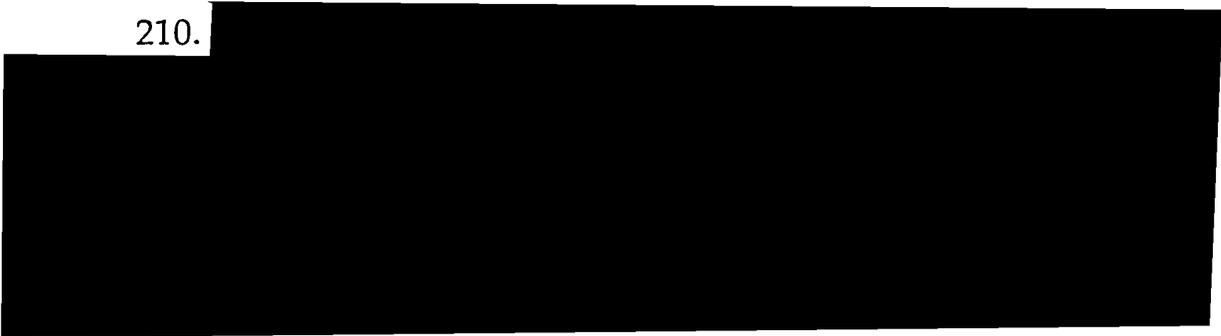
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¹⁸ [redacted]

[redacted]

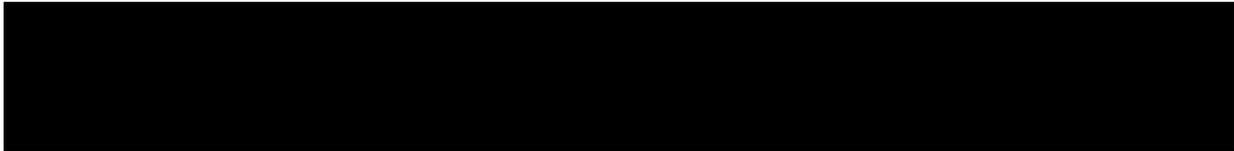


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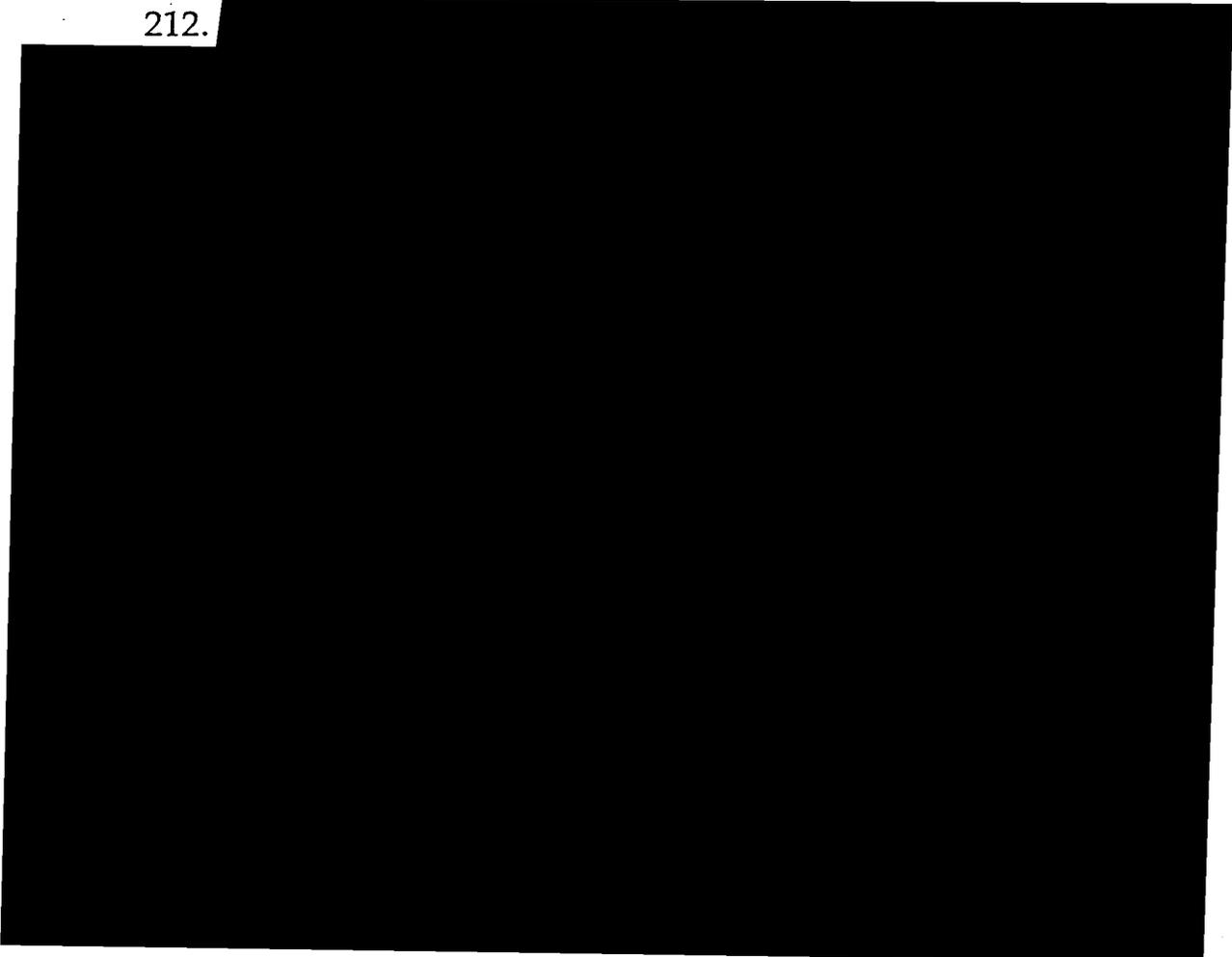


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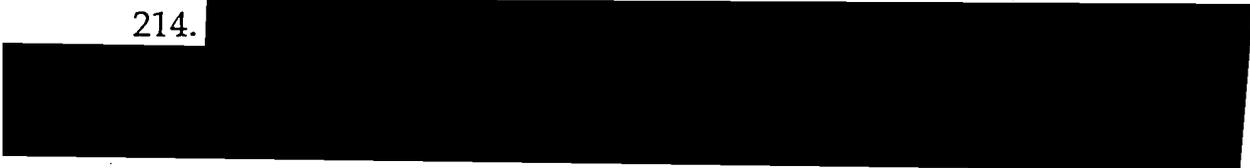
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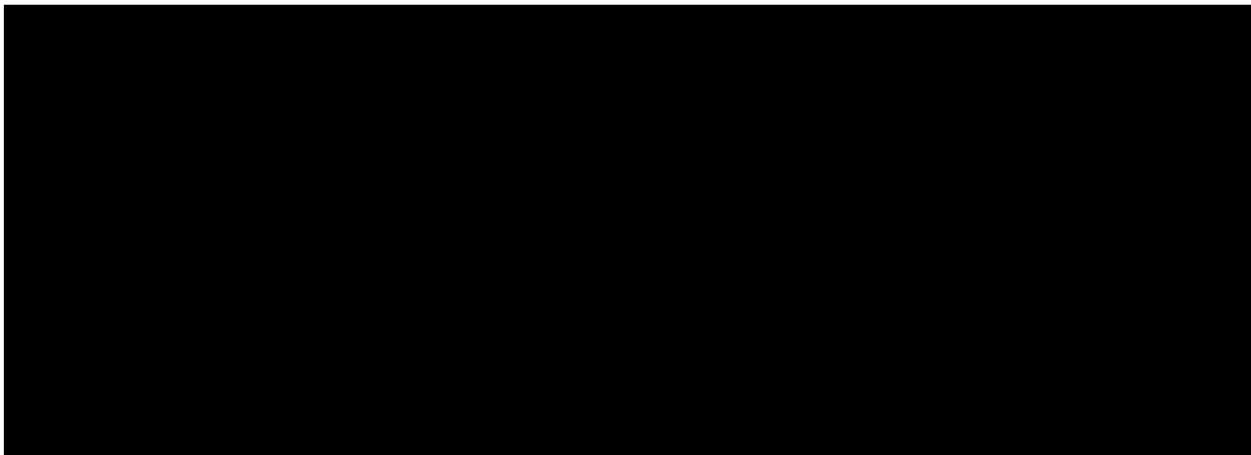


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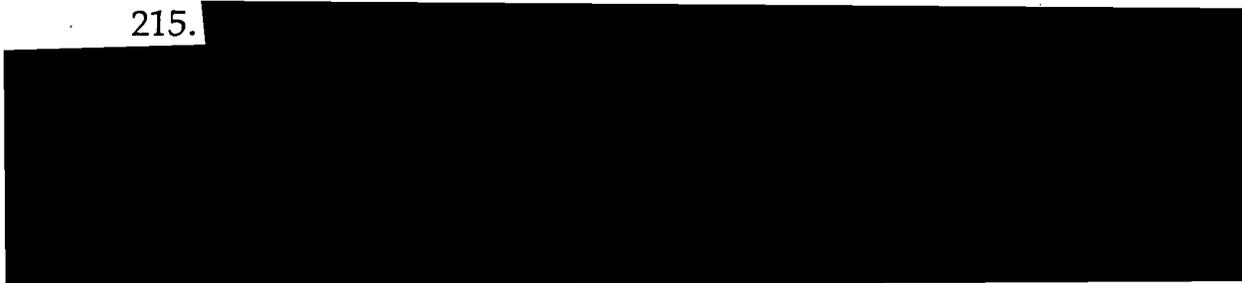


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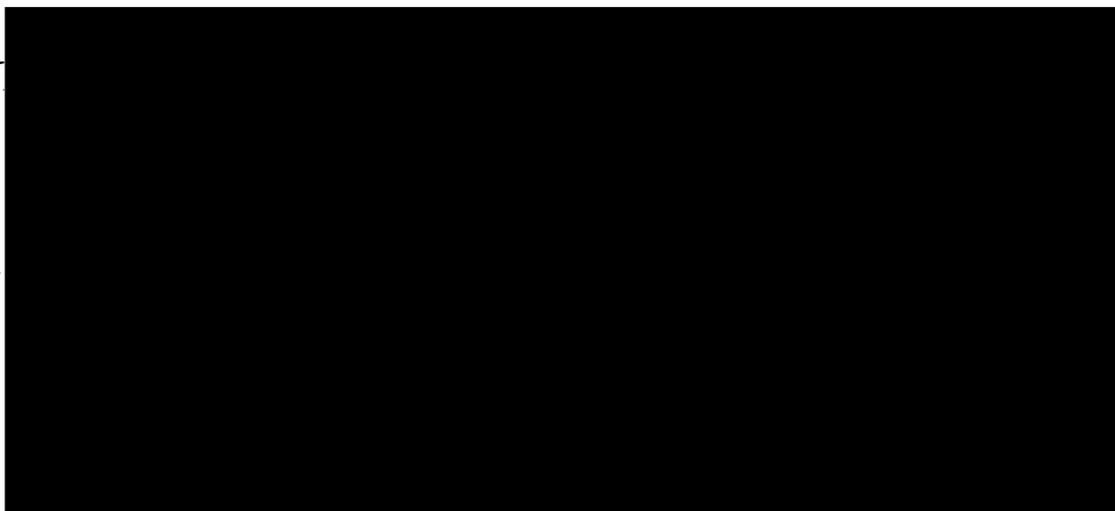




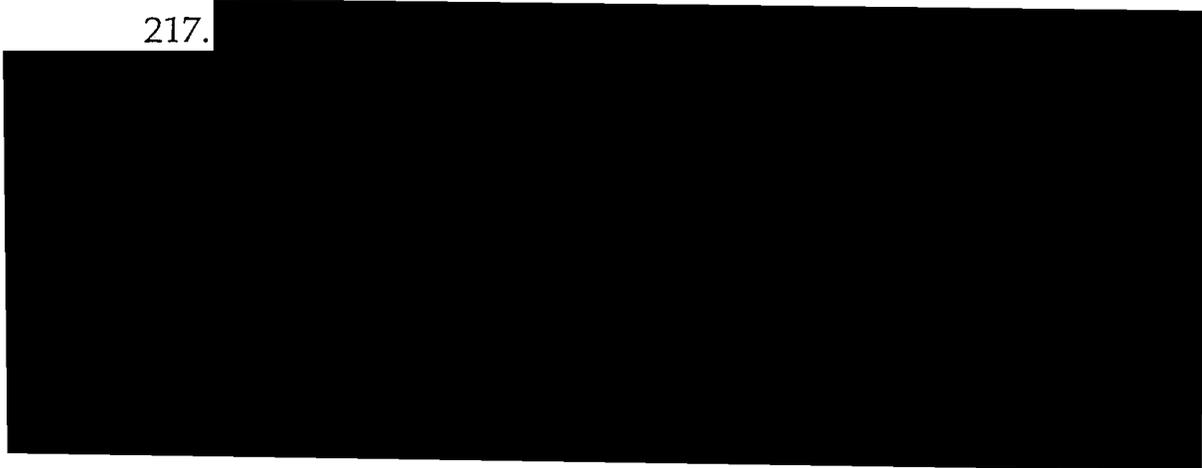
215.



216.



217.



218.



[REDACTED]

[REDACTED]

219.

[REDACTED]

220. June 1992 SSCI Review of Human Rights Reports.

Between June 10 and 23, 1992, [REDACTED] responded to the questions raised by Tenet after reviewing [REDACTED] [REDACTED] by visiting Headquarters to review a group of selected intelligence reports that had been assembled pursuant to the SSCI's request. Relevant OCA officers do not recall being asked to arrange this by the SSCI, but [REDACTED] the OCA officer responsible at that time for liaison with the SSCI, says that if he had received such a request, he would have asked [REDACTED] [REDACTED] to assemble the selected reports. On June 9, a compilation of documents, entitled "Ten Reports on Guatemalan Human Rights for Review by SSCI Staffers [REDACTED] [REDACTED]" was sent [REDACTED] through ADDO Price and DDO Twetten to [REDACTED]. A routing sheet on the compilation indicates that:

Per their request to review reports concerning Guatemalan human rights, the following ten reports have been proposed (by the desk) and cleared [REDACTED] for review by SSCI staffers [REDACTED] [REDACTED]

[REDACTED]

Suspense Date: Promised to the staffers the week of 8 June 1992.
(Emphasis added.)

221. The October 1991 report of the allegations about Alpirez was one of the ten reports attached to the routing sheet. [REDACTED]

[REDACTED]

[REDACTED]

222. This compilation of ten reports apparently remained largely intact while it was sent through ADDO Price and DDO Twetten to OCA, shown to the staffers and members, and returned to the DO. Four separate copies of the compilation have been found. The first was in [REDACTED] files. The second, marked "Guatemalan Human Rights Rpts. for Review by SSCI Staffers" was initialed by Twetten and Price on June 9, prior to the SSCI staff review. The third was in OCA's files and indicates that the original was returned by OCA to the DDO's office, and the fourth, in DO records, indicates the compilation was received by the DDO's office. The October 1991 report of allegations about Alpirez appears in each package.²⁰

223. A June 22, 1992 OCA memorandum from [REDACTED] to Price advises that Tenet had asked to meet with Price to discuss the package "which was reviewed by the SSCI staff last week." Tenet would be accompanied by [REDACTED] "who have read the reporting as well." (Emphasis added.) Despite the implication that Tenet had seen the package "as well" as [REDACTED] Tenet is confident that he did not see the package when he asked for a meeting with Price.

²⁰ [REDACTED]

224. The OCA memorandum further explained Tenet's interests:

Specifically, his interests relate to the use and utility of this reporting and how it impacts on the Agency's continued support for the [REDACTED]

When good intelligence is developed concerning possible human rights violations in Guatemala what is done to warn those in danger? Is there a general policy? If reporting is developed which identifies specific individuals as responsible for or planning human rights violations, what is the Agency policy of making that information available to proper law enforcement agencies? The reporting indicates that there continue to be right wing elements within the Guatemalan D-2 which violate human rights. [REDACTED]

[REDACTED] Are any efforts made to eliminate such abuses? If the Agency is constrained from using the information on human rights abuses with the proper authorities in Guatemala, what is the utility of collecting it?

225. Apart from this June 22 OCA memorandum, no Agency record has been found regarding what transpired when [REDACTED] reviewed the reports. [REDACTED] recalls [REDACTED] coming to CIA Headquarters to read the compilation of Guatemala reports. Agency policy at the time was that the committees generally were not provided with copies of DO intelligence reports, but committee staff could come to CIA and read such reports. [REDACTED] does not remember how many reports were in the compilation. He says he probably read them but was not familiar with their substance. He believes that the report of the allegations about Alpirez would have stood out as different from the rest, but he does not specifically remember seeing the report in the compilation. He probably counted the reports but would not have checked the reports against the list on the cover sheet since he would have relied on the DO to provide the reports and sanitize them properly.

226. Thus, available evidence indicates that the SSCI staff members were provided with access to the October 1991 report of the allegations about Alpirez as part of their review of the compilation in June 1992. [REDACTED] acknowledges that he probably did see the

October 1991 report in June 1992 and, after recently reviewing that report, says that at least part of the contents was familiar. He says that "the guy shooting the firearm off does ring a bell." [REDACTED] produced a June 16, 1992 Memorandum for the Record describing the review of the ten reports at the Agency. That memorandum notes that the reports he reviewed showed that [REDACTED] and "there are still a number of extremely bad hombres [in the Guatemalan military.]" The [REDACTED] memorandum also says that:

The reporting includes a number of references to senior officers described as violent...one dissem...describes a certain Colonel's notorious temper and proclivity for violence, and then notes that he has recently been walking through town exposing himself and firing guns into the air.

[REDACTED] memorandum concluded by asking three questions:

- ◆ How much value does the information collected have?
- ◆ What would the impact be if it was known that CIA was still providing assistance?
- ◆ What if it were known that CIA had information on human rights abuses it was not acting on?

227. In addition to noting that he probably saw the October 1991 report of the allegations about Alpirez in the compilation, [REDACTED] acknowledges that he may not have attributed any particular significance to it at the time. He says that the "significance of the report might not have jumped out at [me] so that [I] did not recognize its relationship to the DeVine case." [REDACTED]

[REDACTED]

228. In addition to his and [REDACTED] review of the compilation of ten human rights reports, [REDACTED] recalls that the compilation was

brought, possibly by [REDACTED] to the committee offices for Tenet to review. A subsequent review by Tenet would explain the reference to [REDACTED] seeing the package "as well" in [REDACTED] June 22 memorandum. [REDACTED] however, does not recall such a review and, as previously stated, Tenet does not believe it occurred at all.

229. Early June Cover Note. Before the compilation of ten reports was sent to the ADDO and DDO, it was sent prior to June 6, 1992 to [REDACTED] in [REDACTED] under an undated cover sheet from [REDACTED] in LA Division. For the cover sheet, [REDACTED] provided the following note:

Attached is a batch of [intelligence reports] on human rights issues in Guatemala that we have selected as meeting the criteria we understand the SSCI staffers want to see.

The one on top (the October 1991 report of the allegations about Alpirez) is one which we consider still sensitive because of the detail provided.

The remainder are [REDACTED] but are older reports and lack the detail [REDACTED]

These have been "promised" to the staffers for the week of 8 June. My suggestion is that the DDO approve the provision of a gist of the [October 1991] memo dissem. [REDACTED]

230. [REDACTED] explains that her reference to "a gist" meant that a written summary should be prepared and shown to the staff members instead of the actual report. However, the compilation remained intact throughout the process, no gist has been found, and both [REDACTED] recall seeing the report. Thus, [REDACTED] suggestion about a summary was not implemented. None of the relevant Agency officers recalls discussing the issue.

231. The LA Division cover sheet also noted that the compilation was seen by two staff officers in [REDACTED] before it was sent on to [REDACTED]. The first [REDACTED] officer says she sent the package to the second for review because she had concerns that original, rather

than sanitized, copies of the reports were being provided to the SSCI staff members. She wanted the second officer's views. The cover sheet does not indicate the second officer's response.

232. The second officer does not remember the compilation but says that, if there had been a decision to prepare a gist it would likely have been prepared in her unit. The unit log for that time period indicates that all ten of the reports in the compilation had been cleared for release to the SSCI staff members.

233. June 26 Tenet-Price Meeting. On June 26, 1992, Tenet met with ADDO Price in Price's office at Headquarters. [REDACTED] accompanied Tenet. LA Division Chief [REDACTED] (at least for a time), OCA's [REDACTED] and an officer from the DO's [REDACTED] were also present. The purpose of the meeting was to discuss the concerns expressed earlier by Tenet and described in [REDACTED] June 22 memorandum advising Price that Tenet desired a meeting.

234. No record has been found in the Agency regarding this meeting. The only written record of what occurred in this meeting that has been found is [REDACTED] notes, according to which the meeting began with an explanation by the [REDACTED] officer regarding the DO's human rights guidance. The [REDACTED] officer had been invited to the meeting personally by Price to deal with human rights guidance issues. The [REDACTED] officer, according to [REDACTED] notes, said:

[Executive Order 12333] does not address human rights, just assassination. Desk and case officers directed to try and play a positive role. [REDACTED]

[REDACTED]

[REDACTED]

The content of these remarks can be read to indicate an expectation that the October 1991 report about Alpirez would be discussed. However, none of the Agency participants recalls discussing the October 1991 allegations about Alpirez before or during the meeting. A DO officer who was not a participant remembers LA Division colleagues returning from a meeting complaining that they had been prepared to brief congressional staff on the DeVine case [REDACTED]

[REDACTED]

235. [REDACTED]

[REDACTED] The only specific reference in [REDACTED] notes to the DeVine case is:

Michael De[V]ine - Living in Peten, had a Galil, Captain leading the team, De[V]ine died in interrogation. D-2 investigation stonewalled. MOD remanded, Contreras, Mendoza. Captain Contreras being tried, The President is taking steps. (Emphasis added.)

The reference to DeVine dying while under interrogation was information that, at that time, was unique to the October 1991 report of the allegations about Alpirez. It is not clear who was being quoted, but [REDACTED] is identified earlier in the notes. It also is possible that the statements were made by [REDACTED]

236. [REDACTED] recalls attending a meeting with Tenet and Price [REDACTED] but he does not remember whether it occurred on June 26. [REDACTED] says it is quite possible that he attended the Price-Tenet meeting in June.

237. According to [REDACTED] during the June 26 meeting, there was an exchange between Tenet and Price regarding whether [REDACTED] recollection is strongly disputed by Tenet and is not supported by the others who were

present.²¹ As far as can be determined, however, there was no probing during the meeting regarding the October 1991 Alpirez report and no discussion of that report between [REDACTED] and Price after the meeting. Price does not recall learning anything about Alpirez until late 1994.

238. There appear to have been no further briefings of the committee staffs regarding the DeVine case during the summer of 1992. [REDACTED]

239. On February 3, 1995, HPSCI and SSCI staff members were briefed by LA Division managers about the allegation that Alpirez was responsible for Bamaca's death. It was not until that time, it appears, that they were told that Alpirez [REDACTED] had allegedly been present when DeVine was interrogated.

WOULD CURRENT STATUTES, REGULATIONS AND PROCEDURES REGARDING HUMAN RIGHTS REPORTING AND CONGRESSIONAL NOTIFICATION HAVE REQUIRED DIFFERENT ACTION IF THEY HAD BEEN IN PLACE AT THE TIME?

240. The following Headquarters cables to all LA stations and bases reflect revised guidance concerning human rights reporting since the October 1991 allegations about Alpirez were reported:

²¹ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

241. The DO's awareness of the need for heightened scrutiny of [REDACTED] assets who are involved in human rights abuses has clearly increased over the past several years. [REDACTED]

[REDACTED] and the associated referral to DoJ indicate that there was awareness of these issues even in October 1991. Similar reactions would be even more likely today, and attention to notification of the Congress would almost certainly be higher.

242. No significant revision of the regulations and procedures concerning congressional notification have been found. A greater effort to make DO personnel more aware of the need to be forthcoming with the oversight committees has been underway in recent years, however. This effort appears to have borne fruit in the

immediate recognition by LA Division officers in January 1995 that the committees should be advised when the report alleging that Alpirez killed Bamaca was received.

HOW WAS THE OCTOBER 1991 INFORMATION HANDLED WITHIN THE EXECUTIVE BRANCH? WAS IT USED AS THE BASIS OF A DEMARCHE TO THE GOVERNMENT OF GUATEMALA?

243. The information provided to CIA [REDACTED] in August 1990 was the first information available to the U.S. Government from within the Guatemalan military implicating the Guatemalan military in DeVine's killing. The only reporting concerning military involvement in DeVine's killing from the Embassy at that time was based on information generated by [REDACTED] hired by DeVine's widow to determine why he was killed. It was used as the basis for a demarche by Ambassador Stroock to the President of Guatemala calling for action to be taken against those Guatemalan military officers who were responsible for DeVine's killing. Together with additional CIA reporting in December 1990 indicating that the Guatemalan Defense Minister was blocking the investigation into the military's role in DeVine's death, the information provided [REDACTED] in August 1990 played a key role in the U.S. decision to suspend military assistance to Guatemala.

244. As explained earlier, the October 1991 allegation that Alpirez was "present" during the interrogation of DeVine was disseminated to:

Assistant to the President for National Security Affairs;
Assistant Secretary of State for Inter-American Affairs;
Assistant Secretary of State, INR;
Director, DIA;
Director, FBI;
Manager, DoJ Command Center; and
U.S. Ambassador, Guatemala.

245. The Agency does not determine the basis for demarches or become involved in making them, and no record has been found in

Agency files that the October 1991 allegations about Alpirez were specifically used in any demarche regarding DeVine's killing. However, according to a December 26, 1991 cable the Station sent to Headquarters, then-DCM Phillip Taylor--who was acting in the absence of Ambassador Stroock, the [REDACTED] and COS [REDACTED] met that day with Guatemalan Defense Minister Garcia Samayoa "...to let him know that the Embassy was still interested in the DeVine case, knew what had happened, and was asking the Government of Guatemala to move forward to a speedy resolution." Also, according to a March 4, 1992 [REDACTED] message, the [REDACTED] and Consul General on March 3, 1992 accompanied the DeVine family lawyer to brief Chief of the National Defense General Staff Perrussina on the DeVine case. One of the actions that Perrussina was told would help to bring the case to closure was to instruct Alpirez to give an honest and complete declaration about what he knew of the case.

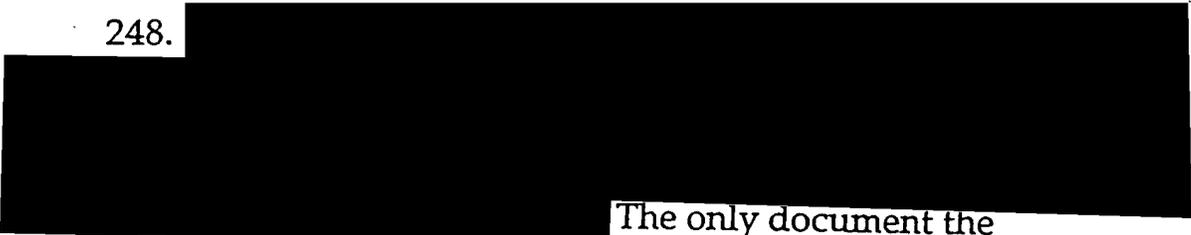
IS THERE ANY INFORMATION IN ALPIREZ'S AGENCY [REDACTED] [REDACTED] RECORDS TO INDICATE THAT THE CIA KNEW, OR SHOULD HAVE KNOWN, THAT HE MIGHT COMMIT CRIMINAL ACTS OF THIS SORT?

246. CIA records include no information, prior to the October 1991 report, to indicate that Alpirez was involved in, or had any tendencies towards, human rights abuses. Further, the October 1991 report represents an allegation that Alpirez was present when DeVine was interrogated, and perhaps when he died, but not that he actually killed DeVine. The January 1995 report that Bamaca was killed by Alpirez was based on "talk" within the Guatemalan military and is only one of a variety of accounts of what happened to Bamaca.

HOW DID ALPIREZ PERFORM WHEN HE ATTENDED THE COMMAND AND GENERAL STAFF COURSE AT FORT BENNING, GEORGIA? ARE THERE ANY WRITTEN EVALUATIONS ON RECORD? DID EITHER THE AGENCY OR THE ARMY HAVE ANY INDICATIONS THAT ALPIREZ WAS THE SORT OF PERSON WHO MIGHT COMMIT ATROCITIES? IF SO, DID EITHER ORGANIZATION TAKE ANY ACTION? IF EITHER ORGANIZATION HAD CONCERNS, DID IT SHARE THEM WITH THE OTHER?

247. The U.S. military annually allocates a number of training positions at sites in the U.S., including Fort Benning, to the Guatemalan military. The Guatemalans typically send only their best officers to these courses. The officers are selected from the top graduates of the Guatemalan Staff School, and attendance is regarded as a prerequisite for promotion to Colonel. The Guatemalan military selected Alpirez to attend the Command and General Staff Course (CGSC) at Fort Benning in 1989.

248.

 The only document the Department of Defense has been able to provide concerning Alpirez's participation in the CGSC in 1989 is a list of students that indicates that Alpirez participated in the CGSC from January 16 to December 8, 1989.

249. As stated earlier, the Agency had no indication in 1989 when he was selected to attend training at Fort Benning that Alpirez had any tendency to engage in atrocities, nor is there any information in Agency files to suggest that the U.S. Army had any such information. At that time, information available to the Agency indicated that Alpirez stood out as one of the Guatemalan officers who was most cooperative and supportive of the U.S.

WAS THE INFORMATION REGARDING ALPIREZ'S INVOLVEMENT IN THE DEVINE CASE FULLY REPORTED TO THE DEPARTMENT OF JUSTICE (DOJ) ON A TIMELY BASIS? WHY DID IT TAKE CIA FROM OCTOBER 17, 1991 UNTIL NOVEMBER 18, 1991 TO REPORT THE INFORMATION TO DOJ? WHY DID IT TAKE DOJ FROM NOVEMBER 18, 1991 TO MARCH 18, 1992 TO DETERMINE THAT IT HAD NO JURISDICTION IN THIS CASE? DID THE CIA FOLLOW UP WITH DOJ DURING THAT FOUR-MONTH PERIOD? IF NOT, WHY NOT? IS THERE A WRITTEN RECORD OF DOJ'S DETERMINATION OR OF ANY CIA/DOJ CONTACT DURING THAT TIME?

250. Decision to Report. Consultation with the Department of Justice (DoJ) was considered by DO management almost immediately after Headquarters received, on October [REDACTED] 1991, information alleging that Alpirez had been present at DeVine's interrogation. The October 1991 information came to the attention of OGC's representative in LA Division, [REDACTED] either directly or through [REDACTED] then-Deputy Chief of LA Division's [REDACTED] [REDACTED] and [REDACTED] recommended consultation with DoJ, and their advice apparently was accepted quickly by LA Division management.

251. On October 18, 1991, Chief, LA/ [REDACTED] noted that the allegations about Alpirez had made quite an impression on LA Division management. In a note to Chief, LA Division, [REDACTED] stated:

The attached intel is dynamite (and big trouble)! [REDACTED]

[REDACTED] etc. until they speak with FBI and Justice and figure out how to approach this case. This could well spell the end to all aid to the Govt of Guatemala, [REDACTED]

252. Then-LA Division Chief [REDACTED] says that he probably was involved in the decision to go to DoJ. He also believes that the issue may have been discussed with DDO Twetten on October 21, 1991. On that date, a HPSCI staff pre-brief was held [REDACTED]

[REDACTED]

253. As explained earlier, a Q&A page prepared for that hearing contains commentary specifically addressing the October [REDACTED] report. The commentary noted that the information had not yet been briefed to the HPSCI and stated an intention, as of October 23, to brief the HPSCI Staff Director, disseminate the information and brief DoJ by October 29, 1991. The Q&A page also indicated that additional questions had been forwarded to the Station in order to clarify the information concerning Alpirez before it would be disseminated. This Q&A page was most likely prepared by [REDACTED] or [REDACTED], Chief, [REDACTED] with input from [REDACTED]. However, none of the them recalls working on it.

254. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

255. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

256.

[REDACTED]

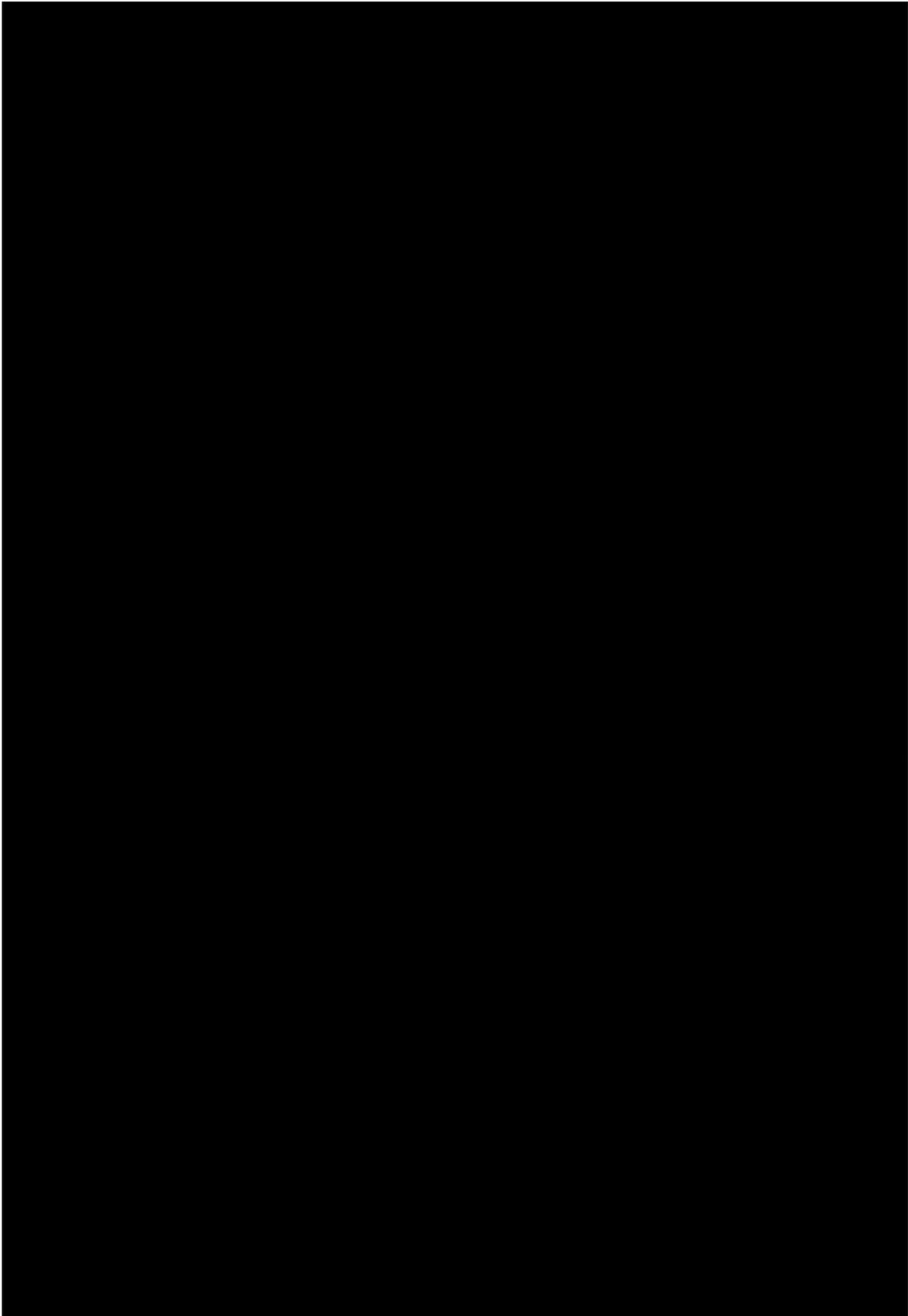
[REDACTED]

[REDACTED]

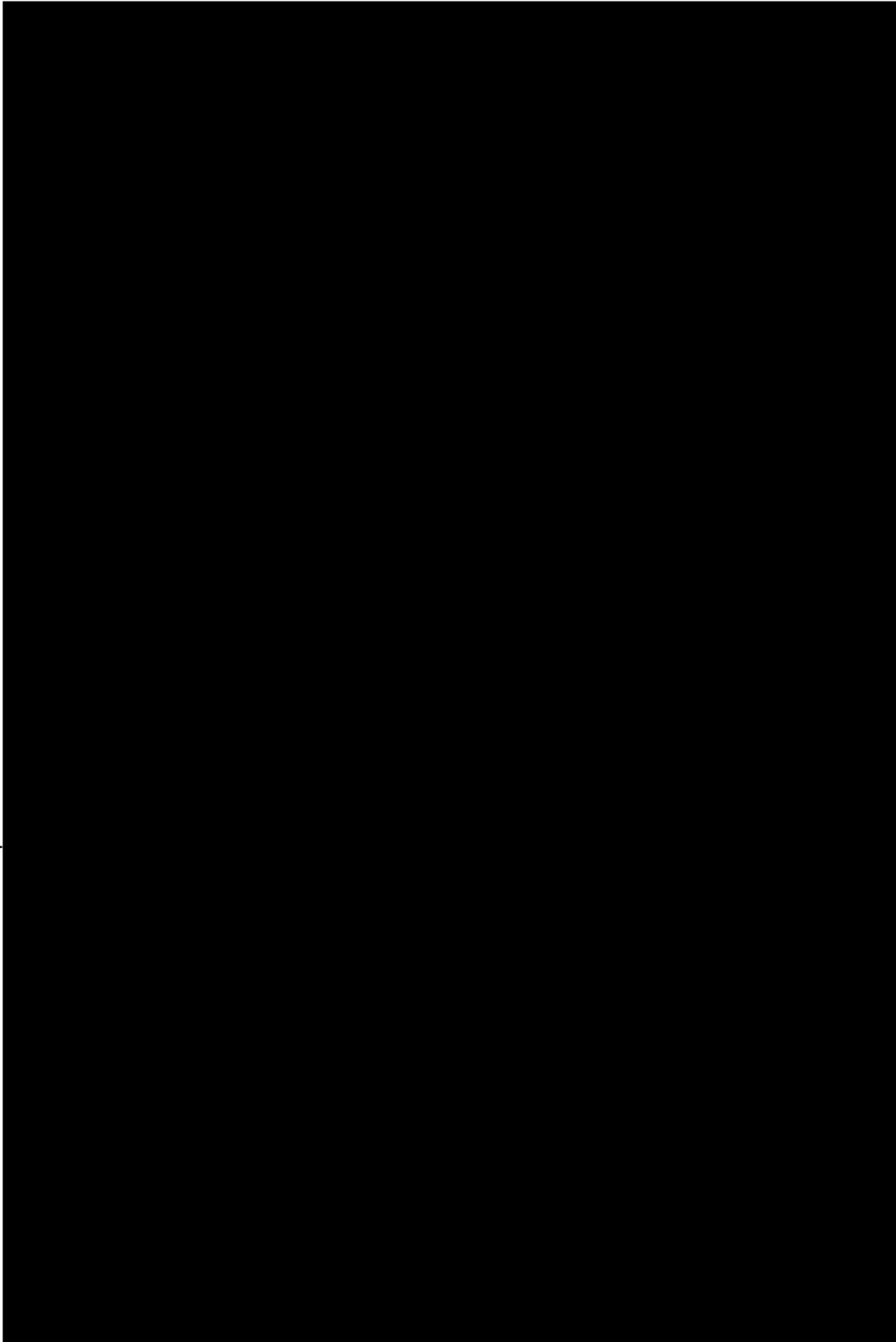
[REDACTED]

257. Considerations Prior to DoJ Consultation. Despite LA Division's stated intention as early as October 23 to discuss the matter with DoJ, contact with the Department apparently did not take place until November 18 and 20, 1991. This delay appears to have been due to (a) efforts to assess the veracity and reliability of the October [REDACTED] information; (b) consideration of issues relating to [REDACTED] and (c) the process of converting information into a proper form for dissemination.

(a) Veracity and Reliability. Headquarters recognized that the October 1991 information was not consistent with the information [REDACTED] provided in August 1990 and that had been disseminated to DoJ, the FBI and other recipients. The August 1990 report indicated the Guatemalan military had been responsible for the DeVine killing and was engaged in a cover-up, but it did not mention Alpirez's presence during an interrogation of DeVine. [REDACTED]

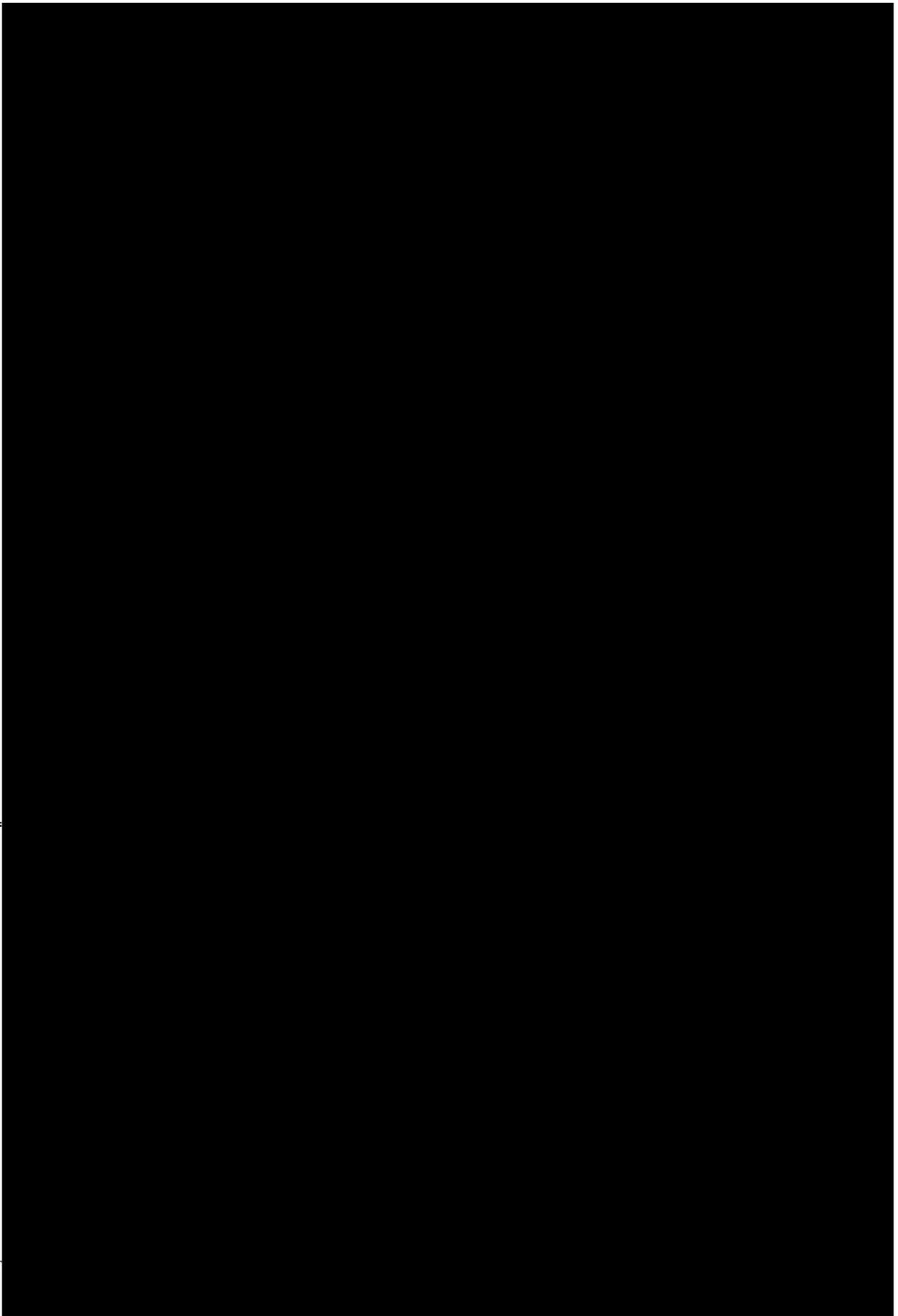


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[REDACTED] The conversion of the October [REDACTED] report into memorandum format and the full coordination process could easily have taken an additional week once the questions of veracity and source protection were resolved.

In any event, on October 30, a memorandum signed by then-DDO Twetten and containing the information received from the Station on October [REDACTED] regarding Alpirez's alleged presence during DeVine's interrogation, was completed and disseminated to:

Assistant to the President for National Security Affairs;
Assistant Secretary of State, INR;
Director of DIA;
Director of the FBI; and
Manager of the DoJ Command Center

258. Crimes Report. Following Headquarters-Station agreement regarding the wording of the disseminated form of the October [REDACTED] information, probably on October 29 or 30, [REDACTED] sent a copy of the draft of that dissemination and a proposed crimes report to DoJ to Agency General Counsel Elizabeth Rindskopf. [REDACTED] attached a note indicating that:

the plan is to hand-carry this draft to Mark Richard, after the intel is issued. The report is more detailed than usual. LA Division believes that given the political sensitivity of this matter, they should present DoJ with the full picture at the start. [REDACTED]

259. [REDACTED]

260. Meeting with DoJ. According to a November 20, 1991 [REDACTED] memorandum for LA Division Chief [REDACTED] Rindskopf met with Richard in Rindskopf's office at CIA Headquarters late in the day on November 18, 1991 to discuss a number of issues, including the October 30 dissemination. A meeting was scheduled for 3:00 p.m. on that date, and Agency entry/exit records confirm that Richard and another DoJ representative in fact visited Headquarters that day.

[REDACTED], OGC's [REDACTED] attended the meeting as well.

261. According to the [REDACTED] memorandum, Richard was told that, "new information indicated DeVine had been arrested by the Guatemalan military and died during interrogation...a military officer [REDACTED] admitted [REDACTED] he had been present during the interrogation." [REDACTED]

[REDACTED] According to [REDACTED] memorandum, Richard expressed doubts as to whether DoJ had jurisdiction over the case, for jurisdiction would be predicated on a determination that the murder had been intended "to coerce, intimidate or retaliate against a government or civilian population" under the relevant law.²²

262. According to the [REDACTED] memorandum, the CIA participants in the meeting explained that there was no information indicating that there were any political overtones to the arrest and killing, and Richard indicated that DoJ files would have to be reviewed. Based on Richard's doubts about jurisdiction, [REDACTED] memorandum concluded that "it is likely that Justice would not pursue that matter at this time, unless they have independent evidence indicating that DeVine's death was politically motivated." None of the participants have much recollection of what transpired at the meeting, but the CIA officers remember having the impression that no action would be taken with respect to Alpirez until DoJ had made a decision on the matter.

²² The relevant law is discussed further in paragraph 169.

263. Crimes Report Letter. A proposed crimes report, in the form of a letter from Rindskopf, had been prepared by [REDACTED] for provision to Richard at the November 18 meeting. According to [REDACTED] memorandum, however, Richard said that he would prefer not to take the letter, and arrangements were made to hand-deliver it to Richard's office on November 19.²³ Rindskopf signed the letter to Richard on November 19 and, according to a note on one of OGC's copies, it was to be hand-carried to DoJ on the morning of the 20th. DoJ did receive the Rindskopf letter, and a copy appears in the files of a DoJ Terrorism and Violent Crimes Section attorney, Stanley Rothstein, to whom the case was assigned by DoJ.

264. The November 19 letter advised DoJ that the Agency had received new information regarding DeVine's death that varied from information provided to DoJ and the FBI in August 1990 and that [REDACTED] may have witnessed DeVine's death." The letter also stated that [REDACTED] Alpirez, the former commander of the Poptun base near where DeVine was killed, [REDACTED] was present when Contreras interrogated DeVine and that, during the interrogation, Contreras wrapped a poncho around DeVine's head." Doing so, the letter continued, led to DeVine's death, apparently from heart attack or suffocation. In contrast, stated the letter, the August 1990 intelligence report that had been disseminated to DoJ contained information [REDACTED] "did not indicate he had been present at DeVine's death."

265. The November 19 crimes report letter was unusual in several respects when compared with normal OGC procedures for handling crimes reports. It was signed by the General Counsel instead of the Deputy General Counsel to whom crimes reporting responsibilities had been assigned. It specifically named the individual, Alpirez, who may have engaged in criminal conduct instead of referring only to "an individual" or "asset" and providing

²³ A log maintained by the other DoJ representative at this meeting indicates that, on November 18, she obtained a crimes report from CIA and provided it to Mark Richard the following day. No connection between this report and Guatemala has been established.

specific identification of the individual only in response to follow-up inquiries by DoJ attorneys. It did not contain a crimes log number of the type normally used within OGC for tracking referrals to the Department. In fact, a specific reference to such a number was edited out of the draft that had been prepared by [REDACTED] on or about October 27.

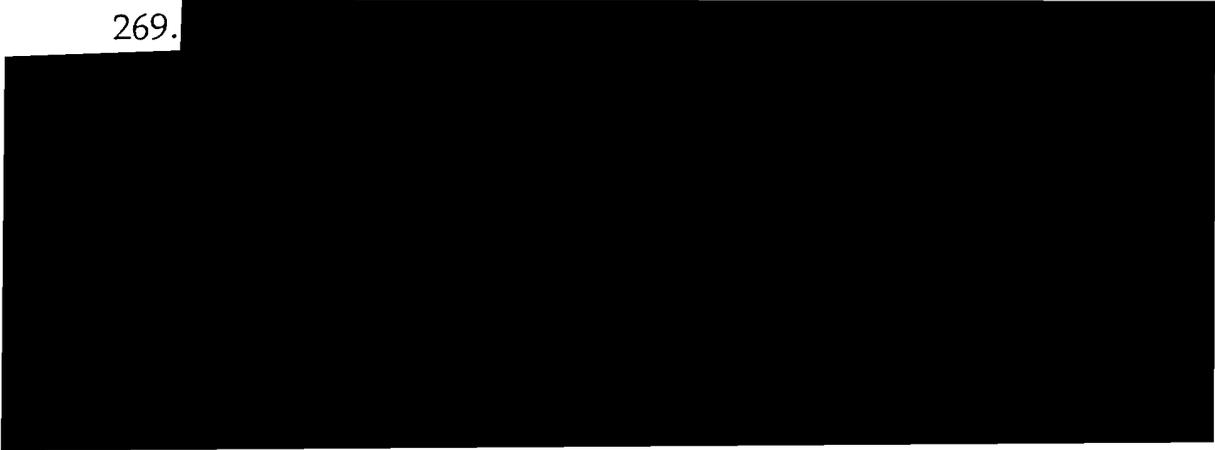
266. In addition, the letter was unusual in that it included sensitive information concerning Agency sources that is not even normally included in intelligence reports and was not included in the August 1990 and October 1991 intelligence disseminations. The letter acknowledged that it contained sensitive source information beyond that provided to the Department and FBI through intelligence channels "because the Agency believes the sources' lives could be at risk were it revealed that they had provided information to the U.S. Government which implicated Guatemalan military officers in the death of De[V]ine." Also, OGC crimes reports are normally made only in writing. In this case, Richard was briefed personally about the case.

267. OGC attorneys who were involved explain that these departures from normal crimes reporting practice occurred because OGC wanted to make sure that the report and its significance did not escape DoJ's attention. [REDACTED] explains that the matter "was purposely not handled as a normal crimes report. It was not a garden variety report, and there were concerns it might disappear off DoJ's screen" if processed normally. Thus, says [REDACTED] "it was decided to stick the report in front of DoJ's nose in a direct meeting and to have Rindskopf sign the report."

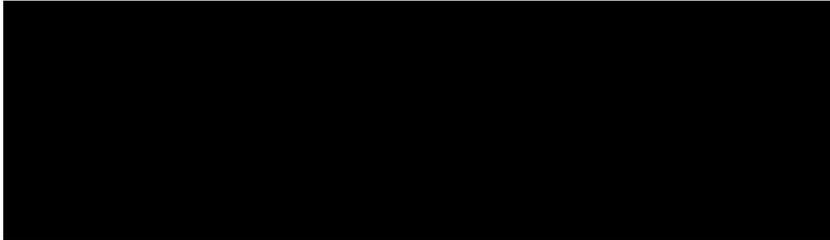
268. [REDACTED]

[REDACTED]

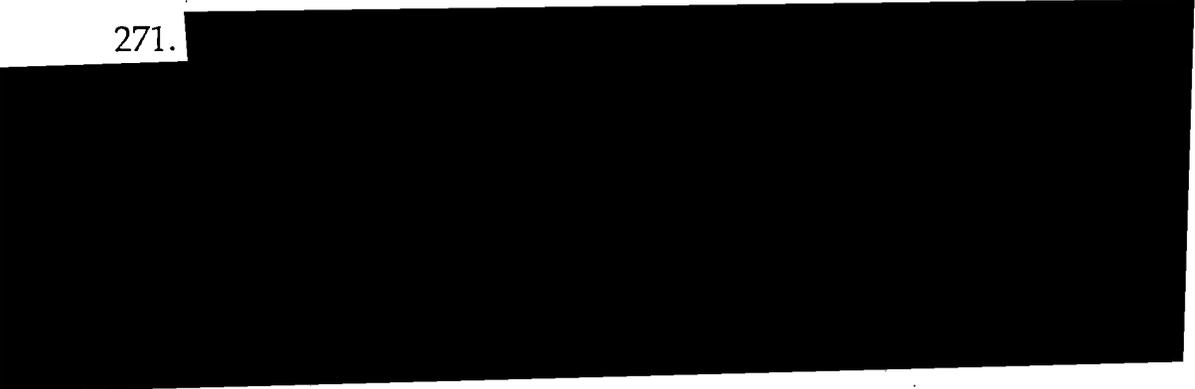
269.



270.



271.



272. [REDACTED]

[REDACTED]

273. [REDACTED]

[REDACTED]

274. Reasons for Reporting to DoJ. The allegations regarding Alpirez were shared with DoJ because they indicated his possible involvement in DeVine's death, [REDACTED]

[REDACTED] says the matter was reported to DoJ even though the requirement for such action under existing guidelines for crimes reporting was "questionable because there was no potential tie to the United States."²⁴ The report in this case, according to [REDACTED] was done

²⁴ Under Section 1.7(a) of Executive Order 12333, CIA is required to "[r]eport to the Attorney General possible violations of federal criminal law by employees and of specified federal criminal laws by any other person as provided in procedures" approved by the Attorney

more out of caution than based upon a judgment that the matter met the relevant thresholds.

275. [REDACTED]

[REDACTED]

[REDACTED]

276. DoJ Report and Notice to Congress. No evidence has been found to indicate that the crimes report was used as a basis for not reporting the information to the congressional intelligence committees. [REDACTED]

[REDACTED]

[REDACTED] He initially theorized that Agency lawyers "may have asked us to hold off and not tell Congress" until DoJ considered the matter. [REDACTED] stresses that he did not specifically recall such a request but was extrapolating from the coincidence that the matter was reported to DoJ in November 1991 at roughly the same time the information was being considered for reporting to the intelligence committees. Upon reflection, however, [REDACTED] believes that this theory is not valid since he recalls no discussion of going to DoJ and not telling Congress. Moreover, even if DoJ had not wanted the information reported to the committees for fear that it might be made public and [REDACTED] that concern would have been removed as an obstacle to reporting to the committees in March

General. Those procedures specify that such reports should be made when the conduct in question may violate laws related to international terrorist activity.

1992 when DoJ advised that it had no interest in pursuing the case. [REDACTED] says he now believes that any failure to inform the Congress is because the matter simply fell between the cracks because of intervening events.

277. None of the other Agency officers who were involved, including OGC attorneys, believes that reporting to DoJ was used to justify not reporting to the intelligence committees. [REDACTED] questions whether there would be any additional risk in informing the committees once the information was disseminated outside the Agency and shared with DoJ, and "can't conceive of telling DoJ and not the Hill." [REDACTED] says that the Agency did not report the October [REDACTED] information to DoJ as a pretext to avoid reporting it to Congress, the State Department, or the Ambassador.

278. None of the OGC personnel who were involved, including Rindskopf, [REDACTED] recalls discussions with anyone in the Agency or DoJ regarding congressional notification. [REDACTED] remembers LA Division intentions "early on" that Congress should be briefed regarding the October 1991 allegations about Alpirez, but he did not participate in those discussions.²⁵

279. No evidence has been found that Ambassador Stroock or the State Department were advised that the October [REDACTED] allegations about Alpirez had been the subject of a crimes report to DoJ. Stroock says that "he was not told the first thing about what had been told [DoJ], what DoJ was looking into, or what its response was." Stroock considers it to have been a "serious error" on the Agency's part not to have advised him of this. However, Stroock thinks that "the mistake may have been made at Headquarters instead of the field."

280. DoJ Consideration of the Crimes Report. No record has been found to indicate that the results of the November 1991 meeting with DoJ were communicated to the Station. Agency officers

²⁵The October [REDACTED] allegations about Alpirez also were not shared with the Inspector General and, in the view of Rindskopf, probably should have been.

acknowledge that information may have been communicated by telephone or by officers traveling to or from the Station. [REDACTED]

[REDACTED] Others say that there was nothing significant to report to the Station until DoJ made a decision in the case.

281. DoJ initially had to determine whether it would have jurisdiction in the case. This determination depended, in part, on the facts. The relevant terrorism statute, Section 2332 of Title 18, U.S. Code, makes it a federal crime to kill a national of the United States while the U.S. national is outside the United States in certain circumstances. In order to prosecute, however, the Attorney General must certify that the killing was "intended to intimidate, coerce, or retaliate against a civilian population."²⁶ Such an Attorney General certification can be difficult to make in a case where there is no clear terrorist motive, and it depends heavily on the facts.

282. [REDACTED] recalls that he did not know how long DoJ would require to make a decision, but his impression was that the Agency [REDACTED] and, thus, there was no urgency. [REDACTED] recalls that, following the November 18, 1991 meeting with DoJ, he discussed the status of the DoJ review with Rothstein "a couple of times." [REDACTED] prepared notes on December 5, 1991 that appear to refer to one of these conversations:

Stanley Rothstein DoJ [REDACTED]
DeVine ⇒ [REDACTED]
Earlier report Aug 1990
⇒ Who received -
U.S. Citizen who he was - what he was doing
Alpirez - role in previous information
[REDACTED]

283. [REDACTED] remembers that Rothstein had trouble locating a copy of the August 1990 dissemination at DoJ [REDACTED]

²⁶ The term "international terrorism" is defined in 18 U.S.C. § 2331 to include these elements.

[REDACTED]
[REDACTED] Rothstein had also asked what else the Agency knew about the DeVine killing and the possible involvement of Guatemalan guerrillas. [REDACTED] consulted with LA Division but found little to add to what had already been provided to DoJ regarding the DeVine case. Rothstein was also seeking information from the FBI and recalls some difficulties in communicating with FBI personnel who knew something about FBI activities in the DeVine case.

284. Rothstein says that he had a copy of the November 19, 1991 Rindskopf crimes report letter and recalls only one telephone conversation with [REDACTED]. That conversation, according to Rothstein, was merely to establish contact with the Agency attorney identified as responsible in the crimes report letter. Rothstein recalls no other telephone conversation with [REDACTED]. He also recalls no discussion with Agency personnel concerning DoJ's ultimate decision in the case, although he acknowledges that the subject may have come up during a meeting he attended at CIA Headquarters at which [REDACTED] may have been present.²⁷

285. DoJ's Response to the Crimes Report. On March 18, 1992, four months after the Alpirez report was brought to DoJ's attention, Headquarters advised the Station that:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

286. According to Headquarters' officers, this Headquarters instruction was based upon an oral discussion between [REDACTED] and a

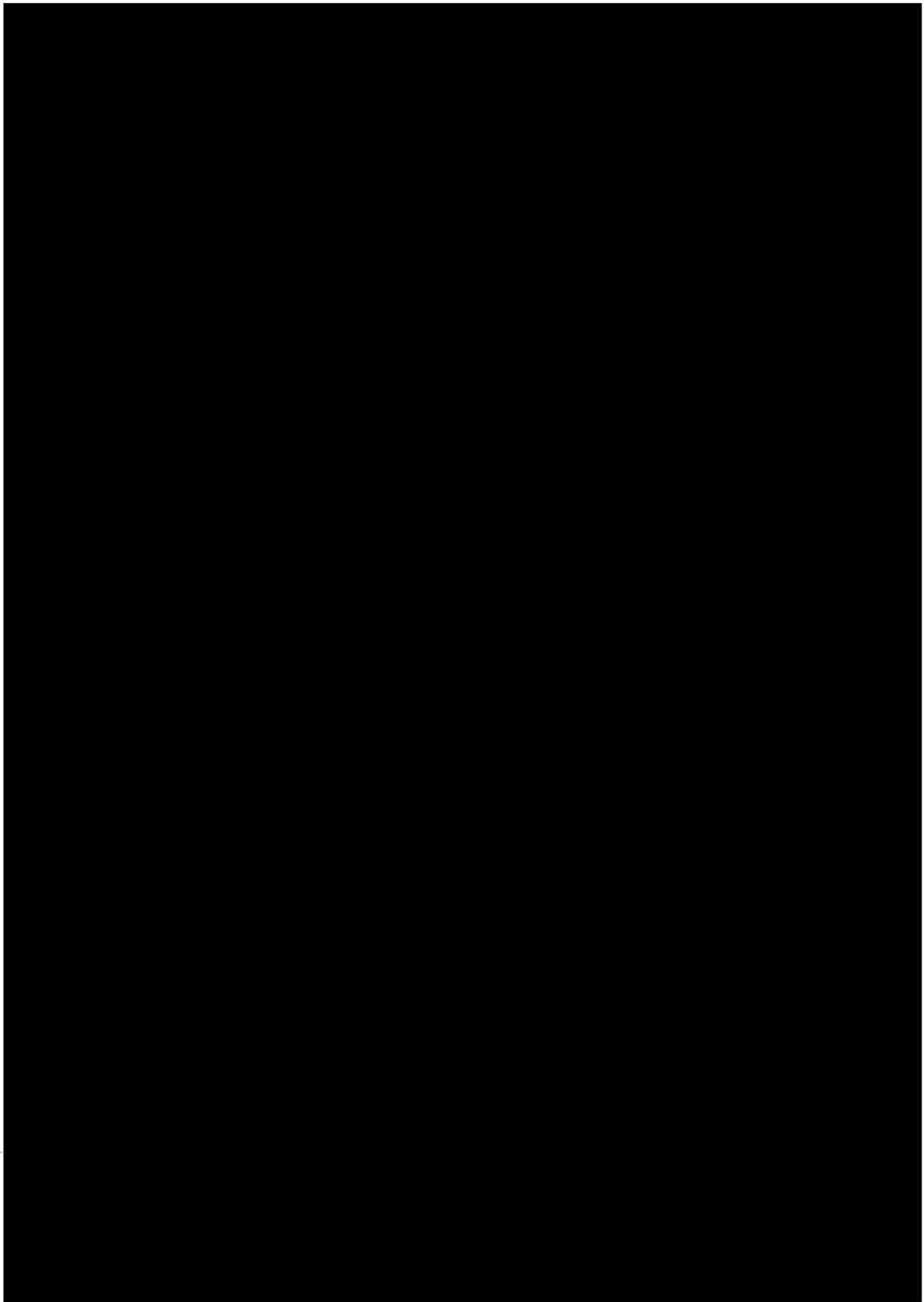
²⁷ Agency entry/exit records, which are often fragmentary and incomplete, indicate only one visit by Rothstein to CIA Headquarters in 1991 and none in 1992. The 1991 visit was in September, well before the October report and the November meeting.

DoJ representative. No record has been found in DoJ or Agency files of a written DoJ response to the crimes report, but [REDACTED] remembers an oral discussion with someone at DoJ on this subject and believes that discussion probably formed the basis for the March 18 message. According to [REDACTED] the conversation with a DoJ representative that he recalls may have taken place by telephone or during a meeting at Headquarters on another case to which Rothstein was invited. Others in OGC and LA Division, including [REDACTED] and the Headquarters officer who sent the March 18 message, recall learning at the time that clearance to act had been received from DoJ.

287. [REDACTED] does not recall being told that DoJ had reached a decision or that the case was closed. Instead, [REDACTED] at first recalled the DoJ representative saying that the FBI had been consulted and [REDACTED]; there would be no problem." Subsequently, [REDACTED] says that it is possible that the DoJ representative did not specifically refer [REDACTED] but [REDACTED] recalls receiving the impression that the Agency could go ahead and undertake any further action it believed was appropriate. [REDACTED] says that the discussion most likely was with Rothstein, but it could have been with one of Rothstein's DoJ supervisors. The DoJ supervisor has no recollection of such a conversation. Rothstein does not recall discussing DoJ's decision on the case with [REDACTED] and says that he would not have approved Agency action [REDACTED] without discussing the matter with his supervisors. No one in his chain of command at the time recalls discussing such an issue. [REDACTED] says that he most likely would have told [REDACTED] or the Headquarters officer who sent the March 18 message to the Station about his conversation with DoJ, but [REDACTED] would not necessarily have reviewed the message before it was sent.

288. [REDACTED]

[REDACTED]



[REDACTED]

290. [REDACTED]

[REDACTED]

291. Why Did It Take DoJ Four Months to Respond? The four month period that elapsed before DoJ responded to the November 1991 crimes report does not appear unduly lengthy to the OGC personnel who were involved. [REDACTED] does not consider DoJ's response to have been dilatory or slow, and he says that, "for what [DoJ] had to do, it moved quickly." [REDACTED] says that, "in [my] experience with DoJ, four months is not an unusual wait for a reply." Other OGC personnel involved in sending crimes reports to DoJ indicate that four months is a relatively good response time on a case that DoJ does not decide to pursue.

292. Rindskopf recalls that CIA was eager to report the matter to DoJ as soon as possible, but "there was no great urgency for DoJ to get back to us, and Mark [Richard] probably knew this." [REDACTED]

[REDACTED] Rindskopf says that no one at the November 18, 1991 meeting expected that DoJ would have to resolve the issue in the near term [REDACTED]

[REDACTED] does not believe the notes indicate that the DoJ review of the Alpirez crimes report had not yet been concluded. Rothstein's notes contain a reference to a June 8, 1992 visit from an FBI agent, and he believes this visit may have had something to do with the November 19, 1991 crimes report from CIA. If Rothstein's recollection is correct, this meeting would indicate continuing DoJ interest in the October 1991 allegations about Alpirez months after the Agency believed it was told by DoJ (March 18, 1992) that it planned to take no further action.

296. [REDACTED]

[REDACTED]

DOJ REFERRAL CHRONOLOGY

1990

June 9 DeVine is killed.

August [redacted] CIA provides a dissemination to State, DoJ and others describing the visit of a Guatemalan military surveillance team to Poptun the day before DeVine is killed and Guatemalan Government attempts to cover-up its involvement. [redacted]

1991

October [redacted] Station forwards allegations from [redacted] that DeVine had been brought to the Poptun base where he died during interrogation and that Alpirez had been present. In addition, [redacted] described Alpirez as an extremely violent man who had murdered guerrilla prisoners in the past and had recently engaged in bizarre behavior such as walking through the town where he was stationed, exposing himself and firing weapons into the air.

October 18 LA Division officer [redacted] describes Oct [redacted] information as "dynamite" and advises [redacted] until OGC speaks with FBI and DoJ. [redacted]

October 23 Q&A page indicates intent to brief DoJ by October 29.

October 24 [redacted]

October 30 CIA disseminates October [redacted] allegations to DoJ's Command Center, FBI, State, and other recipients.

November [redacted]

November 18 OGC discusses October [redacted] allegations with DoJ's Richard. [redacted]

November 19 General Counsel Rindskopf sends a crimes report to DoJ.

December 5 DoJ's Rothstein consults by phone with OGC on the case.

1992	
March 18	[REDACTED]
April 6	Headquarters advises Station that other agencies (having in mind at least DoJ) have finally decided that they plan to take no action regarding Alpirez. [REDACTED] [REDACTED]
May 6-12	[REDACTED]
July 18	[REDACTED]

[REDACTED]

297.

[REDACTED]

[REDACTED]

298.

[REDACTED]

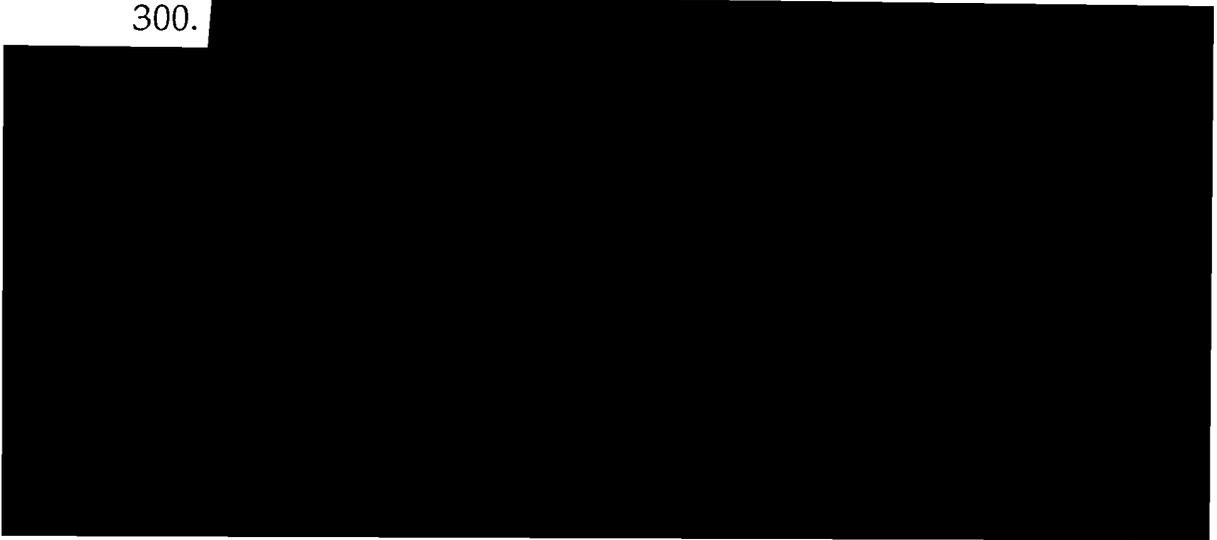
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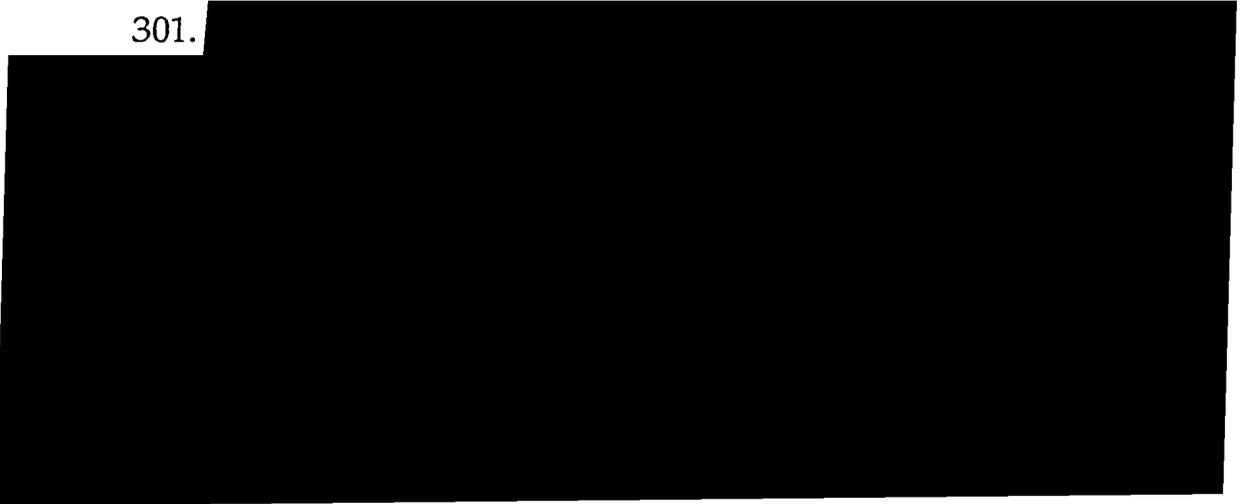
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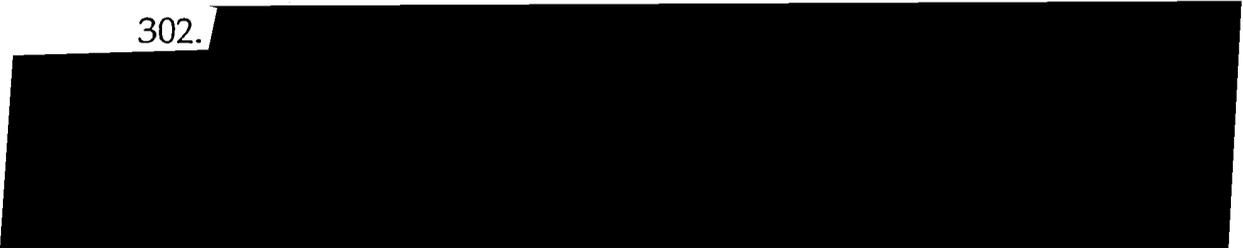
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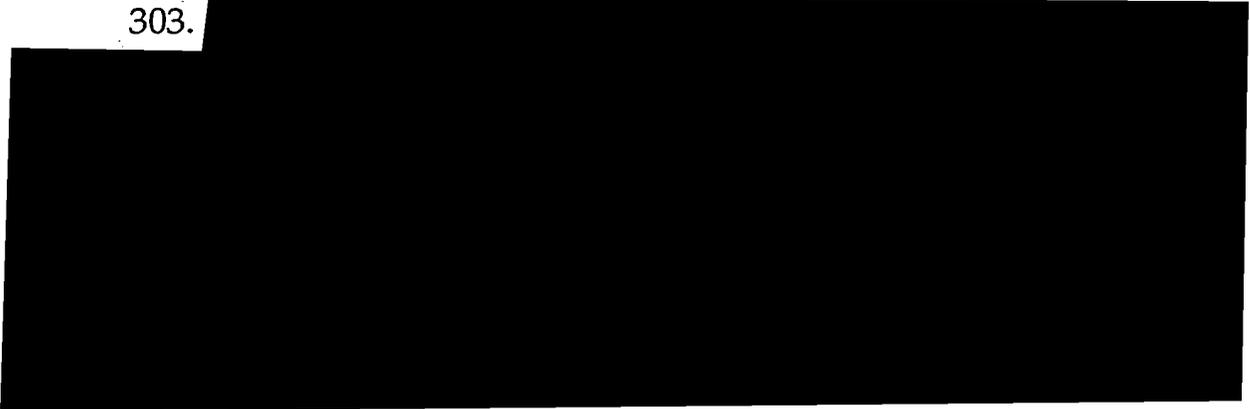


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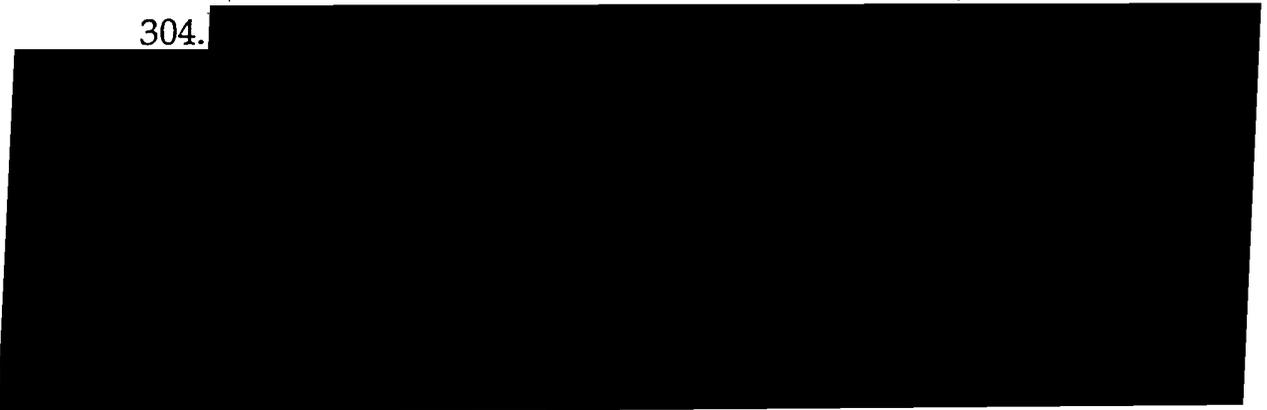




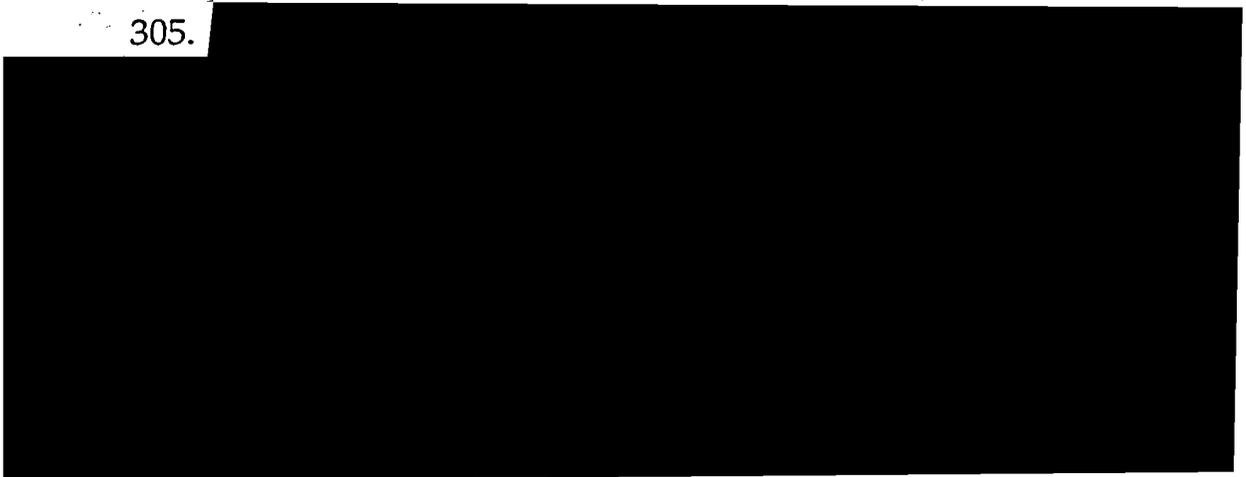
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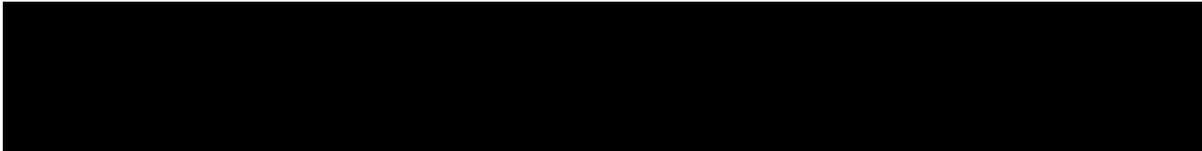


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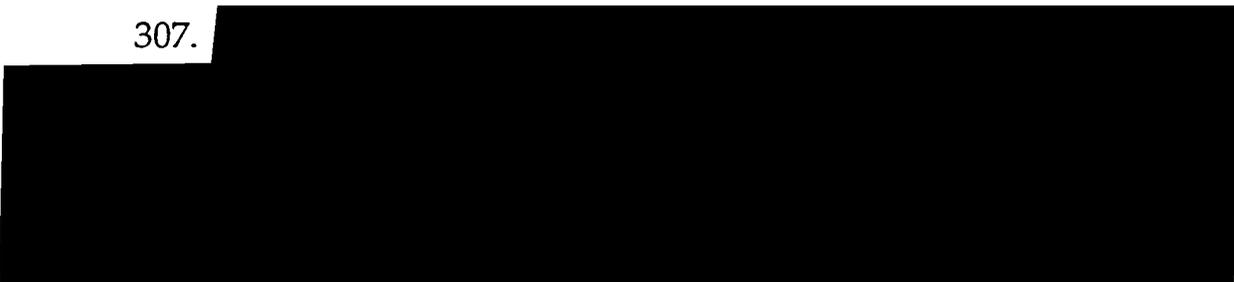




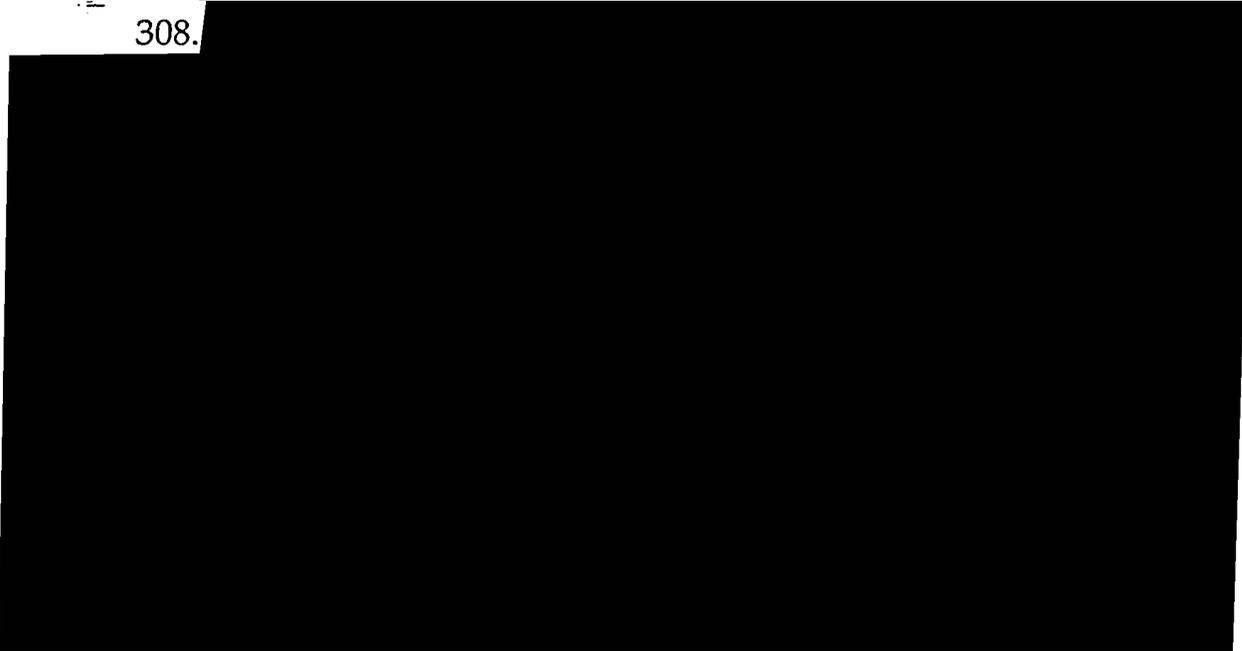
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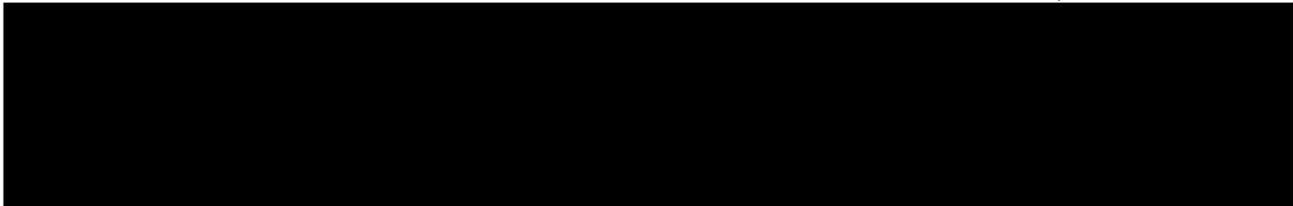


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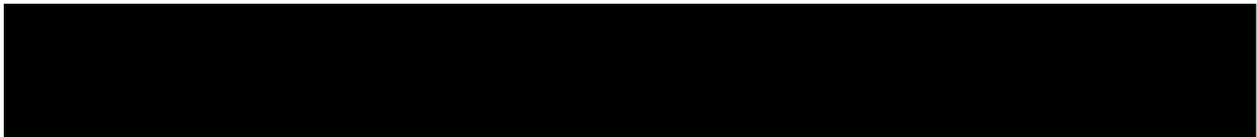


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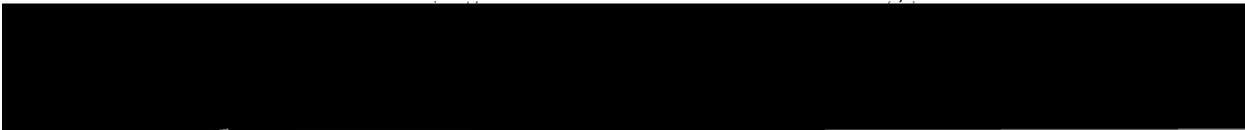
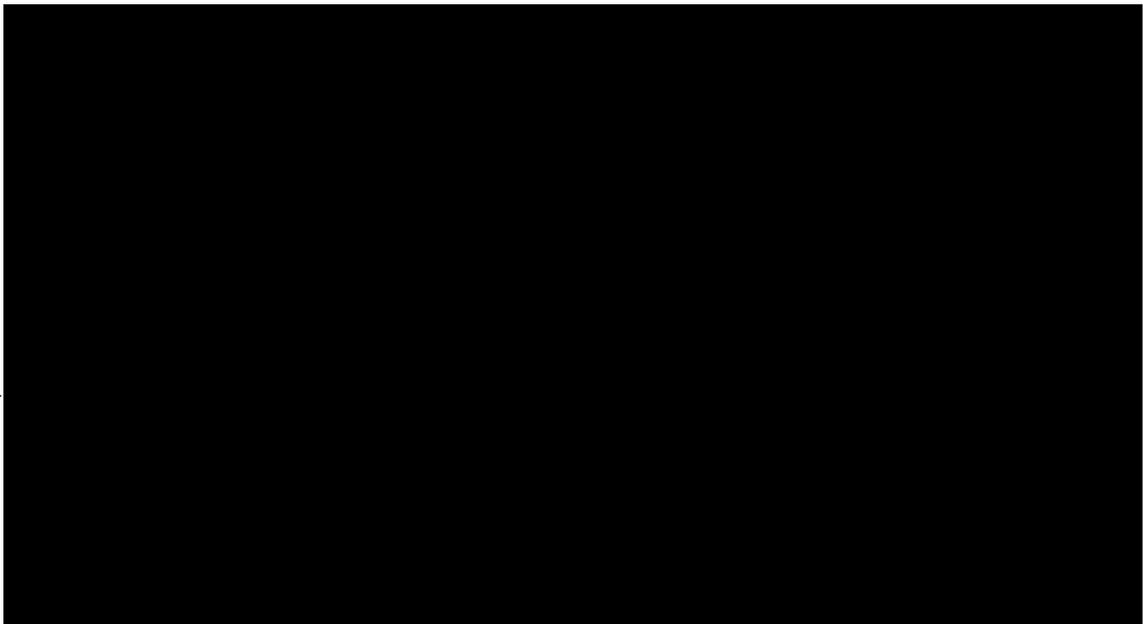
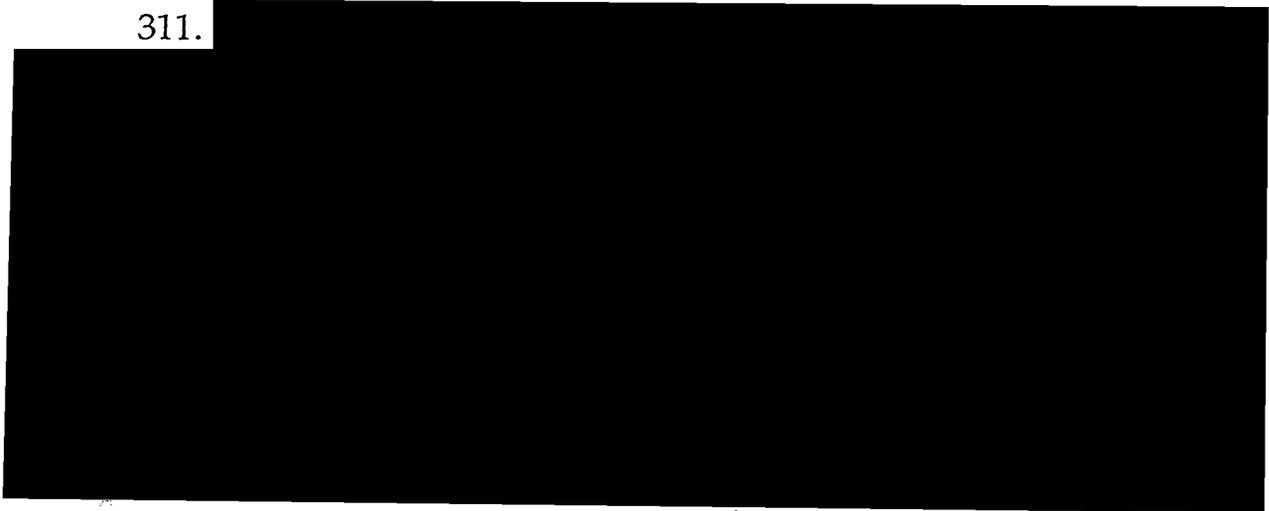


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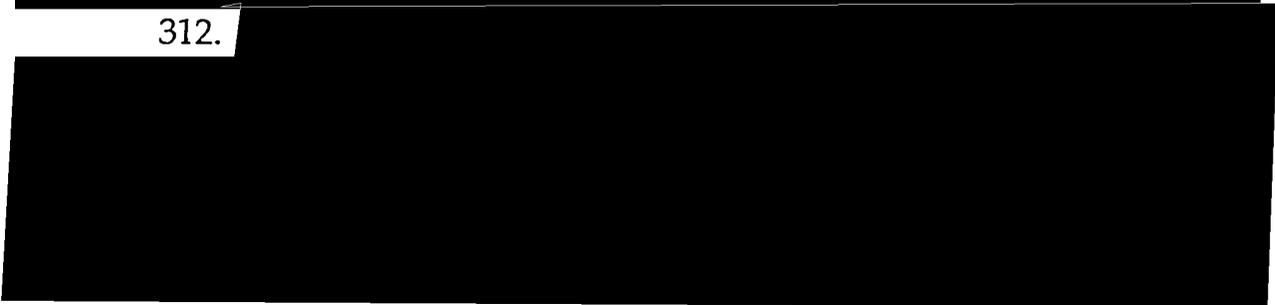




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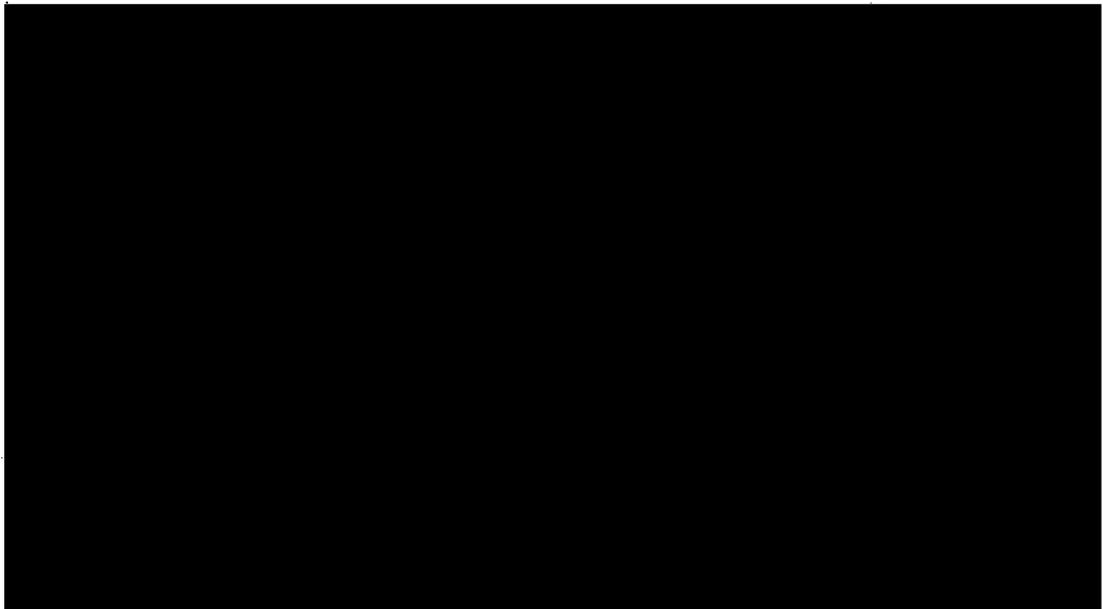
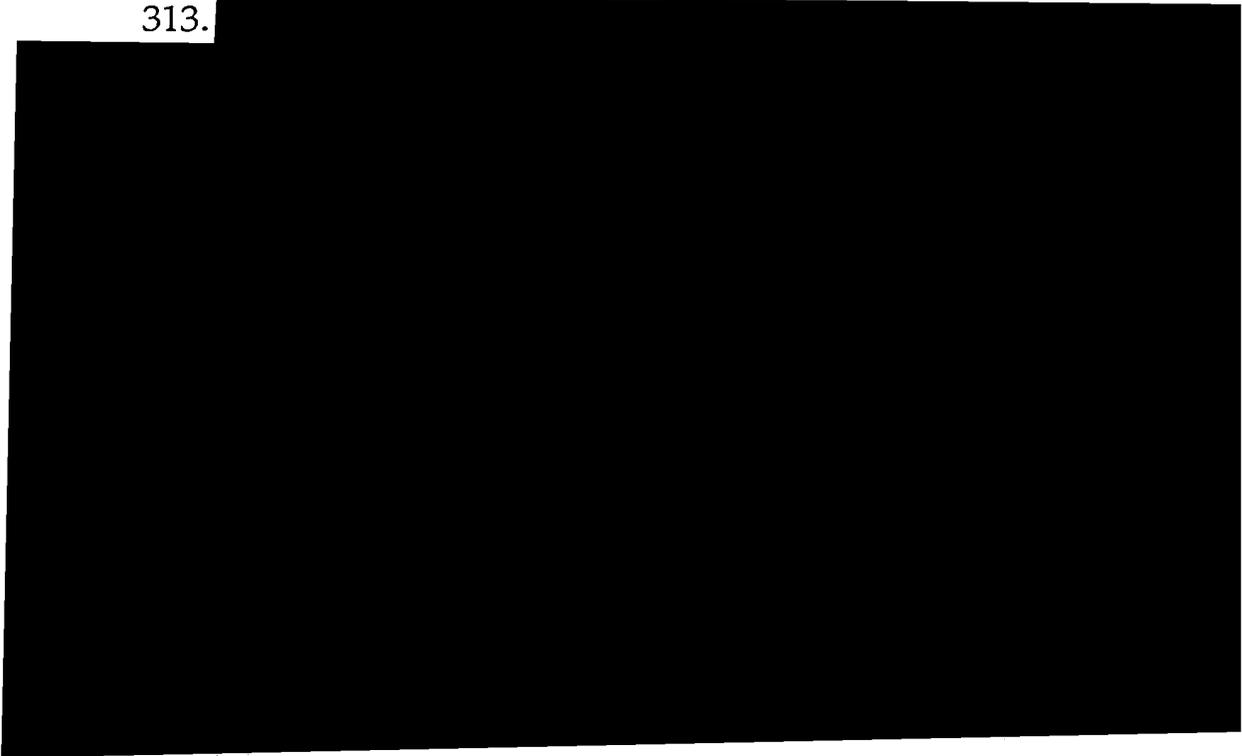


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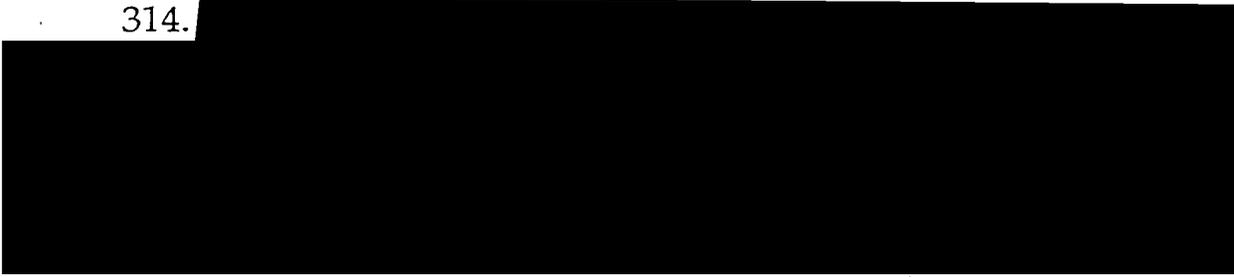




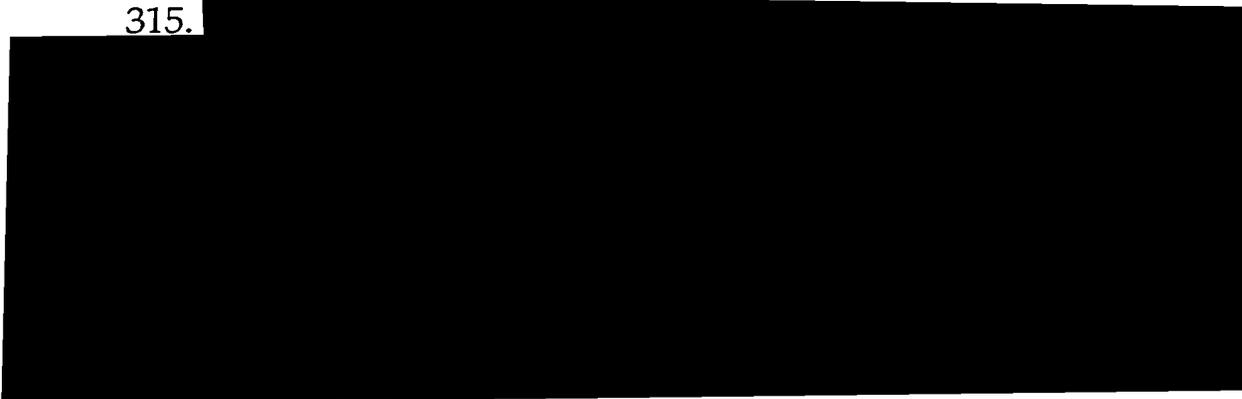
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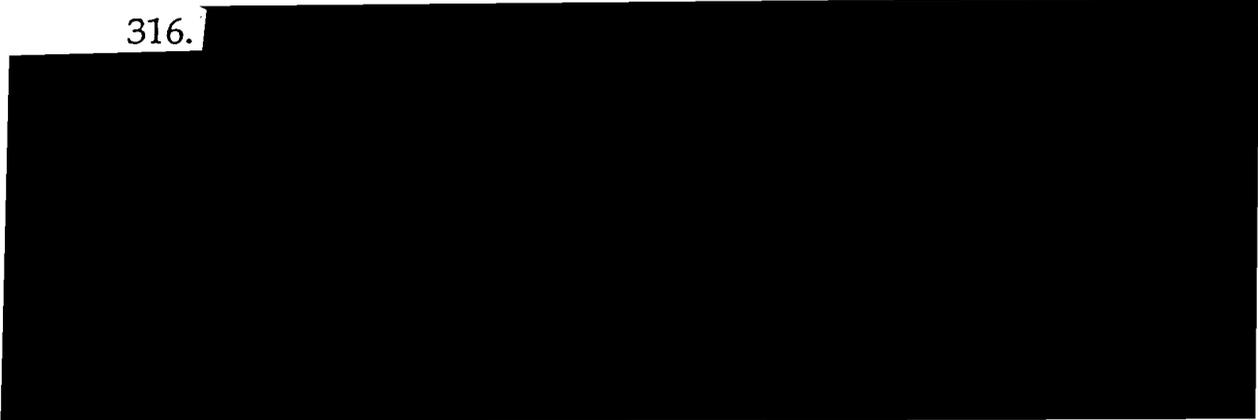
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[REDACTED]

318.

[REDACTED]

319.

[REDACTED]

320.

[REDACTED]

321.

[REDACTED]

[REDACTED]

CONCLUSIONS

322. The conclusions set forth below are repeated in the volumes relating to Alpirez, DeVine, Bamaca, [REDACTED]

Agency Purposes in Guatemala

323. Agency programs in Guatemala during the period in question were conducted in furtherance of duly approved [REDACTED]

Programs that were duly authorized by the President, reviewed by the National Security Council and reviewed and funded by the Congress.

[REDACTED]

Alleged Complicity in Deaths of DeVine and Bamaca

324. No evidence has been found to indicate that any CIA employee had prior knowledge of, directed, participated in, or condoned the interrogation or killing of DeVine. No evidence has been found to indicate that any CIA employee had prior knowledge of, directed, participated in, or condoned the reported interrogation, torture, or killing of Bamaca.

325. The October 1991 report alleging that Alpirez, [REDACTED] [REDACTED] was present at DeVine's interrogation was seriously flawed and should have been reviewed more thoroughly at the Station and disseminated with appropriate caveats. Neither the Station nor Headquarters made a serious effort to verify the allegations contained

in the October 1991 report and Headquarters did not follow-up sufficiently on its initial efforts to have the Station do so.

326. Similarly, the January 1995 report alleging that Alpirez had killed Bamaca was also based on questionable information and should have been reviewed more thoroughly at the Station and disseminated with appropriate caveats. Neither the Station nor Headquarters made serious efforts to verify that report and Headquarters did not encourage the Station to do so.

Congressional Notification

327. The Agency should have notified the congressional intelligence oversight committees in October 1991 about the allegations that Alpirez had been present at an interrogation that resulted in the death of a U.S. citizen [REDACTED]

[REDACTED] The committees should have been briefed, especially in light of the prompt and serious actions the Agency took on the basis of that report, in reporting to DoJ and [REDACTED]

[REDACTED] LA Division officers intended to provide such notification to the committees, but neither those officers nor senior Agency managers ensured that this was done.

328. In February 1995, the oversight committees were expeditiously notified of the only report alleging that Alpirez had been responsible for the death of Bamaca. While notification was laudable, it should have been made clear that there were competing versions of what happened to Bamaca, and that the January 1995 report was sketchy, third-hand hearsay, and unconfirmed. Furthermore, when it had become clear in November 1994 that there was congressional interest in Bamaca's fate, formal notification of the April 1994 report that Alpirez had interviewed Bamaca [REDACTED]

[REDACTED] should have occurred.

329. [REDACTED]

[REDACTED]

330. The Agency provided [REDACTED] the oversight committees and participated during various committee hearings and briefings of committee staff [REDACTED]. [REDACTED] It should have been recognized that the failure to provide this information in connection with the discussion of the DeVine case [REDACTED] [REDACTED] would be viewed as misleading the committees. No evidence has been found to indicate that the failure to mention [REDACTED] in these reports, hearings and briefings was intended to mislead the committees. Neither has any evidence been found to indicate that the failures to notify the committees in 1994 of information indicating that Alpirez had interviewed Bamaca or [REDACTED] [REDACTED] were intended to mislead the committees.

Ambassadorial Notification

331. The Station did not keep the Ambassadors appropriately informed in certain instances. Concerns about source protection and possible threats to Agency equities in its liaison relationships appear to have been the causes of some of these failures.

332. Ambassador Stroock was not properly notified in August 1990 [REDACTED] when the Ambassador was provided information about the military's involvement and cover-up in the DeVine killing and was preparing to present a demarche.

333. Ambassador Stroock was not properly notified in October 1991 [REDACTED] when allegations were received that Alpirez was present at the interrogation of DeVine.

334. [REDACTED]

[REDACTED]

335. Ambassador McAfee was not properly notified in 1994, even after asking in October 1994 for a complete summary of CIA intelligence relating to Bamaca, that Alpirez had reportedly interviewed Bamaca after his capture in March 1992 [REDACTED]

[REDACTED]

336. [REDACTED]

[REDACTED]

[REDACTED]

337. [REDACTED]

[REDACTED]

[REDACTED]

Collection and Reporting Standards

338. Information provided by Agency assets was responsive to [REDACTED] and included significant reporting on human rights issues in Guatemala, including the DeVine killing, Bamaca's fate, and the reactions of [REDACTED] Guatemalan political and military officials to U.S. policy initiatives in this regard.

339. However, in certain instances, concerns about source protection or possible threats to Agency equities in its liaison relationships appear to have been the cause of failures to report information fully and promptly. [REDACTED]

340. Station reporting regarding human rights issues included some unsubstantiated reports from possibly biased sources about Alpirez [REDACTED], as well as the DeVine and Bamaca cases. The Station, LA Division and the DO should have made stronger efforts to validate the information and place it in the context of other reporting, analyze the biases and motivations of the sources, and ensure that consumers of the information were advised that there were significant questions about its validity and hearsay nature. It also appears that LA Division and the Station gave insufficient attention and consideration to the possibility that Station asset reporting on Bamaca's fate was based upon deliberately false information [REDACTED]

341. The Station and LA Division failed to meet Agency standards for [REDACTED] with particular reference to the assets who provided key information relating to Alpirez, DeVine, Bamaca, [REDACTED]

Relationship with Alpirez

342. At the time the CIA first encountered Alpirez in a liaison capacity in 1987 [REDACTED] Agency records apparently revealed no derogatory information or indication that he had engaged in human rights abuses [REDACTED]

343. The August 1990 information [REDACTED] formed a substantial part of what the U.S. Government knew about official Guatemalan involvement in DeVine's killing. It also served as part of the basis for at least one U.S. Government demarche to the Guatemalans and the partial suspension of U.S. military assistance to Guatemala.

344. [REDACTED]

345. [REDACTED]

346. [REDACTED]

347. [REDACTED]

348. [REDACTED]

349. [REDACTED]

Referral to Department of Justice

350. LA Division and OGC acted prudently in ensuring a prompt referral of the October 1991 allegations about Alpirez to DoJ. However, OGC should have probed more thoroughly to determine through a preliminary inquiry whether or not there [was] any basis to the allegations. In addition, having made the referral, OGC did not properly record or monitor the matter, or adequately respond to DoJ requests for further information.

Analytical Responsibilities

351. No factual basis has been identified for the DI [REDACTED] conclusion in an analysis presented to the NSC in January 1995 that Alpirez was at least "the intellectual author" of Bamaca's death. That analysis was also flawed because [REDACTED]

352. The DI [REDACTED] with primary responsibility was not made aware by DO officers of the April 1994 report that Alpirez [REDACTED] had interviewed Bamaca or that Alpirez [REDACTED] was reportedly present at the interrogation of DeVine. As a consequence, he was not able to include that information in briefings to senior State officials and HPSCI and SSCI staff members in November 1994 or in the [REDACTED] analytic reports that were disseminated to the Ambassador and NSC and State customers prior to January 1995.

353. Six reports have been found that allege that Alpirez had knowledge of or was involved in narcotics trafficking or other potentially unlawful activities. None of these reports establishes any

connection between narcotics trafficking and the DeVine murder, nor does any of them indicate that the murder had as its purpose coercion or intimidation of, or retaliation against, a government or civil population. Neither has other evidence been found to indicate that Agency employees were aware of such a connection or purpose. Thus, there is no support for the contention that Agency employees engaged in an obstruction of justice in connection with the November 1991 referral to the Department of Justice.

Dispersal or Destruction of Records

354. No evidence has been found to indicate that any Agency personnel dispersed or destroyed records to prevent them from being reviewed by investigators. It appears that this allegation may have had its source in an Agency effort to provide copies of selected documents to former DCIs in order that they might be able to respond knowledgeably to public inquiries relating to Guatemala.

DO Records System

355. Weaknesses in the DO records system led to a failure to retrieve relevant allegations regarding human rights abuses [REDACTED]

[REDACTED] These weaknesses continue to cause problems for the Agency.

A. R. Cinquegrana

RECOMMENDATIONS

1. **General.** The following areas have been identified in the course of this investigation as requiring the attention of Agency management and are addressed in this section:

- Congressional notification;
- Ambassadorial notification;
- Selection of Chiefs of Station;
- [REDACTED]
- Collection and reporting responsibilities;
- Human rights reporting;
- [REDACTED]
- Analytical functions; and
- DO records system.

2. The paragraphs that follow constitute the IG's best judgment as to what should be done in each area, but we recognize that a management review of the issues involved may develop different and better approaches to improving current practices and policies in each area. The most important message we are conveying is that the identified areas require management's attention and remedial action. Thus, these recommendations should be viewed as a framework for further deliberation and development of responsive reactions in each area, not as a prescriptive list of actions that should be taken as stated. However, we strongly believe that the Overview Volume, with Conclusions and all Recommendations except the individual accountability section, should be made available to Agency employees in order that they may be fully informed and apply the lessons of this investigation to their own situations.

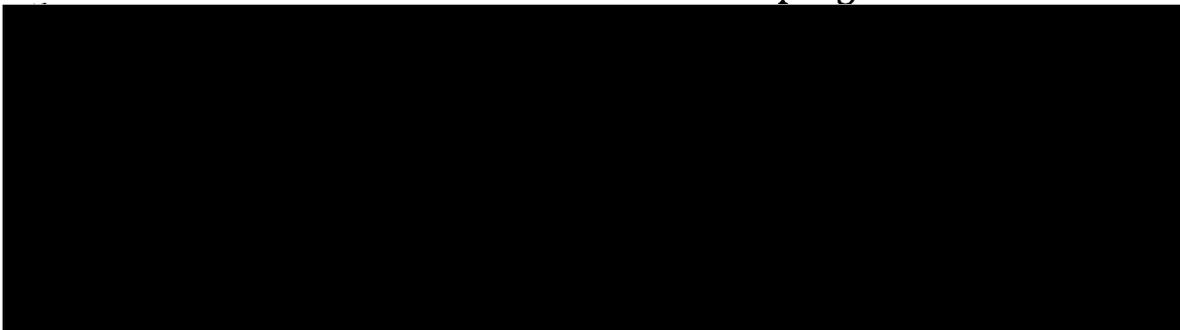
3. **Congressional Notification.** This investigation has shown that in the DO there is a predisposition against sharing information with Congress despite repeated statements by the Agency's leadership that Congress needs information to perform its oversight role and has the right to such information. The DDO should work to replace this bias with a predisposition that favors sharing information.

4. The DCI should reaffirm that the Agency has an obligation to ensure that the Congress is kept fully and currently informed about Agency activities. The Director should make it clear that each Deputy Director and Head of Independent Office is responsible for determining, on a continuing basis, which matters within their areas of responsibility should be reported to the intelligence oversight committees of the Congress. Clear procedures should be established to ensure that such matters are reported.

5. Each Deputy Director and Head of Independent Office, in conjunction with the General Counsel and the Director of Congressional Affairs, should recommend criteria for the DCI's approval that are applicable to their areas of responsibility to govern which matters will be reported to the intelligence oversight committees.

6. Each Deputy Director and Head of Independent Office should require their managers to review on a continuing basis which matters within their areas of responsibility meet the established criteria for reporting to the intelligence oversight committees. In addition, each Deputy Director and Head of Independent Office should conduct a formal quarterly review of their activities to determine which matters, within or in addition to the established criteria, should be reported to the intelligence oversight committees. As part of this process all employees should be given the opportunity to identify matters that should be considered for such reporting.

7. **Ambassadorial Notification.** The DCI should issue new guidance concerning Chief of Station (COS) responsibilities for keeping Ambassadors informed about Station programs and activities.





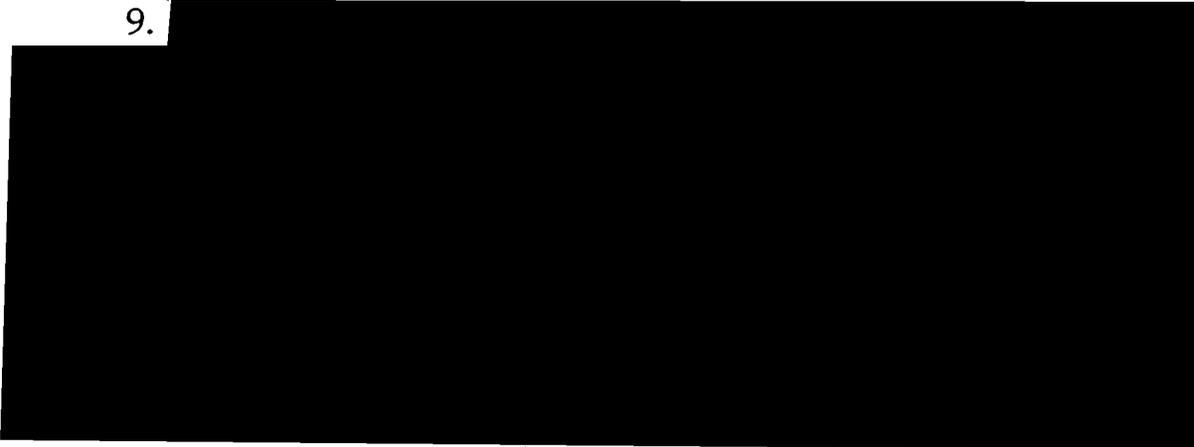
8. Selection of Chiefs of Station. The DDO should develop standards, subject to DCI concurrence, for the development, selection and retention of Chiefs of Station to ensure that they are the most highly qualified professionals available.



Chiefs of Station should not be selected for reasons other than professional competence.



9.



10.



11. **Collection and Reporting Responsibilities.** Both Headquarters and Stations are responsible for ensuring that the highest possible standards are maintained in CIA's collection and reporting efforts. [REDACTED]

12. **Human Rights Reporting.** The DDO should develop procedures to ensure that Stations meet established standards for reporting information relating to human rights abuses. [REDACTED]

13. [REDACTED]

14. [REDACTED]

15. **Analytical Functions.** DI analysts responsible for producing finished intelligence and conducting briefings of government policymakers should be given access to [REDACTED] that pertains to their areas of responsibility. The DDI should establish standards that ensure that DI analysts consider all relevant information so that inaccurate, misleading, or incomplete statements are not incorporated into DI intelligence products or briefings.

16. **DO Records System.** The DO should intensify its efforts to ensure that Headquarters and Station personnel are supported by a records and information management system that will provide thorough, dependable and timely access to all information of relevance to a particular individual or subject. [REDACTED]
[REDACTED]
[REDACTED]

17. **Accountability.** This investigation has established that there is no basis for several of the most significant allegations that have been made against the Agency and its employees relating to its activities in Guatemala. Unfortunately, the investigative and political furor that was launched with these allegations and that has consumed much of the U.S. Government's valuable time and energy for the past several months could have been avoided or reduced if Agency employees had performed more capably in reporting the events in question.

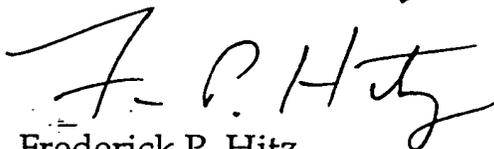
18. A review of Agency activities relating to the Alpirez, DeVine, Bamaca, [REDACTED] matters reveals a general failure to adhere to the professional standards in collecting, reporting and analysis that the Agency expects from its personnel. The causes of this are puzzling. It may be that closer scrutiny or higher standards are now being imposed on the workforce. There are many possible explanations which we will not venture here.

19. Whatever the reason, from recruitment to reporting; from corroboration to processing; from validation to analysis; from

congressional notification to crimes referral, the facts demonstrate performance that is not as professional or competent or sound in its judgments as the Agency and the U.S. Government have a right to expect. It is not that anyone engaged in intentional wrongdoing, but that so many errors were committed along the way. Agency management also must be faulted for the failures of Agency personnel that are identified in this Report of Investigation.

20. Many officers contributed to the problems and shortcomings described in this Report, but certain officers had special responsibilities and played significant roles that separate them from the rest. Although there is no evidence to indicate that they were involved in the specific events under review here, the level of professionalism that prevailed in the Agency must ultimately be laid at the feet of the most senior Agency managers, DCIs and DDCIs during this period. In addition, the names of individual officers who should be held responsible for specific deficiencies have been provided to the Director for his consideration and action.

CONCUR:



Frederick P. Hitz
Inspector General

15 July 95

Date