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FEB 95

DIRECTOR 157237

DIRECTOR 157237 TO: IMMEDIATE HOSDISSEN.

SUBJECT:

PAGE 001 25 FEB 95

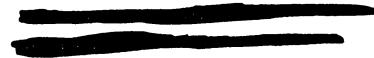
TO: IMMEDIATE DIRECTOR 1

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APPROVED FOR RELEASE

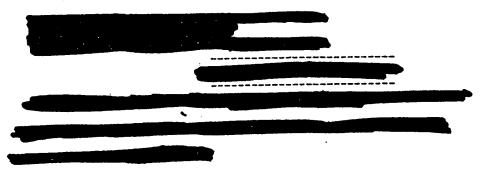
DATE JUNE 96

DO STATIONS: GUATERALA CITY



CIA

TO: IMMEDIATE DIRNSA, DEPT OF STATE//FOR INR, DIA WASHINGTON DC, DA WASHINGTON DC, CNO WASHINGTON DC, CMC WASHINGTON DC, CSAF WASHINGTON DC, TREASURY DEPT, WHITE HOUSE SITUATION ROOM, DOEHQ//IN, USCINCSO QUARRY HEIGHTS PM.



COUNTRY: GUATEKALA

SUBJ:

UPDATE ON THE HUMAN RIGHTS CASE OF GUATEMALAN INSURGENT

LEADER EFRAIN BAHACA VELASQUEZ

DOI:

1992 - FEBRUARY 1995

SUMMARY:

THREE SEPARATE INVESTIGATIONS FAILED TO UNCOVER EVIDENCE THAT BAMACA IS ALIVE OR BEING ILLEGALLY DETAINED IN GUATEMALA. INVESTIGATIONS STRONGLY SUGGESTED THAT THE ALLEGED MARRIAGE OF BAMACA AND U.S. CITIZEN JENNIFER HARBURY IS A SHAM AND IS PROBABLY PART OF AN ORCHESTRATED EFFORT TO EMBARRASS THE GUATEMALAN GOVERNMENT. THE GUATEMALAN GOVERNMENT HAS CONTRACTED A U.S. ATTORNEY TO PROVIDE COUNSEL TO 23 OFFICERS AND ENLISTEDMEN WHO ARE LINKED TO THE ALLEGED 12 MARCH 1992 CAPTURE OF BAMACA.

TEXT: SERVICE. 1.





CUATEMALAN COVERNMENT CONDUCTED AN INTENSIVE INVESTIGATION AND A THREE-MONTH LONG SEARCH FOR BAMACA DURING THE PERIOD OCTOBER TO DECEMBER 1994 BEFORE CONCLUDING THAT BAHACA DIED OF HOUNDS RECEIVED IN A FIREFIGHT IN MARCH 1992. THREE SEPARATE INVESTIGATIONS WERE SIMULTANEOUSLY CONDUCTED UNDER THE DIRECTION OF THE GUATEMALAN SUPREME COURT AND ATTORNEY GENERAL ASISCLO ((VALLADARES)) HOLINA, PUBLIC HINISTER AND PROSECUTOR GENERAL RAMSES ((CUESTAS)) GOMEZ, AND THE OFFICE OF HUMAN RIGHTS ATTORNEY GENERAL JORGE MARIO ((GARCIA)) LAGUARDIA. THE SUPREME COURT ORDERED THAT JUDGES ACROSS THE REPUBLIC OF GUATEMALA MAKE UNANNOUNCED VISITS TO POLICE STATIONS AND HILITARY INSTALLATIONS IN AN EFFORT TO UNCOVER EVIDENCE BAMACA HAS ALIVE AND BEING DETAINED. ATTORNEY GENERAL VALLADARES ORDERED THE GUATEMALAN PRESIDENT. THE MINISTERS OF DEFENSE AND COVERNMENT, THE CHIEF OF THE NATIONAL POLICE, AND ALL POLICE AND MILITARY AUTHORITIES THROUGHOUT GUATEMALA TO UNDERTAKE EVERY EFFORT TO PRODUCE BAMACA. IF ALIVE. HUMAN RIGHTS ONBUDSMAN GARCIA ORDERED PERSONNEL FROM HIS OFFICE TO BE ACCOMMANIED BY REPRESENTATIVES OF THE UNITED NATIONS HUMAN RIGHTS VERIFICATION COMMISSION IN GUATEMALA (HINUGUA) TO MAKE AN UNANNOUNCED VISIT ON 1 DECEMBER 1994, EN MASSE, TO MILITARY FACILITIES THROUGHOUT GUATEMALA.

QUEIZALTENANGO DEPARTMENT (MILITARY ZONE 1715) WHO KILLED BAMACA IN A FIREFIGHT ON 12 MARCH 1992 WERE NOT AWARE OF BAMACA'S IDENTITY NOR OF THE SIGNIFICANCE OF HIS CAPTURE UNTIL A DAY OR TWO AFTER THE PIREFIGHT.

BAMACA HAD NO IDENTITY DOCUMENTS ON HIS PERSON WHEN HE WAS SEARCHED AFTER THE FIREFIGHT. WHEN BAMACA DIED OF WOUNDS, HIS REMAINS WERE BURIED BY MILITARY PERSONNEL WITHOUT HUCH ATTENTION TO THE SITE OR CIRCUMSTANCES.

THE PUBLIC HINISTRY'S INVESTIGATION OF JENNIFER HARBURY'S CLAIM TO BE THE LEGAL SPOUSE OF BAMACA.

STRONGLY SUGGEST THE MARRIAGE IS A SHAM.



TO FORCE THE GUATEMALAN COVERNMENT, BY MEANS OF GUATEMALAN LEGAL PROCESS, TO EXHUME THE PRESUMED REMAINS OF BAMACA IN MID-1992, BUT THAT ATTORNEY GENERAL VALLADARES HALTED THE PROCEDURE AT THE PRESUMED GRAVESITE AFTER ASKING IF ANY OF BAMACA'S RELATIVES WERE PRESENT.

POINTED OUT THAT HARBURY WAS PRESENT AND COULD HAVE CLAIMED TO HAVE BEEN THE COMMON-LAW SPOUSE OF BAMACA'AT THAT TIME, BUT SAID NOTHING.

NOTED THAT HARBURY'S SUCCESSFUL EFFORTS TO DOCUMENT HERSELF AS THE LEGAL SPOUSE OF BAMACA WITH THE STATE OF TEXAS IN MAY 1993 APPEAR TO HAVE BEEN INTENDED TO ARM HERSELF WITH A LEGAL CLAIM TO BAMACA'S REMAINS.

7. SOURCE OF PARAGRAPH 8:

THAT

THE GUATEMALAN GOVERNMENT HAD CONTRACTED WITH AN UNIDENTIFIED U.S. ATTORNEY LOCATED IN MIAMI, FLORIDA, TO PROVIDE COUNSEL TO THE GUATEMALAN GOVERNMENT ON THE BANACA HUMAN RIGHTS CASE.

OFFICERS AND ENLISTEDNEN TO PREPARE A LEGAL DEFENSE IN THE EVENT THIS IS NECESSARY.

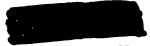
DISSEM: FIELD: SENT TO: GUATEMALA CITY USCINCSO.

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SECT 21.3

SEC LT



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