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EXDIS

STATE FOR UNDER SECRETARY KIMMITT; L FOR JUDGE SOFAER  
AND RINDSKOPF  
JUSTICE FOR ROBIN ROSS, ROBERT MUELLER AND MARK RICHARD  
NSC FOR DAVID MILLER AND RANDY BEERS  
ONDCP FOR SECRETARY BENNETT

E.O. 12356: DECL: OADR

TEXT  
TAGS: SNAR, CJAN, BL  
SUBJECT: CONCERNS REGARDING CONSIDERATION OF ARCE  
- GOMEZ CASE

1. SECRET - ENTIRE TEXT.

2. OVER THE LAST MONTH I HAVE BECOME SERIOUSLY  
CONCERNED BECAUSE IT HAS BECOME CLEAR THAT THE U.S.  
ATTORNEY'S OFFICE IN MIAMI IS IN THE PROCESS OF  
ATTEMPTING TO NEGOTIATE A PLEA BARGAIN WITH LUIS ARCE  
GOMEZ WHICH WOULD RESULT IN ARCE GOMEZ' SERVING AS  
LITTLE AS FIVE YEARS. DURING MY CONSULTATIONS IN  
WASHINGTON FEBRUARY 20-27, I RAISED THIS ISSUE WITH  
RELEVANT OFFICIALS IN STATE, JUSTICE, NSC AND DEA,

STATE DEPT. DECLASSIFICATION REVIEW  
 Retain class'n  
 Declassify  
Change/classify to \_\_\_\_\_  
with concurrence of \_\_\_\_\_  
after \_\_\_\_\_  
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HAVING HEARD THAT SUCH A PLEA BARGAIN HAD IN FACT BEEN OFFERED. I DISCOVERED THAT INDEED IT HAD BEEN, BUT HAD BEEN REJECTED BY ARCE GOMEZ' LAWYER. AS A RESULT OF THESE MEETINGS AND OTHER INFORMATION, I NOW FEAR THAT THE ARCE GOMEZ CASE IS BEING PUSHED ASIDE BECAUSE OF A DESIRE TO CONCENTRATE ON THE LATER NORIEGA TRIAL. HOWEVER, IT IS IMPORTANT FOR RELEVANT EXECUTIVE BRANCH OFFICIALS TO CONSIDER THE IMPLICATIONS OF THIS CASE, TOO, AS IT IS MY CONSIDERED JUDGMENT THAT FAILURE TO CONVICT WITH A LONG SENTENCE WILL JEOPARDIZE U.S.-BOLIVIAN RELATIONS (PARTICULARLY IN THE ANTI-NARCOTICS AREA) AT A TIME WHEN WE HAVE STRONG SUPPORT FROM PRESIDENT PAZ ZAMORA IN THE AFTERMATH OF THE CARTAGENA SUMMIT.

3. IT IS IMPORTANT TO EMPHASIZE TO WASHINGTON OFFICIALS WHAT ARCE GOMEZ REPRESENTS IN BOLIVIA, THE IMPLICATIONS OF THE DECISION TAKEN BY PRESIDENT PAZ ZAMORA TO EXPEL HIM TO US AND, MOST IMPORTANTLY, THE IMPLICATIONS THAT LITTLE TIME SERVED WOULD HAVE FOR NEGOTIATIONS OF A NEW EXTRADITION TREATY AND ANY FUTURE EXPULSIONS OR EXTRADITIONS OF DRUG TRAFFICKERS. AS THIS EMBASSY HAS REPORTED IN DETAIL PRIOR TO THE CAPTURE OF ARCE GOMEZ AND SUBSEQUENT TO THAT EVENT, LUIS ARCE GOMEZ IS PERHAPS THE SINGLE MOST DESPISED INDIVIDUAL IN BOLIVIA. HE SERVED AS MINISTER OF THE INTERIOR IN THE 1980-81 GARCIA MEZA DICTATORSHIP, WHICH WAS UNDOUBTEDLY THE NADIR OF CONTEMPORARY BOLIVIAN HISTORY, COMBINING SOME OF THE MOST HIDEOUS HUMAN RIGHTS VIOLATIONS IMAGINABLE AND A STRIDENT ANTI-DEMOCRATIC REGIME WITH AN OVERT ALLIANCE WITH DRUG TRAFFICKERS, ALLOWING FOR THE STRONG DEVELOPMENT OF THE TRAFFICKING INDUSTRY IN THIS COUNTRY. ARCE GOMEZ (WHOSE CHIEF ADVISOR AT THE TIME WAS **KLAUS BARBIE**, ALONG WITH A NUMBER OF ARGENTINE ARMY TECHNICAL ADVISORS) IS LESS DESPISED IN BOLIVIA FOR HIS DRUG TRAFFICKING ACTIVITIES THAN FOR AGGRESSIVE INVOLVEMENT IN TORTURE, MURDER AND ASSASSINATIONS. THE DECISION TAKEN BY PRESIDENT PAZ ZAMORA TO CAPTURE HIM AND EXPEL HIM TO THE U.S. WAS THUS A HIGHLY COURAGEOUS ONE; HE RISKED MAJOR POLITICAL DAMAGE AT THE OUTSET OF HIS GOVERNMENT IN TAKING THIS ACTION BUT WAS FORTUNATE THAT THIS OCCURRED AT A TIME WHEN THE BOLIVIAN JUDICIARY WAS SUFFERING FROM A SERIES OF PUBLIC ACCUSATIONS FOR RELEASING HIGH LEVEL TRAFFICKERS OR FAILING TO TAKE ACTION IN OTHER AREAS.

4. FROM THE BEGINNING, AS WE HAVE REPORTED, PAZ ZAMORA HAS MADE IT CLEAR THAT FAILURE TO CONVICT ARCE GOMEZ OR FAILURE TO ENSURE THAT HE RECEIVES A LONG SENTENCE IN JAIL WOULD HAVE EXTREME NEGATIVE EFFECT ON HIS GOVERNMENT AND ON OUR ABILITY TO MOVE AHEAD -- AS WE NOW ARE -- TO ACHIEVE MAJOR PROGRESS ON A RANGE OF ANTI-NARCOTICS PROGRAMS. AGAIN LAST NIGHT PAZ ZAMORA ASKED ME WHERE THE CASE STOOD AND REITERATED, AS HE HAS TWICE SINCE MEETING WITH PRESIDENT BUSH AT CARTAGENA, THAT CONVICTION AND A LONG SENTENCE ARE PREREQUISITES

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TO ENSURE OUR CONTINUED MUTUAL ABILITY TO EXTRADITE  
OR EXPEL WANTED TRAFFICKERS.

5. IN THE MEETING THAT THE DEA COUNTRY ATTACHE AND I  
HAD WITH JUSTICE ASSISTANT ATTORNEY GENERAL DENNIS  
AND DEPUTY ASSISTANT ATTORNEY GENERAL RICHARD, WE MADE  
IT CLEAR THAT WE FELT THAT THERE WERE ADDITIONAL  
WITNESSES IN BOLIVIA THAT WERE AVAILABLE TO BOLSTER  
S E C R E T SECTION 02 OF 02 LA PAZ 03401

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THE CASE IF THAT WERE NECESSARY. IT IS THE OPINION OF THE  
DEA COUNTRY ATTACHE THAT WE HAVE LOCATED SUCH WITNESSES  
WHO COULD BE OF ASSISTANCE IN THE PROSECUTION. HOWEVER,  
THE DEA AGENT ASSIGNED TO THE CASE AND THE AUSA HAVE NOT  
INDICATED A WILLINGNESS UP TO THIS POINT TO UTILIZE THESE  
POTENTIAL NEW WITNESSES. WE ARE REQUESTING THE AGENT  
TRAVEL TO BOLIVIA TO INTERVIEW THESE WITNESSES AND WE ARE  
ARRANGING A MUTUALLY ACCEPTABLE DATE AT THIS TIME. IN  
THE MEETING AT JUSTICE, WE WERE SURPRISED TO LEARN NOT  
ONLY THAT THE PLEA BARGAIN MENTIONED ABOVE HAD BEEN  
OFFERED (BUT FORTUNATELY REJECTED), BUT WE WERE TOLD  
THAT AUSA SULLIVAN HAD LEFT THE CASE SINCE HE IS  
PROSECUTING THE NORIEGA CASE. WE HAVE NOW LEARNED,  
CONTRARY TO WHAT WE LEARNED AT JUSTICE, THAT AUSA  
SULLIVAN CONTINUES AS THE PROSECUTING ATTORNEY. IF IT  
IS TRUE THAT HE HAS SUCH DOUBTS ABOUT THE CASE THAT HE  
WAS WILLING TO OFFER A PLEA BARGAIN OF ONLY 10-15 YEARS  
SENTENCE WITH 5 YEARS OR LESS TO BE SERVED, THEN IT IS  
EXCEEDINGLY DIFFICULT TO UNDERSTAND WHY HE NOW APPEARS  
CONFIDENT WITH THE EVIDENCE IN HAND AND THUS FAR  
HAS NOT BEEN MORE ENTHUSIASTIC ABOUT THE WITNESSES  
WHO HAVE BEEN OFFERED BY OUR DEA OFFICE.

6. THE POLITICAL IMPLICATIONS OF THIS CASE FOR THE  
FUTURE OF OUR BILATERAL RELATIONSHIP CANNOT BE OVER-  
STATED. A RELATIVELY SHORT SENTENCE AND THE CON-  
COMMITANT ENSUING PUBLIC KNOWLEDGE THAT ARCE GOMEZ  
WOULD SERVE SIGNIFICANTLY LESS THAN THE INDICATED  
SENTENCE WOULD DAMAGE SEVERELY OUR RELATIONSHIP  
WITH BOLIVIA AND OUR ABILITY TO ACHIEVE THE PRESIDENT'S  
OBJECTIVES IN OUR ANTI-NARCOTICS PROGRAMS. I STRONGLY  
REQUEST YOUR SUPPORT IN ENSURING THAT APPROPRIATE  
ATTENTION BE PAID TO THIS CASE.  
GELBARD

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ADMIN  
END OF MESSAGE

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