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SUBJECT: FUROR AFTER INTEL AGENT REVEALS TORTURE

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1. CLASSIFIED BY ACTING DCM JOHN RIDDLE. REASON 1.5 (D).
2. (C) SUMMARY: ARMY INTELLIGENCE OFFICER LEONOR LA ROSA BUSTAMANTE'S REVELATION IN A TELEVISION INTERVIEW APRIL 6 THAT SHE HAD BEEN TORTURED BY HER SUPERIORS HAS GENERATED AN UPROAR IN PERU, COMING ON THE HEELS OF THE DISCOVERY OF THE DECAPITATED BODY OF FELLOW AGENT MARIELA BARRETO. LA ROSA WAS REPORTEDLY BEING INVESTIGATED FOR REVEALING TO THE MEDIA ARMY INTELLIGENCE SERVICE

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PLANS AGAINST THE OPPOSITION. FOUR ARMY INTEL OFFICIALS WERE ARRESTED APRIL 8 AND WILL BE TRIED BY A MILITARY COURT ON ABUSE OF AUTHORITY CHARGES STEMMING FROM LA ROSA'S ACCUSATIONS. HOWEVER, BOTH THE ATTORNEY GENERAL AND THE HUMAN RIGHTS OMBUDSMAN HAVE STATED PUBLICLY THAT THE FOUR OFFICIALS SHOULD BE TRIED BY A CIVILIAN COURT. A CIVILIAN PROSECTOR HAS BEGUN INVESTIGATING LA ROSA'S TORTURE, AND WILL REPORTEDLY SOON BE ALLOWED BY MILITARY JUSTICE TO INTERVIEW LA ROSA. END SUMMARY.

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 ARMY INTELLIGENCE AGENT REVEALS TORTURE  
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3. (U) FROM HER BED IN A MILITARY HOSPITAL ARMY INTELLIGENCE (SIE) AGENT LEONOR LA ROSA BUSTAMANTE STUNNED THE PERUVIAN PUBLIC IN A TELEVISION INTERVIEW APRIL 6 WITH ALLEGATIONS THAT SHE HAD BEEN TORTURED IN JANUARY AND FEBRUARY BY MEMBERS OF THE VERY SAME INTELLIGENCE SERVICE. (THIS INTERVIEW WAS REBROADCAST IN PART BY CNN APRIL 9.) LA ROSA REVEALED THAT SHE WAS FIRST TORTURED IN JANUARY WHEN SHE WAS BEING INVESTIGATED FOR PASSING TO THE MEDIA INFORMATION REGARDING COVERT MILITARY INTELLIGENCE PLANS AGAINST

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THE OPPOSITION. THEN IN FEBRUARY, LA ROSA WAS TORTURED AGAIN AFTER SHE REFUSED TO SEDUCE PERUVIAN ARMY COLONEL WALTER AGUILAR IN A BLACKMAIL ATTEMPT. ACCORDING TO PRESS REPORTS, AGUILAR, WHO HAD BEEN ASSIGNED TO THE ARMED FORCES JOINT STAFF, IS CLOSELY LINKED TO FORMER AIR CHIEF GENERAL WALDO RICHTER, WHO WAS ABRUPTLY RETIRED FROM SERVICE ON APRIL 7.

4. (U) THE TELEVISION COVERAGE OF LA ROSA, SHOWING HER DIFFICULTY IN WALKING AND BURN MARKS ON HER HANDS FROM ELECTRICAL SHOCKS RAISED AN UPROAR, ESPECIALLY SINCE IT COINCIDED WITH PRESS REPORTS OF THE DISCOVERY OF THE DECAPITATED BODY OF SIE AGENT MARIELA BARRETO, THE FORMER GIRLFRIEND OF "COLINA" DEATH SQUAD LEADER SANTIAGO MARTIN RIVAS (SEPTTEL). IN THE INTERVIEW, LA ROSA SHOWED HOW SHE COULD NOT MOVE ONE HAND, AND THAT THOUGH SHE COULD MOVE THE OTHER, SHE HAD NO FEELING IN IT. SHE IS ALSO UNABLE TO CONTROL HER LEGS. SHE FIRST ENTERED THE MILITARY HOSPITAL JANUARY 17 FOR TREATMENT AFTER BEING TORTURED AND WAS RELEASED JANUARY 27. SHE WAS AGAIN HOSPITALIZED FEBRUARY 11 OR 12 AFTER AGAIN BEING TORTURED. IT WAS UNCLEAR TO HUMAN RIGHTS GROUPS IF LA ROSA HAD LEFT THE HOSPITAL AT ANY TIME SINCE HER SECOND HOSPITALIZATION.

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 VISITS TO LA ROSA

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5. (C) HUMAN RIGHTS OMBUDSMAN JORGE SANTISTEVAN VISITED LA ROSA AT THE MILITARY HOSPITAL APRIL 7, AS DID OPPOSITION MEMBERS OF CONGRESS JAVIER DIEZ CANSECO, HENRY PEASE AND GRACIELA BACA. ON APRIL 8, GOVERNMENT CONGRESSMEN, INCLUDING ITS ACTING PRESIDENT CARLOS TORRES Y TORRES LARA, VISITED LA ROSA. AFTERWARDS, TORRES STATED THAT TORTURE WAS NO LONGER A PROBLEM IN PERU AND THAT THIS

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WAS NOTED BY THE UNITED STATES STATE DEPARTMENT IN ITS RECENT HUMAN RIGHTS REPORT. (COMMENT: TORRES Y TORRES LARA'S STATEMENT WAS INCORRECT. ON APRIL 9, AMBASSADOR JETT SENT A COPY OF THE REPORT TO THE CONGRESSMAN TOGETHER WITH A LETTER NOTING THAT OUR REPORTS CRITICIZE PERUVIAN SECURITY FORCES FOR CONTINUED USE OF TORTURE. END COMMENT.) ON APRIL 9 AND 10, VISITS TO LA ROSA WERE RESTRICTED AND OPPOSITION MEMBERS OF CONGRESS, INCLUDING BEATRIZ MERINO, WERE NOT ALLOWED TO SEE HER.

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[REDACTED] ACCESS TO LA ROSA WAS RESTRICTED TO PERMIT THE MILITARY AN UNINTERRUPTED PERIOD TO TAKE LA ROSA'S STATEMENT. THESE OPPOSITION MEMBERS OF CONGRESS WERE PERMITTED TO VISIT LA ROSA APRIL 11. A DELEGATION FROM THE HUMAN RIGHTS COORDINADORA WHICH INCLUDED A REPRESENTATIVE OF HUMAN RIGHTS/AMERICAS WAS PREVENTED FROM SEEING LA ROSA APRIL 9. THREE GOVERNMENT CONGRESSMEN, WHO ARE MEMBERS OF THE NEW CONGRESSIONAL SUBCOMMISSION CHARGED WITH INVESTIGATING ABUSE OF AUTHORITY, MET WITH LA ROSA APRIL 11.

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MILITARY JUSTICE CHARGES FOUR INTEL OFFICIALS  
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6. (C) ON APRIL 8, GEN. GUEVARA GUERRA, ANNOUNCED THAT FOUR SIE OFFICIALS, INCLUDING ITS HEAD, COLONEL CARLOS SANCHEZ NORIEGA, HAD

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INFO USIA WASHDC 3449  
AMEMBASSY CARACAS  
AMEMBASSY QUITO  
USMISSION GENEVA  
USCINCSO QUARRY HEIGHTS PM  
AMEMBASSY BOGOTA  
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BEEN RELIEVED OF THEIR DUTIES AND HAD BEEN CHARGED WITH ABUSE OF  
AUTHORITY. THE OTHER THREE SIE AGENTS CHARGED ARE COMMANDER JOSE  
SALINAS ZUZUNAGA, MAJOR PERCY SALCEDO, AND MAJOR RICARDO ANDERSON.  
(NOTE: A FEBRUARY 12 REPORT IN "LA REPUBLICA" INDICATED THAT LA  
ROSA HAD BEEN TORTURED ALONG WITH FOUR OTHER SIE AGENTS IN AN  
INVESTIGATION OF THE LEAK TO THE MEDIA OF SIE "PLAN BERMUDA," WHICH  
WAS MEANT TO INTIMIDATE JOURNALISTS SUCH AS CESAR HILDEBRANDT, THE  
HOST OF AN ANTI-GOVERNMENT TELEVISION NEWSMAGAZINE. THIS REPORT  
INDICATED THAT SALINAS, SALCEDO AND ANDERSON WERE RESPONSIBLE FOR  
THAT SIE INVESTIGATION. END NOTE.) GUEVARA ALSO REVEALED THAT  
THERE WAS AN ONGOING INVESTIGATION REGARDING LA ROSA FOR  
DISLOYALTY.

7 (C) [REDACTED]  
[REDACTED] STATED THAT THE CASE AGAINST THE FOUR MILITARY  
INTELLIGENCE OFFICERS MET THE STANDARDS FOR TRIAL IN A MILITARY  
COURT: THE CRIME HAD TAKEN PLACE ON A MILITARY INSTALLATION AND  
BOTH THE PERPETRATORS AND VICTIM WERE MILITARY PERSONNEL. [REDACTED]  
ALSO SAID THAT THE PENALTY THE FOUR DETAINEES WOULD RECEIVE IN A

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MILITARY COURT, I.E., UP TO TWENTY YEARS, WAS MORE SEVERE THAN THAT WHICH THEY COULD RECEIVE IN A CIVILIAN COURT, I.E., FOUR TO SIX YEARS. A HUMAN RIGHTS ATTORNEY HAS CONFIRMED THIS AND THE FACT THERE IS NO CRIME OF TORTURE IN EITHER THE CIVILIAN OR MILITARY LEGAL CODES. HOWEVER, COURTS CAN BRING CHARGES OF ABUSE OF AUTHORITY OR PHYSICAL ASSAULT AGAINST THOSE WHO COMMIT TORTURE.

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 DEFENSE MINISTER DISCUSSES CASE IN CONGRESS  
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8. (U) IN HIS PRESENTATION TO CONGRESS APRIL 9, DEFENSE MINISTER [REDACTED]  
 [REDACTED]

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 TOMAS CASTILLO MEZA (ACCOMPANIED BY INTERIOR MINISTER JUAN BRIONES) TERMED LA ROSA'S TORTURE "AN ISOLATED INCIDENT." CASTILLO ASSERTED THAT IT WAS NOT THE POLICY OF THE ARMED FORCES TO PERMIT HUMAN RIGHTS VIOLATIONS AGAINST EITHER CIVILIANS OR ARMED FORCES PERSONNEL. HE POINTED OUT THAT FOUR SIE OFFICIALS HAD BEEN CHARGED WITH "ABUSE OF AUTHORITY" IN RELATION TO LA ROSA'S TORTURE AND THAT THE FOUR WERE BEING HELD IN A MILITARY PRISON AND HAD BEEN REMOVED FROM THEIR JOBS. CASTILLO SAID HE COULD NOT REVEAL MORE INFORMATION ABOUT THIS INVESTIGATION, WHICH WAS BEING HANDLED IN A CONFIDENTIAL MANNER AS REQUIRED BY LAW. THE DEFENSE MINISTER SAID THAT ONLY IF IT COULD BE PROVED THAT THERE WAS A LINK BETWEEN THE LA ROSA AND BARRETO CASES, WOULD THE MILITARY COURTS ASSERT JURISDICTION OVER THE BARRETO MURDER CASE; OTHERWISE, THE INVESTIGATION INTO THAT MURDER WOULD TAKE PLACE IN CIVILIAN COURTS.

9. (U) IN ADDITION, THE DEFENSE MINISTER EXPRESSED DOUBTS ABOUT LA ROSA'S MENTAL STATE AND THE VERACITY OF HER STATEMENTS, SAYING THE INVESTIGATION WOULD DETERMINE THESE. CASTILLO JUSTIFIED HIS QUESTIONING OF LA ROSA'S CREDIBILITY BY POINTING OUT THAT IN 1994 LA ROSA COMPLAINED THAT SHE WAS SUFFERING FROM PARALYSIS, BUT THAT DOCTORS AT THAT TIME CONSIDERED THE SYMPTOMS TO BE PSYCHOSOMATIC. CASTILLO ADDED THAT IT WAS POSSIBLE THAT SOME OF LA ROSA'S CURRENT PARALYSIS IN HER LEFT ARM AND LEG MIGHT NOT BE THE RESULT OF RECENT MISTREATMENT. AT THAT POINT, ALL BUT EIGHT MEMBERS OF THE OPPOSITION STORMED OUT OF THE CONGRESSIONAL CHAMBER.

10. (U) AFTER THE WALKOUT, CONGRESS VOTED DOWN FIVE MOTIONS THAT HAD BEEN PRESENTED BY THE OPPOSITION RELATING TO ALLOWING A CONGRESSIONAL INVESTIGATION INTO THE LA ROSA AND BARRETO CASES. CONGRESS ALSO FAILED TO PASS AN OPPOSITION MOTION REGARDING THE FORMATION OF A SUBCOMMISSION TO INVESTIGATE PERU'S INTELLIGENCE [REDACTED]

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SERVICES. THE CONGRESS DID PASS A MOTION PROPOSED BY A CONGRESSMAN  
FROM THE USUALLY PRO-GOVERNMENT RENOVATION PARTY TO ESTABLISH A  
PERMANENT SUBCOMMITTEE AGAINST ABUSE OF AUTHORITY.

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CONGRESSIONAL SUBCOMMISSION BEGINS WORK  
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11. (U) ON APRIL 11, CHAIRMAN OF THE CONGRESSIONAL HUMAN RIGHTS  
COMMITTEE DANIEL ESPICHAN OF THE GOVERNMENT PARTY ASSUMED THE  
LEADERSHIP OF THE NEW SUBCOMMISSION, WHOSE OTHER TWO MEMBERS ARE  
GOVERNMENT CONGRESSMEN RIGOBERTO ESQUERRA AND ALBERTO SATO.  
OPPOSITION MEMBERS OF CONGRESS REFUSED TO JOIN THE SUBCOMMISSION.  
THE GROUP REPORTEDLY MET WITH LA ROSA FOR FOUR HOURS LATE APRIL 11.  
ESPICHAN WHO HAD QUESTIONED LA ROSA'S CREDIBILITY BEFORE MEETING  
WITH HER AND ASSERTED THAT ACCORDING TO MEDICAL REPORTS LA ROSA'S  
INJURIES WERE CAUSED BY A HEART ATTACK AND "FEMALE PROBLEMS,"  
AFFIRMED AFTERWARDS THAT NOW HE DID NOT DOUBT THAT LA ROSA HAD BEEN  
TORTURED. ESPICHAN CALLED FOR AN OPEN PROCESS IN THE MILITARY  
JUSTICE SYSTEM AGAINST THOSE RESPONSIBLE, ADDING THAT THE DOCTOR  
WHO TOLD HIM THAT LA ROSA HAD A HEART ATTACK WAS LYING AND THAT THE  
FACT THAT FOUR OFFICERS HAD BEEN CHARGED DID NOT MEAN THEY WILL BE  
THE ONLY ONES SO CHARGED.

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JUSE-00 L-01 ADS-00 M-00 NSAE-00 NSCE-00 OIC-02  
OMB-01 OPIC-01 PA-00 PM-00 PRS-00 P-00 CIO-00  
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INFO USIA WASHDC 3450  
AMEMBASSY CARACAS

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USCINCSO QUARRY HEIGHTS PM  
AMEMBASSY BOGOTA  
AMEMBASSY LA PAZ

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CIVILIAN PROSECUTION ALSO UNDER WAY  
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12. (C) PERU'S ATTORNEY GENERAL MIGUEL ALJOVIN ANNOUNCED APRIL 9 THAT TRYING MURDER AND TORTURE CASES ARE NOT MILITARY FUNCTIONS AND SHOULD ONLY TAKE PLACE IN CIVILIAN COURTS, EVEN IF CRIMES OCCURRED ON A MILITARY INSTALLATION. ALJOVIN INDICATED THAT THEREFORE, THOSE RESPONSIBLE FOR THE LA ROSA'S TORTURE AND THE MURDER OF BARRETO SHOULD BE TRIED IN CIVILIAN COURT. THE PUBLIC MINISTRY HAS BEGUN INVESTIGATIONS IN BOTH CASES. HOWEVER, THE PROSECUTOR IN LA ROSA'S CASE HAS NOT YET GAINED ACCESS TO HER. AN APRIL 15 PRESS REPORT INDICATED THAT THE MILITARY JUSTICE SYSTEM WILL PERMIT THE CIVILIAN PROSECUTOR TO EVENTUALLY INTERVIEW LA ROSA. IN CASES OF DISPUTED JURISDICTION, THE SUPREME COURT MAKES THE FINAL DETERMINATION. IN PRACTICE, THE MILITARY COURTS WIN ALMOST ALL THE JURISDICTIONAL DISPUTES. (COMMENT: THE LEGAL ARGUMENTS FOR MILITARY JURISDICTION IN THIS CASE SEEMS SOMEWHAT ACADEMIC SINCE BOTH THE VICTIM AND ACCUSED ARE MILITARY AND THE ACT REPORTEDLY TOOK PLACE ON A MILITARY INSTALLATION. THE UNDERLYING ISSUE IS WHETHER THE MILITARY JUSTICE SYSTEM IS CAPABLE OF CONDUCTING A FULL INVESTIGATION AND PURSUING ALL LEADS -- NO MATTER WHICH DIRECTION THEY POINT. END COMMENT.)

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HUMAN RIGHTS OMBUDSMAN  
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13. (C) [REDACTED] INDICATED THAT LA ROSA, WHOM HE

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MET [REDACTED] APPEARED CREDIBLE. WHILE [REDACTED] FAVORED THE MORE

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TRANSPARENT CIVIL COURT TRIAL IN THE LA ROSA TORTURE CASE, HE  
CONCEDED THAT THE PERUVIAN MILITARY HAD A STRONG CASE FOR TRYING  
THOSE RESPONSIBLE IN MILITARY COURTS.

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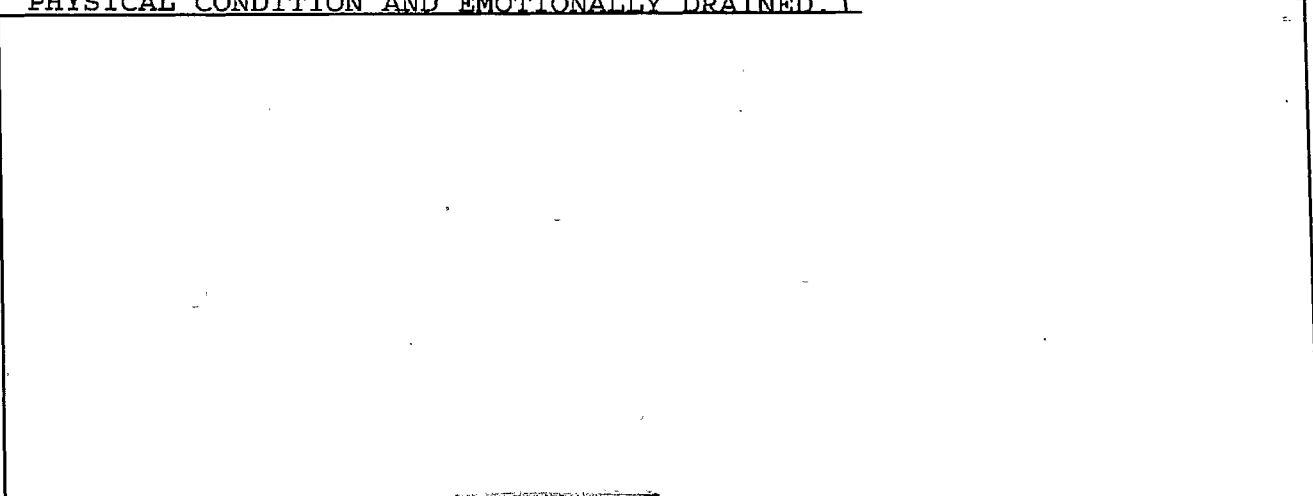
[REDACTED] SAID THAT THOSE RESPONSIBLE FOR TORTURING LA ROSA  
SHOULD BE TRIED IN CIVILIAN COURTS AND NOT MILITARY COURTS SINCE  
THE CHARGES INVOLVED VIOLATIONS OF HUMAN RIGHTS AND NOT CRIMES OF  
A MILITARY NATURE.

-----  
CONGRESSWOMAN MERINO'S INSIGHTS  
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14. [REDACTED] TOLD [REDACTED]  
APRIL 14 THAT LA ROSA APPEARED CREDIBLE TO HER BUT WAS IN POOR  
PHYSICAL CONDITION AND EMOTIONALLY DRAINED.

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REACTION BY PRESIDENT FUJIMORI  
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15. (U) ON APRIL 15, PRESIDENT FUJIMORI IN A PUBLIC STATEMENT MADE  
REFERENCE TO THE TORTURE OF LA ROSA AND THE MURDER OF BARRETO

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SAYING THAT HE "REPUDIATED" THOSE ACTS WHICH HE CONSIDERED "BARBAROUS" AND "ATROCIOUS." THE PRESIDENT EMPHASIZED THAT "SOMETHING SO MONSTROUS IS NOT PART OF THE STATE" AND THAT THERE WOULD BE AN EXHAUSTIVE INVESTIGATION. IN AN EARLIER STATEMENT APRIL 6, FUJIMORI HAD REFUSED TO PASS JUDGMENT ON THE ORIGIN OF LA ROSA'S WOUNDS, SAYING THAT HE PREFERRED TO LEAVE IT TO EXPERTS TO ESTABLISH WHAT HAPPENED.

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COMMENT  
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16. (C) DESPITE A DOCUMENTED DROP IN DISAPPEARANCES, EXTRAJUDICIAL KILLINGS AND OTHER HUMAN RIGHTS VIOLATIONS AS THE PERUVIAN GOVERNMENT GAINED THE UPPER HAND IN THE FIGHT AGAINST TERRORISM, THE USE OF TORTURE BY PERUVIAN SECURITY FORCES REMAINS A SERIOUS IMPEDIMENT TO AN IMPROVEMENT IN THE OVERALL HUMAN RIGHTS SITUATION. THE PERUVIAN MEDIA, INCLUDING NORMALLY PRO-GOVERNMENT

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AMEMBASSY QUITO  
USMISSION GENEVA  
USCINCSO QUARRY HEIGHTS PM  
AMEMBASSY BOGOTA  
AMEMBASSY LA PAZ

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NEWSPAPERS, HAVE EXPRESSED CONSIDERABLE CONCERN ABOUT THE RECENT  
TORTURE CASES, WHICH HAVE DOMINATED THE PRESS FOR A WEEK, AND  
PERUVIANS IN GENERAL ARE DISGUSTED WITH THE REVELATIONS.  
AMBASSADOR JETT SPOKE PUBLICLY APRIL 9 REGARDING THE NEED FOR AN  
OPEN INVESTIGATION INTO THE LA ROSA AND OTHER CASES (REFTEL). THE  
LA ROSA CASE IS ALREADY ANOTHER DEEP STAIN ON THE MILITARY'S  
REPUTATION. WITH SO MUCH SPECULATION IN THE PUBLIC DOMAIN, EVEN A  
CONVICTION OF THE FOUR IN A MILITARY COURT WILL DO LITTLE TO  
REASSURE A SKEPTICAL PUBLIC THAT ALL THOSE INVOLVED ARE BEING  
PUNISHED. EMBASSY WILL CONTINUE TO RAISE OUR CONCERNS BOTH  
PUBLICLY AND PRIVATELY.  
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