

[REDACTED]

n/a

Case Number: S200200010

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ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CIAE-00	C-01	OASY-00
	DODE-00	EB-01	HA-09	H-01	INM-02	INRE-00	INR-01
	IO-19	LAB-04	L-03	ADS-00	NSAE-00	NSCE-00	OIC-02
	OMB-01	PA-01	PM-02	PRS-01	P-01	SIL-00	SNP-00
	SP-00	SR-00	SS-00	STR-17	TRSE-00	T-01	USIE-00
	RPE-00	/087W					

-----8CF968 051551Z /38

P 051548Z JAN 93
 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC PRIORITY 4671
 INFO AMEMBASSY BOGOTA
 AMEMBASSY CARACAS
 AMEMBASSY LA PAZ
 AMEMBASSY QUITO
 AMEMBASSY SAN JOSE
 USCINCSO QUARRY HEIGHTS PM

[REDACTED] SECTION 01 OF 05 LIMA 00065

USCINCSO ALSO FOR POLAD
DEPT. PASS OAS

E.O. 12356: DECL: OADR
 TAGS: PHUM, PREL, PE
 SUBJECT: NINE HUMAN RIGHTS CASES UPDATE

REF: 92 LIMA 4292

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1. SUMMARY: THERE HAS BEEN MIXED PROGRESS IN THE NINE HUMAN RIGHTS CASES IDENTIFIED BY THE U.S. CONGRESS IN ESF AND FMF AID CONDITIONS. THERE HAS BEEN SLOW POSITIVE MOVEMENT IN THE CASES OF CALLAO, CHUSCHI, AND ZACARIAS PASCA, BUT THERE WERE NO CLEAR, DEFINITIVE RESOLUTIONS IN ANY OF THE CASES. THE SUPREME COURT ENDED FORWARD MOVEMENT IN THE BUSTIOS CASE, WHICH MAY NOW BE APPEALED TO THE SAN JOSE INTER-AMERICAN

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COURT. THE GOP'S LAWYER BEFORE THE INTER-AMERICAN COURT ON THE CAYARA MASSACRE CASE IS REPORTEDLY "EMBARRASSING PERU" AND A REPLACEMENT MAY BE REQUESTED. OBTAINING INFORMATION ON THE CASES FROM A RELUCTANT GOVERNMENT REMAINS DIFFICULT AND TIME CONSUMING. END SUMMARY.

NINE CASES UPDATE

2. (U) THE U.S. CONGRESS REQUIRED THAT THE DEPARTMENT CONSULT WITH IT ON PROGRESS OF NINE SPECIFICALLY IDENTIFIED CASES OF HUMAN RIGHTS VIOLATIONS ALLEGEDLY INVOLVING PERUVIAN SECURITY FORCES. BILATERAL MILITARY AND ECONOMIC ASSISTANCE IS LINKED TO THE RESOLUTION OF THESE CASES. THE FOLLOWING IS AN UPDATE ON THE STATUS OF THESE CASES:

3. (U) SANTA BARBARA, HUANCVELICA STATUS:

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CIVILIAN CASE STALLED; STILL "UNDER INVESTIGATION" BY COURT OF FIRST INSTANCE. CIVILIAN CASE WAS OPENED IN FEBRUARY 1992. STATUS OF MILITARY CASE UNKNOWN.

AN ARMY PATROL WAS ACCUSED OF KILLING 14 PEASANTS, INCLUDING WOMEN AND CHILDREN, WHOSE BODIES WERE DISCOVERED IN AN ABANDONED MINE IN SANTA BARBARA, HUANCVELICA. THE VICTIMS HAD BEEN DETAINED ON JULY 14, 1991, BY MEMBERS OF THE ARMY WHO ENTERED THEIR VILLAGE DEMANDING FOOD AND LIVESTOCK.

A MILITARY INVESTIGATION CHARGED LIEUTENANT JAVIER BENDEZU VARGAS AND FIVE NON-COMMISSIONED OFFICERS WITH RESPONSIBILITY AND A CASE WAS OPENED BEFORE THE PERMANENT WAR COUNCIL OF THE SECOND JUDICIAL ZONE. WE HAVE BEEN UNABLE TO ASCERTAIN THE EXACT STATUS OF THE MILITARY TRIAL. ENQUIRIES WITH THE MILITARY AND BY THE FOREIGN MINISTRY HAVE NOT CLARIFIED THE MILITARY

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n/a

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TRIAL SITUATION.

A SEPARATE CASE WAS OPENED IN CIVILIAN COURT ON FEBRUARY 7, 1992, AGAINST THE SIX DEFENDANTS FOR ABUSE OF AUTHORITY, EXTORTION, GENOCIDE, RAPE AND OBSTRUCTION OF JUSTICE. IN AUGUST, THE PROVINCIAL FISCAL REQUESTED A 60-DAY EXTENSION TO FURTHER INVESTIGATE THE CASE. THIS PERIOD HAS NOW EXPIRED BUT THE NATIONAL FISCAL FOR HUMAN RIGHTS EXPECTS THE PROVINCIAL JUDGE AND

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PAGE 04 LIMA 00065 01 OF 05 051550Z FISCAL TO REQUEST MORE TIME TO INVESTIGATE FURTHER. THE DEFENDANTS MAY REQUEST THE SUPREME COURT TO RULE WHETHER A MILITARY OR CIVILIAN COURT HAS JURISDICTION.

4. (U) CALLAO, CALLAO. STATUS: CIVILIAN COURT CASE PROCEEDING; THE JUDGE FOUND THE DEFENDANTS GUILTY AND THE CASE PROCEEDED IN SEPTEMBER 1992 TO THE COURT OF SECOND INSTANCE.

MEDICAL STUDENT CARLOS ALBERTO RODRIGUEZ PIGHI AND TWO TEEN-AGED BROTHERS, SAMUEL AND EMILIO GOMEZ PAQUIYURI, WERE FILMED BEING FORCED INTO THE TRUNKS OF POLICE CARS ON JUNE 23, 1991.

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INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CIAE-00	C-01	OASY-00
	DODE-00	EB-01	HA-09	H-01	INM-02	INRE-00	INR-01
	IO-19	LAB-04	L-03	ADS-00	NSAE-00	NSCE-00	OIC-02
	OMB-01	PA-01	PM-02	PRS-01	P-01	SIL-00	SNP-00
	SP-00	SR-00	SS-00	STR-17	TRSE-00	T-01	USIE-00
	RPE-00	/087W					

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n/a

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n/a

Case Number: S200200010

FM AMEMBASSY LIMA
 TO SECSTATE WASHDC PRIORITY 4672
 INFO AMEMBASSY BOGOTA
 AMEMBASSY CARACAS
 AMEMBASSY LA PAZ
 AMEMBASSY QUITO
 AMEMBASSY SAN JOSE
 USCINCSO QUARRY HEIGHTS PM

[REDACTED] SECTION 02 OF 05 LIMA 00065

USCINCSO ALSO FOR POLAD
 DEPT. PASS OAS

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HOURS LATER, THEIR BODIES WERE DISCOVERED IN THE
 [REDACTED]
 [REDACTED]

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 MORGUE. THEY HAD BEEN KILLED BY GUNSHOTS TO THE
 HEAD.

FOUR POLICE OFFICERS AND FIVE NON-COMMISSIONED
 OFFICER WERE ORIGINALLY CHARGED DURING THE NOW
 CONCLUDED FIRST PHASE OF THE CASE IN A CIVILIAN
 COURT. ON SEPTEMBER 20, 1992, THE PROVINCIAL
 FISCAL AND INSTRUCTIONAL JUDGE (FIRST INSTANCE)
 FOUND SUFFICIENT EVIDENCE OF CULPABILITY TO
 PROCEED AGAINST THE FOUR NON-COMMISSIONED
 OFFICERS (ALL BEING HELD IN MILITARY PRISON) AND
 TWO OF THE FOUR OFFICERS. ONE OFFICER HAS BEEN
 CHARGED BUT IS NOT UNDER DETENTION; THE OTHER IS
 A FUGITIVE. ALL HAVE BEEN DISMISSED FROM THE
 POLICE FORCE. THE CASE IS NOW UNDER REVIEW BY
 THE CALLAO SUPERIOR COURT. THE NATIONAL FISCAL
 FOR HUMAN RIGHTS EXPECTS THE GUILTY VERDICT TO
 BE UPHELD BY THE SUPERIOR COURT IN EARLY 1993 --
 A NORMAL PACE FOR A COURT CASE INVOLVING 13
 ORIGINAL DEFENDANTS AND FACTORING IN CHRISTMAS
 BREAK.

5. [REDACTED] CAYARA, AYACUCHO. STATUS: NO PROGRESS

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n/a

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n/a

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IN PERU; CASE IS BEFORE THE INTER AMERICAN COURT
IN SAN JOSE, COSTA RICA.

ON MAY 15, 1986, THE DAY FOLLOWING A SENDERO
AMBUSH WHICH KILLED 4 SOLDIERS AND INJURED 15,
THE MILITARY ALLEGEDLY ENTERED CAYARA AND
ROUNDED UP AND KILLED AT LEAST 28 VILLAGERS.
EFFORTS OF THE CIVILIAN SPECIAL PROSECUTOR TO

[REDACTED]

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INVESTIGATE THE CASE WERE FRUSTRATED, CIVILIAN
WITNESSES WERE KILLED, AND THE CASE DISCONTINUED
BY THE SUPREME COUNCIL OF MILITARY JUSTICE IN
JANUARY 1991.

THIS CASE IS NOW BEFORE THE INTER-AMERICAN COURT
OF HUMAN RIGHTS. THE PERUVIAN JUDICIAL SYSTEM
CURRENTLY ALLOWS APPEAL TO THE INTER-AMERICAN
COURT, AND THE GOVERNMENT OF PERU IS OBLIGATED
BY CONVENTION TO ENFORCE THE JUDGMENTS OF THE
COURT. GEN. VALDIVIA DUENAS, THEN POLITICAL
COMMANDER IN AYACUCHO AND UNTIL DECEMBER 1992
CHIEF OF STAFF OF THE ARMED FORCES, IS TIED TO
THE CASE AND HUMAN RIGHTS ACTIVISTS DOUBT THE
GOP WILL ACCEPT A GUILTY VERDICT AGAINST
VALDIVIA FROM THE INTER-AMERICAN COURT. GEN
VALDIVIA WAS REPORTEDLY RETIRED EARLY FROM
ACTIVE DUTY IN DECEMBER 1992, BUT HE IS
RESISTING GOP EFFORTS TO REMOVE HIM FROM PERU TO
AN ASSIGNMENT IN WASHINGTON.

IN OCTOBER, 1992, PRESIDENT ALBERTO FUJIMORI
ANNOUNCED GOP INTENTIONS TO WITHDRAW FROM THE
SAN JOSE TREATY, BUT HAS APPARENTLY ABANDONED
THESE PLANS. (FUJIMORI'S ANNOUNCED PLAN TO
WITHDRAW FROM THE COURT THEORETICALLY WOULD NOT
HAVE AFFECTED CASES ALREADY BEFORE THE
INTER-AMERICAN COURT.)

HUMAN RIGHTS SOURCES TOLD US IN LATE OCTOBER
THAT THE GOP'S DESIGNATED REPRESENTATIVE BEFORE

[REDACTED]

n/a

[REDACTED]

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THE INTER-AMERICAN COURT WAS "EMBARRASSING PERU"
AND HAS BADGERED THE COURT TO THE POINT OF
INTERFERING WITH THE CASE. THE COURT REPORTEDLY
MAY ASK THE GOP TO REPLACE ITS REPRESENTATIVE.
EMBASSY SAN JOSE MAY HAVE A BETTER READOUT ON
WHEN THE INTER-AMERICAN COURT IS LIKELY TO ISSUE
A DECISION.

6. (U) HUGO BUSTIOS, AYACUCHO. STATUS:
SUPREME COURT UPHELD DEFENDANTS' APPEAL OF
DOUBLE JEOPARDY AND THE PERUVIAN LEGAL PROCESS
HAS ENDED. CASE MAY BE TAKEN TO THE
INTER-AMERICAN COURT OF JUSTICE.

HUGO BUSTIOS, A JOURNALIST EMPLOYED BY CARETAS
MAGAZINE WAS KILLED IN NOVEMBER 1988, ALLEGEDLY

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	IO-19	LAB-04	L-03	ADS-00	NSAE-00	NSCE-00	OIC-02
	OMB-01	PA-01	PM-02	PRS-01	P-01	SIL-00	SNP-00
	SP-00	SR-00	SS-00	STR-17	TRSE-00	T-01	USIE-00
	RPE-00	/087W					

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P 051548Z JAN 93
FM AMEMBASSY LIMA
TO SECSTATE WASHDC PRIORITY 4673
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY QUITO
AMEMBASSY SAN JOSE
USCINCSO QUARRY HEIGHTS PM

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USCINCSO ALSO FOR POLAD

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BY TWO ARMY OFFICERS, LT. COL. VICTOR LA VERA
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[REDACTED]

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HERNANDEZ AND CAPT. AMADOR VIDAL SAMBEDTO. BOTH
WERE ACQUITTED BY THE SUPREME COUNCIL OF
MILITARY JUSTICE ON JUNE 26, 1991. A PARALLEL
CIVILIAN COURT CASE IN HUANTA ENDED IN OCTOBER
1992 WHEN THE SUPREME COURT IN LIMA DISMISSED
THE CASE IN CIVILIAN COURT BASED ON DOUBLE
JEOPARDY. ALL PERUVIAN COURT PROCEDURES HAVE
BEEN EXHAUSTED AND THE ONLY RECOURSE IS TO THE
INTER-AMERICAN COURT OF HUMAN RIGHTS.

7. [REDACTED] VILCASHUAMAN, AYACUCHO. STATUS: THE
NATIONAL FISCAL FOR HUMAN RIGHTS INDICATED
BALDEON APPARENTLY DIED OF A HEART ATTACK. A
LEGAL CASE HAS NOT BEEN OPENED, BUT POLICE HAVE
BEEN ASKED TO INVESTIGATE FURTHER.

ON SEPTEMBER 25, 1990, AN ARMY UNIT FROM THE
ACCOMARCA BASE ENTERED THE VILLAGE OF
VILCASHUAMAN AND DETAINED FOUR VILLAGERS,
INCLUDING BERNABE BALDEON. THEY WERE REMOVED TO
ANOTHER VILLAGE WHERE FIVE MORE PERSONS WERE
DETAINED. ALL WERE ALLEGEDLY TORTURED, AND
BALDEON WAS ALLEGED TO HAVE DIED AS A RESULT OF
THE TORTURE.

THE ARMY HAS ACKNOWLEDGED THAT BALDEON WAS
DETAINED, BUT DENIES HAVING TORTURED HIM AND
MAINTAINS THAT HE DIED OF A HEART ATTACK WHILE
IN CUSTODY. THE NATIONAL FISCAL FOR HUMAN
RIGHTS CONFIRMED THAT THE DEATH CERTIFICATE
INDICATED A HEART ATTACK AS THE CAUSE OF DEATH
[REDACTED]
[REDACTED]

n/a
[REDACTED]

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AND ALSO CONFIRMED THAT TWO OF BALDEON'S
RELATIVES, DETAINED ALONG WITH BALDEON, HAD
LATER BEEN RELEASED BY THE MILITARY.

THE HUMAN RIGHTS FISCAL PRIVATELY ADDED THAT IT
WAS UNLIKELY THE MILITARY WOULD HAVE LET THE
RELATIVES GO IF THEY HAD KILLED BALDEON. HE
ALSO NOTED THAT THERE ALLEGEDLY WERE SEVEN OTHER
PERSONS KILLED ALONG WITH BALDEON AND THAT NONE
OF THEIR ALLEGED VICTIM'S RELATIVES HAD FILED
COMPLAINTS. THE LACK OF FORMAL CHARGES OR MORE
TANGIBLE EVIDENCE OF FOUL PLAY PRECLUDE A LEGAL
CASE AT THIS STAGE.

8. (U) ZACARIAS PASCA HUAMANI AND MARCELINO
VALENCIA ALVARO, SANTO TOMAS, CUZCO. STATUS:
MILITARY TRIAL AGAINST ONE POLICEMAN CONTINUES;
THE POLICE OFFICER REMAINS AT LARGE.

FIVE DAYS AFTER THEIR DETENTION ON SUSPICION OF
TERRORISM BY UNIDENTIFIED GUARDS ON SEPTEMBER
24, 1990, THE TORTURED BODIES OF UNIVERSITY
STUDENT ZACARIAS PASCA HUAMANI AND PROFESSOR
MARCELINO VALENCIA ALVARO WERE EXHUMED FROM THE
GROUNDS OF THE LOCAL POLICE STATION IN SANTO
TOMAS, CUZCO DEPARTMENT.

THE MINISTRY OF INTERIOR CONFIRMED THAT POLICE
LT. MIGUEL ANGEL ALVA QUIROZ AND POLICEMEN GUIDO
HUALLPA ROCA DETAINED VALENCIA AND PASCA ON
SUSPICION OF TERRORISM. IN MARCH 1991, A

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[REDACTED]

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CIVILIAN JUDGE REFUSED TO ACCEPT THE CASE,
DECLINED JURISDICTION AND REFERRED IT TO THE
MILITARY COURTS. ALVA, HUALLPA AND POLICEMEN
MOISES SUTA VERA, JORGE MALDONADO ARRARTE, AND
ALBERTO BARDON HUAYHUA WERE CHARGED IN MILITARY
COURT ON SEPTEMBER 30, 1990 WITH THE MURDERS OF
VALENCIA AND PASCA. LT. ALVA FLED PROSECUTION
ON OCTOBER 30, 1990 AND REMAINS AT LARGE.
HUALLPA IS CURRENTLY UNDER DETENTION AND FACES A
POSSIBLE 25 YEAR SENTENCE. IT IS NOT KNOWN IF

n/a
[REDACTED]

[REDACTED]

n/a

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THE OTHER ACCUSED ARE UNDER DETENTION. THE MILITARY COURT FOUND NO MERIT TO THE CASE AGAINST SUTA. HE REMAINS IN PRISON AWAITING TRIAL IN A CIVILIAN COURT IN AN UNCONNECTED CASE. INFORMATION FROM THE MFA CURIOUSLY INDICATES THAT THE MINISTRY OF DEFENSE REPORTS

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	SP-00	SR-00	SS-00	STR-17	TRSE-00	T-01	USIE-00
	RPE-00	/087W					

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P 051548Z JAN 93
FM AMEMBASSY LIMA
TO SECSTATE WASHDC PRIORITY 4674
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY QUITO
AMEMBASSY SAN JOSE
USCINCSO QUARRY HEIGHTS PM

[REDACTED] SECTION 04 OF 05 LIMA 00065

USCINCSO ALSO FOR POLAD
DEPT. PASS OAS

E.O. 12356: DECL: OADR
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THE CASE IS "NOT UNDER (THEIR) RESPONSIBILITY."

[REDACTED]

n/a

[REDACTED]

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n/a

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THE MILITARY COURTS ARE UNDER THE DEFENSE
MINISTRY. THIS DISCREPANCY HAS NOT BEEN
EXPLAINED.

9. (U) IQUICHA, AYACUCHO. STATUS: LOCAL
RONDERO LEADERS CHARGED IN JANUARY 1992 IN
CONNECTION WITH THE MASSACRE WERE FOUND NOT
GUILTY. THE DECISION IS UNDER REVIEW BY THE
AYACUCHO SUPERIOR COURT. HOWEVER, NO FORMAL
APPEAL HAS YET BEEN FILED.

SIXTEEN CAMPESINOS WERE ALLEGEDLY KILLED BY
SECURITY FORCES ON AUGUST 21, 1990. THE
MINISTRY OF DEFENSE CONTINUES TO DENY THE
PRESENCE OF ANY MILITARY UNIT IN THE AREA OF
IQUICHA ON THE DATE IN QUESTION AND HAS PROVIDED
SWORN STATEMENTS FROM LOCAL OFFICIALS SUPPORTING
THIS CLAIM. LOCAL CIVIL DEFENSE LEADERS FELIX
SANTIAGO CAHUANA, LORENZO PURO QUISPE, AND
MARCELINO ROMANI MAURI WERE IMPLICATED BY
EYEWITNESSES IN THE MASSACRE AND THE FISCAL
CHARGED PURO AND ROMANI WITH HOMICIDE IN 1991.
ON SEPTEMBER 3, 1992, THE HUAMANGA PROVINCIAL
COURT FOUND BOTH DEFENDANTS NOT GUILTY. NO
APPEAL HAS BEEN MADE AS YET.

10. (U) CHUSCHI, AYACUCHO. STATUS: FOUR
POLICEMEN, INCLUDING ONE OFFICER, WERE CHARGED
IN MAY 1992 WITH THE MURDERS OF FOUR VILLAGERS;
NONE OF THE POLICEMEN ARE IN CUSTODY. THE CASE
REMAINS IN THE EARLY INVESTIGATIVE PHASE.

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[REDACTED]
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ON MARCH 14, 1991, A MILITARY PATROL ALLEGEDLY
MURDERED FOUR VILLAGE LEADERS, INCLUDING THE
MAYOR, OF CHUSCHI, AYACUCHO, BECAUSE THE FOUR
REFUSED TO JOIN THE CIVIL PATROL ORGANIZATION.
WITNESSES ALLEGE THAT THE FOUR WERE TAKEN BY 25
SOLDIERS TO THE MILITARY BASE AT PAMPA CANGALLO.

THE MINISTRY OF DEFENSE STATED THAT ON MARCH 15,
1991, A GROUP OF VILLAGERS REPORTED TO THE

n/a
[REDACTED]

[REDACTED]

n/a

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MILITARY CONTROL POST IN CHUSCHI THAT ON MARCH 14 UNIDENTIFIED ARMED PERSONS HAD TAKEN DISTRICT MAYOR MANUEL PAYCO CHAUPIN, COUNCIL SECRETARY MARTIN CAYLLAHUA GALINDO, MARCHE CABANA TUCNO AND ISAIAS HUAMAN VILCA FROM THEIR HOMES. THE MOD DENIED THE MILITARY EVER HAD THESE MEN UNDER THEIR CUSTODY.

FORMAL CHARGES WERE FILED IN CIVILIAN COURT ON MAY 12, 1992, BY THE PROVINCIAL FISCAL IN CANGALLO, AYACUCHO AGAINST POLICE SUB LT. LUIS JUAREZ ASPIRO (AKA LARGO), AND POLICEMEN DOMINGO MORALES AMPUDIO, STALIN RIVERA HERRERA, AND JOSE LEYVA CASAVARDE. WHILE ARREST ORDERS WERE ISSUED FOR THE FOUR POLICEMEN, THEY DO NOT APPEAR TO HAVE BEEN DETAINED. ONE OF THEM WAS TRANSFERRED TO A POLICE STATION IN LIMA'S UP-SCALE MIRAFLORES DISTRICT.

11. (U) FERNANDO MEJIA EGOICHEAGA, OXAPAMPA, PASCO. STATUS: A FORMER SUB-PREFECT WAS FOUND

[REDACTED]

PAGE 04 LIMA 00065 04 OF 05 051553Z GUILTY IN CIVILIAN COURT; NO NEW INFORMATION ON STATUS OF TRIAL AGAINST ARMY PERSONNEL IN MILITARY COURTS.

ON JUNE 15, 1989, UNIDENTIFIED SOLDIERS ALLEGEDLY ENTERED THE HOME OF FERNANDO MEJIA EGOICHEAGA IN OXAPAMPA PASCO. MEJIA, A LAWYER AND HUMAN RIGHTS ACTIVIST WAS DETAINED IN THE PRESENCE OF HIS WIFE AND SMALL DAUGHTER. HIS WIFE WAS REPORTEDLY RAPED AND HIS DAUGHTER MISTREATED. MEJIA WAS TAKEN AWAY BY THE MEN AND HIS BODY AND THAT OF ALBINO MELGAREJO WERE FOUND LATER BY CAMPESINOS. BOTH BODIES HAD GUNSHOT WOUNDS AND SHOWED SIGNS OF TORTURE.

MEJIA'S WIDOW FILED CHARGES WITH THE PROVINCIAL

[REDACTED]

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n/a
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[REDACTED]

n/a

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	SP-00	SR-00	SS-00	STR-17	TRSE-00	T-01	USIE-00
	RPE-00	/087W					

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P 051548Z JAN 93
 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC PRIORITY 4675
 INFO AMEMBASSY BOGOTA
 AMEMBASSY CARACAS
 AMEMBASSY LA PAZ
 AMEMBASSY QUITO
 AMEMBASSY SAN JOSE
 USCINCSO QUARRY HEIGHTS PM

[REDACTED] SECTION 05 OF 05 LIMA 00065

USCINCSO ALSO FOR POLAD
DEPT. PASS OAS

E.O. 12356: DECL: OADR
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 SUBJECT: NINE HUMAN RIGHTS CASES UPDATE

FISCAL FOR THE ABDUCTION AND EXTRAJUDICIAL

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 EXECUTION OF HER HUSBAND. AT THE TIME, THE
 FISCAL ELECTED NOT TO MOVE FORWARD WITH THE CASE
 SINCE THE PERPETRATORS COULD NOT BE POSITIVELY
 IDENTIFIED. HOWEVER, IN JANUARY, 1991, THE
 FISCAL IN THE STALLED CIVILIAN COURT CASE ISSUED
 A DETENTION ORDER AGAINST JULIO ARIAS
 DORREGARAY, MAYOR OF OXAPAMPA AND A FORMER
 SUB-PREFECT. ARIAS HAD ALLEGEDLY THREATENED
 MEJIA FOR UNKNOWN REASONS SHORTLY BEFORE HIS
 MURDER, AND WAS SUSPECTED OF HAVING INSTIGATED

n/a

[REDACTED]

[REDACTED]
n/a

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THE ATTACK ON MEJIA.

ON JUNE 30 1992 THE FISCAL FOUND ARIAS GUILTY AND THE CASE WAS PASSED ONTO THE SUPERIOR COURT FOR REVIEW. ARIAS WAS TRIED IN ABSENTIA AND AN ORDER FOR HIS ARREST ISSUED. HE HAS NOT BEEN DETAINED. ARIAS COULD BE SENTENCED TO SIX TO 20 YEARS IF THE SUPERIOR COURT UPHOLDS THE LOWER COURT'S FINDINGS. A RULING IS NOT ANTICIPATED UNTIL EARLY 1993.

AT THE REQUEST OF THE LOCAL MILITARY COMMANDER, THE CASE AGAINST THE IMPLICATED MILITARY PERSONNEL WAS TRANSFERRED TO THE MILITARY COURT SYSTEM. THE CURRENT STATUS OF THE MILITARY PROCEEDINGS ARE NOT KNOWN.

MRS. MEJIA SUBSEQUENTLY RECEIVED POLITICAL ASYLUM IN SWEDEN. SHE WAS INCLUDED IN A LIST OF SUPPOSED SENDERO LUMINOSO "AMBASSADORS" LIVING OVERSEAS. HUMAN RIGHTS GROUPS NOTE THAT HER

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[REDACTED]

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HUSBAND HAD BEEN A MEMBER OF FAR LEFT UNIR POLITICAL PARTY (WHICH IS OPPOSED TO SENDERO LUMINOSO) AND REJECT MRS. MEJIA ASSOCIATION WITH SL. HUMAN RIGHTS GROUPS TRACKING THE CASE ALSO SAID THAT MRS. MEJIA DID NOT MAKE FORMAL CHARGES REGARDING HER RAPE BEFORE LEAVING THE COUNTRY. THUS THIS ALLEGATION IS NOT PART OF PERUVIAN LEGAL PROCEEDINGS.

12. COMMENT: TO DATE, THERE HAS BEEN VERY LIMITED PROGRESS ON THE NINE CASES. THERE IS ALSO A MARKED LACK OF FORMAL OR INFORMAL COOPERATION BY THE PERUVIAN GOVERNMENT WITH THE EMBASSY IN ASCERTAINING THE STATUS OF THESE CASES. THERE IS LITTLE DETECTABLE INTEREST IN BRINGING THE CASES TO A JUST AND SPEEDY CONCLUSION. IN REPEATED MEETINGS WITH POLOFF, THE CURRENT HEAD OF THE MILITARY'S OFFICE FOR HUMAN RIGHTS WAS TOTALLY UNINFORMED AND UNINTERESTED IN ASSISTING EMBASSY ENQUIRIES. A NEW OFFICE HEAD MAY PROVE MORE FORTHCOMING ON

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CURRENT AND FUTURE CASES, BUT THE MILITARY
CONSIDERS THESE EIGHT CASES INVOLVING THEM
CLOSED. THEY ARE NOT INTERESTED IN RESURRECTING
THE PAST. ASSISTANCE FROM THE CIVILIAN SIDE OF
THE GOVERNMENT HAS NOT BEEN MUCH BETTER. THE
MINISTRY OF FOREIGN AFFAIRS' HUMAN RIGHTS OFFICE
TOOK OVER SIX WEEKS TO RESPOND TO REPEATED
EMBASSY REQUESTS FOR INFORMATION AND
ASSISTANCE. BRAYSHAW##

[REDACTED]
[REDACTED]

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