

[REDACTED]  
n/a  
Case Number: S200200010

RELEASED IN FULL

PAGE 01 LIMA 05501 01 OF 07 141444Z  
ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CIAE-00	C-01	OASY-00
	DODE-00	DOEE-00	EB-01	HA-09	H-01	INM-02	TEDE-00
	INR-00	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-16	TRSE-00	T-00
	USIE-00	RPE-01	/085W				

-----BFA935 141446Z /38

P 141441Z MAY 93  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC PRIORITY 8323  
INFO AMEMBASSY BOGOTA  
AMEMBASSY CARACAS  
AMEMBASSY LA PAZ  
AMEMBASSY QUITO  
AMEMBASSY SAN JOSE  
USMISSION GENEVA  
USCINCSO QUARRY HEIGHTS PM

[REDACTED] SECTION 01 OF 07 LIMA 05501

USCINCSO ALSO FOR POLAD  
DEPT ALSO PASS OAS

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

PAGE 02 LIMA 05501 01 OF 07 141444Z  
REF: A. LIMA 65 (NOTAL),  
- B. LIMA 1798 (NOTAL),  
- C. LIMA 1796

1. [REDACTED] SUMMARY: OF THE NINE HUMAN RIGHTS CASES  
IN PERU IDENTIFIED BY THE U.S. CONGRESS FOR THE  
RELEASE OF 1991 ESF AND FMF FUNDS, ONLY FOUR  
REMAIN REALISTICALLY WITHIN THE SCOPE OF THE  
PERUVIAN LEGAL SYSTEM. OF THESE, ONE IS NEAR  
POSITIVE RESOLUTION (CALLAO), TWO ARE PROCEEDING

n/a  
[REDACTED]

[REDACTED]  
n/a

Case Number: S200200010

SLOWLY WITH MIXED RESULTS (PASCA/VALENCIA AND MEJIA) AND ONE SHOWS NO PROGRESS AT ALL (CHUSCHI). AS FOR THE REMAINING FIVE CASES NO LONGER WITHIN THE PERUVIAN LEGAL SYSTEM: ONE CASE WAS RESOLVED WITH A CONVICTION (SANTA BARBARA), ONE CASE APPARENTLY HAS NO MERIT FOR PROSECUTION (VILCASHUMAN), TWO CASES HAVE EXHAUSTED ALL LEGAL RECOURSE IN PERU (IQUICHA AND BUSTIOS), AND ONE HAS EXHAUSTED ALL LEGAL RECOURSE BEFORE THE INTER-AMERICAN COURT (CAYARA). OBTAINING INFORMATION ON THE CASES FROM A RELUCTANT GOVERNMENT REMAINS DIFFICULT AND TIME CONSUMING. END SUMMARY.

UPDATE OF CASES  
-----

2. (U) THE U.S. CONGRESS REQUIRED THAT 1991 ESF AND FMF BE CONDITIONED ON PROGRESS IN NINE SPECIFIC HUMAN RIGHTS CASES. FOLLOWING IS AN UPDATE ON THE STATUS OF EACH CASE:

[REDACTED]  
[REDACTED]

PAGE 03            LIMA 05501 01 OF 07 141444Z

3. (U) SANTA BARBARA, HUANCVELICA. STATUS: ARMY LT. JAVIER BENDEZU VARGAS WAS CONVICTED BY A MILITARY COURT IN FEBRUARY 1993 FOR HIS PART IN THE MASSACRE. HE WAS SENTENCED TO TEN YEARS IN PRISON (REF B). THIS WAS THE FIRST TIME IN THE THIRTEEN YEARS OF THE WAR THAT AN ARMY OFFICER HAS BEEN SENTENCED TO PRISON FOR KILLING INNOCENT PERSONS DURING A MILITARY OPERATION.

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

BENDEZU WAS CONVICTED IN THE MILITARY COURT FOR LEADING THE PARTY THAT COMMITTED THE MASSACRE. THE CIVILIAN CASE REPORTEDLY WAS DROPPED.

[REDACTED]  
n/a

[REDACTED]

n/a

Case Number: S200200010

4. [REDACTED] CALLAO, CALLAO. STATUS: CIVILIAN COURT PROCEEDINGS STILL UNDERWAY; A JUDGE FOUND THE DEFENDANTS GUILTY IN THE COURT OF FIRST INSTANCE IN SEPTEMBER 1992, AND THE CASE PROCEEDED TO THE SUPERIOR COURT, WHICH HAS YET TO ISSUE A DECISION.

MEDICAL STUDENT CARLOS ALBERTO RODRIGUEZ PIGHI AND TWO TEEN-AGED BROTHERS SAMUEL AND EMILIO

[REDACTED]

PAGE 04 LIMA 05501 01 OF 07 141444Z GOMEZ PAQUIYAURI, WERE FILMED BEING FORCED INTO THE TRUNKS OF POLICE CARS ON JUNE 23, 1991. HOURS LATER, THEIR BODIES WERE DISCOVERED IN THE MORGUE. THEY HAD BEEN KILLED BY GUNSHOTS TO THE HEAD.

FOUR POLICE OFFICERS AND FIVE NON-COMMISSIONED OFFICERS WERE ORIGINALLY CHARGED DURING THE NOW-CONCLUDED FIRST PHASE OF THE CASE IN A CIVILIAN COURT. ON SEPTEMBER 20, 1992, THE PROVINCIAL DISTRICT ATTORNEY AND LOWER-COURT JUDGE FOUND SUFFICIENT EVIDENCE OF CULPABILITY TO PROCEED AGAINST FOUR NON-COMMISSIONED OFFICERS (ALL BEING HELD IN A MILITARY PRISON) AND TWO OF THE FOUR

[REDACTED]

NNNN

[REDACTED]

PAGE 01 LIMA 05501 02 OF 07 141446Z ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CIAE-00	C-01	OASY-00
	DODE-00	DOEE-00	EB-01	HA-09	H-01	INM-02	TEDE-00
	INR-00	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-16	TRSE-00	T-00
	USIE-00	RPE-01	/085W				

-----BFA964 141446Z /38

P 141441Z MAY 93 FM AMEMBASSY LIMA

n/a

[REDACTED]

[REDACTED]

n/a

Case Number: S200200010

TO SECSTATE WASHDC PRIORITY 8324  
INFO AMEMBASSY BOGOTA  
AMEMBASSY CARACAS  
AMEMBASSY LA PAZ  
AMEMBASSY QUITO  
AMEMBASSY SAN JOSE  
USMISSION GENEVA  
USCINCSO QUARRY HEIGHTS PM

[REDACTED]

SECTION 02 OF 07 LIMA 05501

USCINCSO ALSO FOR POLAD  
DEPT ALSO PASS OAS

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

[REDACTED]  
[REDACTED]

PAGE 02 LIMA 05501 02 OF 07 141446Z  
OFFICERS. ONE OFFICER WAS CHARGED BUT NOT PLACED  
UNDER DETENTION; THE OTHER IS A FUGITIVE. ALL  
HAVE BEEN DISMISSED FROM THE POLICE FORCE. IN  
EARLY 1993, THE CASE WAS REVIEWED AND THE GUILTY  
VERDICT RATIFIED BY THE SUPERIOR COURT; HOWEVER,  
A SUPREME COURT PROSECUTOR DISCOVERED A  
PROCEDURAL ERROR AND ORDERED THAT THE SUPERIOR  
COURT'S REVIEW BE REDONE. CURRENTLY, THE CASE  
IS STILL UNDER REVIEW BY THE CALLAO SUPERIOR  
COURT. THE NATIONAL HUMAN RIGHTS PROSECUTOR  
BELIEVES THE SUPERIOR AND SUPREME COURTS WILL  
UPHOLD THE CONVICTIONS, PERHAPAS WITHIN THE NEXT  
FEW MONTHS DEPENDING ON THE COURT'S DOCKET.

5. [REDACTED] CAYARA, AYACUCHO. STATUS: THE CASE WAS  
CLOSED IN PERU WITH NO INDICTMENTS. THE INTER-  
AMERICAN HUMAN RIGHTS COURT DISMISSED THE CASE IN  
FEBRUARY 1993 BECAUSE OF "PROCEDURAL ERRORS" BY  
THE PLAINTIFFS (REF C); IT NEVER RULED ON THE  
SUBSTANCE OF THE CASE. THE INTER-AMERICAN HUMAN  
RIGHTS COMMISSION PLANS TO DELIVER A REPORT ON  
THE CASE TO THE OAS IN JUNE 1993, IN THE HOPES  
THAT THE OAS MAY PRESSURE THE GOP INTO RE-OPENING  
THE CASE AND PAYING DAMAGES TO RELATIVES OF THE

n/a

[REDACTED]

[REDACTED]  
n/a

Case Number: S200200010

## MASSACRE VICTIMS.

ON MAY 15, 1988, THE DAY AFTER A SENDERO LUMINOSO AMBUSH WHICH KILLED FOUR SOLDIERS AND INJURED FIFTEEN, AN ARMY PATROL ALLEGEDLY ENTERED CAYARA AND ROUNDED UP AND KILLED AT LEAST 28 VILLAGERS. EFFORTS OF THE CIVILIAN SPECIAL PROSECUTOR TO

[REDACTED]

PAGE 03 LIMA 05501 02 OF 07 141446Z  
INVESTIGATE THE CASE WERE FRUSTRATED, CIVILIAN WITNESSES WERE KILLED, AND THE CASE WAS DISCONTINUED BY THE SUPREME COUNCIL OF MILITARY JUSTICE IN JANUARY 1991.

THE REASONS FOR THE INTER-AMERICAN COURT OF HUMAN RIGHT'S DECISION TO DECLARE THE CASE INADMISSABLE ARE COMPLEX, BUT THE COURT RULED ONLY ON PROCEDURAL ERRORS BY THE PLAINTIFFS' LAWYER AND NOT ON THE SUBSTANCE OF THE CASE. THERE ARE NO MORE LEGAL AVENUES TO RESOLVE THE CASE. THE ONLY HOPE OF THE VICTIMS' FAMILIES AND HUMAN RIGHTS GROUPS IS THAT THE OAS WILL BE ABLE TO APPLY SUFFICIENT PRESSURE ON PERU SO THAT IT WILL RE-OPEN THE CASE IN PERU, PUNISH THOSE RESPONSIBLE AND PAY REPARATIONS TO THE VICTIMS' SURVIVORS.

GENERAL JOSE VALDIVIA DUENAS, WHO WAS POLITICAL COMMANDER IN AYACUCHO AT THE TIME OF THE MASSACRE AND LATER BECAME CHAIRMAN OF THE JOINT FORCES COMMAND, WAS ASSIGNED IN EARLY 1993 TO REPRESENT PERU AT THE INTER-AMERICAN DEFENSE BOARD IN WASHINGTON.

6. [REDACTED] HUGO BUSTIOS, AYACUCHO. STATUS: SUPREME COURT UPHELD DEFENDANTS' APPEAL OF DOUBLE JEOPARDY AND THE PERUVIAN LEGAL PROCESS HAS ENDED. THE CASE IS REPORTEDLY BEING REVIEWED BY THE INTER-AMERICAN HUMAN RIGHTS COMMISSION WITH A VIEW TOWARD TAKING IT TO THE

[REDACTED]

[REDACTED]

n/a

[REDACTED]

n/a

Case Number: S200200010

PAGE 04 LIMA 05501 02 OF 07 141446Z  
INTER-AMERICAN HUMAN RIGHTS COURT.

HUGO BUSTIOS, A JOURNALIST EMPLOYED BY "CARETAS" MAGAZINE, WAS KILLED IN NOVEMBER 1988, ALLEGEDLY BY TWO ARMY OFFICERS, LT. COL. VICTOR LA VERA HERNANDEZ AND CAPT. AMADOR VIDAL SAMBENTO. BOTH WERE ACQUITTED BY THE SUPREME COUNCIL OF MILITARY JUSTICE ON JUNE 26, 1991. A PARALLEL CIVILIAN COURT CASE BEGUN IN HUANTA ENDED IN OCTOBER 1992 WHEN THE SUPREME COURT IN LIMA DISMISSED THE CASE BASED ON DOUBLE JEOPARDY.

A WITNESS IN THE CASE WAS SHOT BY UNIDENTIFIED PERSONS A FEW MONTHS AFTER BUSTIOS' DEATH; THE WITNESS WAS HOSPITALIZED AND RECOVERED FROM THE WOUNDS. HE WAS, HOWEVER, INFECTED WITH THE HIV VIRUS FROM A BLOOD TRANSFUSION IN THE HOSPITAL AND DIED IN 1990.

ALL PERUVIAN COURT PROCEDURES HAVE BEEN EXHAUSTED AND THE ONLY RECOURSE IS TO THE INTER-

[REDACTED]

NNNN

[REDACTED]

PAGE 01 LIMA 05501 03 OF 07 141447Z  
ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CIAE-00	C-01	OASY-00
	DODE-00	DOEE-00	EB-01	HA-09	H-01	INM-02	TEDE-00
	INR-00	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-16	TRSE-00	T-00
	USIE-00	RPE-01	/085W				

-----BFA99C 141447Z /38

P 141441Z MAY 93  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC PRIORITY 8325  
INFO AMEMBASSY BOGOTA  
AMEMBASSY CARACAS  
AMEMBASSY LA PAZ  
AMEMBASSY QUITO  
AMEMBASSY SAN JOSE

n/a  
[REDACTED]

[REDACTED]

n/a

Case Number: S200200010

USMISSION GENEVA  
USCINCSO QUARRY HEIGHTS PM

[REDACTED] SECTION 03 OF 07 LIMA 05501

USCINCSO ALSO FOR POLAD  
DEPT ALSO PASS OAS

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

[REDACTED]  
[REDACTED]

PAGE 02 LIMA 05501 03 OF 07 141447Z  
AMERICAN HUMAN RIGHTS COMMISSION/COURT SYSTEM.  
PERU'S NATIONAL HUMAN RIGHTS COORDINATOR  
(COORDINADORA), WHICH TOOK THE CASE TO THE INTER-  
AMERICAN COMMISSION, TELLS US THAT IT IS UNCLEAR  
WHETHER THE COMMISSION WILL PROCEED TO THE COURT.

7. [REDACTED] VILCASHUAMAN, AYACUCHO. STATUS: NO  
COURT PROCEEDINGS HAVE EVER BEEN OPENED IN THE  
CASE. THE PUBLIC PROSECUTOR WAS REPORTEDLY  
SATISFIED THAT THE ALLEGED VICTIM DIED OF A  
HEART ATTACK.

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 ACKNOWLEDGED THAT BALDEON WAS DETAINED,  
BUT DENIES HAVING TORTURED HIM AND MAINTAINS  
THAT HE DIED OF A HEART ATTACK AFTER HIS RELEASE  
(NOT DURING HIS DETENTION, AS WAS ERRONEOUSLY  
REPORTED IN REF A). THE NATIONAL HUMAN RIGHTS  
PROSECUTOR HAS CONFIRMED THAT THE AUTOPSY  
CONCLUDED THAT THE CAUSE OF DEATH WAS A HEART  
ATTACK AND THAT THE BODY SHOWED NO SIGNS OF  
TORTURE. THE LACK OF FORMAL CHARGES OR MORE

n/a

[REDACTED]

[REDACTED]  
n/a

Case Number: S200200010

TANGIBLE EVIDENCE OF FOUL PLAY PRECLUDE A LEGAL

[REDACTED]  
[REDACTED]  
PAGE 03 LIMA 05501 03 OF 07 141447Z  
CASE AT THIS TIME.

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 AND PROFESSOR MARCELINO VALENCIA 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 POLICEMAN GUIDO HUALLPA ROCA DETAINED VALENCIA AND PASCA ON SUSPICION OF TERRORISM. IN MARCH 1991, A 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 ARRATE 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. WE HAVE BEEN UNABLE TO FIND OUT IF THE OTHER ACCUSED ARE UNDER DETENTION. THE MILITARY COURT FOUND NO MERIT TO THE CASE AGAINST SUTA, WHO REMAINS IN PRISON AWAITING

[REDACTED]  
[REDACTED]  
PAGE 04 LIMA 05501 03 OF 07 141447Z  
TRIAL IN AN UNRELATED CIVILIAN COURT CASE.

9. (U) IQUICHA, AYACUCHO. STATUS: LOCAL RONDERO LEADERS CHARGED IN CONNECTION WITH THE MASSACRE WERE ACQUITTED BY BOTH THE CIRCUIT AND

n/a  
[REDACTED]



[REDACTED]

n/a

Case Number: S200200010

APPEALS COURTS. THE CASE IS NOW CLOSED IN THE PERUVIAN LEGAL SYSTEM.

SIXTEEN CAMPESINOS WERE ALLEGEDLY KILLED BY SECURITY FORCES ON AUGUST 21, 1990. THE DEFENSE MINISTRY DENIED THE PRESENCE OF ANY MILITARY UNIT IN THE AREA OF IQUICHA ON THE DATE IN QUESTION AND 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 DISTRICT ATTORNEY CHARGED PURO AND ROMANI WITH HOMICIDE IN 1991. IN SEPTEMBER 1992, THE HUAMANGA PROVINCIAL COURT FOUND BOTH DEFENDANTS NOT GUILTY. IN EARLY 1993, THE APPEALS COURT

[REDACTED]

NNNN

[REDACTED]

PAGE 01 LIMA 05501 04 OF 07 141448Z  
ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CIAE-00	C-01	OASY-00
	DODE-00	DOEE-00	EB-01	HA-09	H-01	INM-02	TEDE-00
	INR-00	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-16	TRSE-00	T-00
	USIE-00	RPE-01	/085W				

-----BFA9CC 141448Z /38

P 141441Z MAY 93  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC PRIORITY 8326  
INFO AMEMBASSY BOGOTA  
AMEMBASSY CARACAS  
AMEMBASSY LA PAZ  
AMEMBASSY QUITO  
AMEMBASSY SAN JOSE  
USMISSION GENEVA  
USCINCSO QUARRY HEIGHTS PM

[REDACTED] SECTION 04 OF 07 LIMA 05501

USCINCSO ALSO FOR POLAD

n/a

[REDACTED]

[REDACTED]  
n/a

Case Number: S200200010

DEPT ALSO PASS OAS

E.O. 12356: DECL:OADR

TAGS: PHUM, PREL, PE

SUBJECT: PERU: NINE HUMAN RIGHTS CASES UPDATE

[REDACTED]  
[REDACTED]  
PAGE 02 LIMA 05501 04 OF 07 141448Z  
UPHELD THE ACQUITTAL. THE CASE IS NOW CLOSED  
UNDER THE PERUVIAN LEGAL SYSTEM.

10. [REDACTED] 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 INVESTIGATIVE PHASE.

ON MARCH 14, 1991, A MILITARY PATROL ALLEGEDLY  
MURDERED FOUR VILLAGE LEADERS, INCLUDING THE  
MAYOR, OF CHUSCHI, AYACUCHO, REPORTEDLY 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  
MILITARY CONTROL POST IN CHUSCHI THAT, ON THE  
PREVIOUS DAY, UNIDENTIFIED PERSONS HAD TAKEN  
DISTRICT MAYOR MANUEL PAYCO CHAUPIN, COUNCIL  
SECRETARY MARTIN CAYLLAHUA GALINDO, MARCHE  
CABANA TUCNO AND ISAIAS HUAMAN VILCA FROM THEIR  
HOMES. THE DEFENSE MINISTRY DENIED THE MILITARY  
EVER HAD THESE MEN UNDER ITS CUSTODY.

FORMAL CHARGES WERE FILED IN CIVILIAN COURT ON  
MAY 12, 1992, BY THE DISTRICT ATTORNEY IN  
CANGALLO, AYACUCHO AGAINST POLICE SUB-LT. LUIS  
JUAREZ ASPIRO (AKA LARGO), AND POLICEMEN DOMINGO

[REDACTED]  
[REDACTED]  
PAGE 03 LIMA 05501 04 OF 07 141448Zn/a  
[REDACTED]

[REDACTED]  
n/a

Case Number: S200200010

MORALES AMPUDIO, STALIN RIVERA HERRERA, AND JOSE LEYVA CASAVARDE. DESPITE ARREST ORDERS THAT WERE ISSUED FOR THE FOUR POLICEMEN, NONE OF THEM WERE DETAINED. ONE WAS TRANSFERRED TO A POLICE STATION IN LIMA'S UP-SCALE MIRAFLORES DISTRICT. THE DISTRICT ATTORNEY WROTE A LETTER TO PERU'S ATTORNEY GENERAL CALLING THE JUDGE'S DECISION TO RELEASE THE DEFENDANTS "A GRAVE ACT" MARKED BY "IRREGULARITIES." THERE HAS BEEN NO TRIAL SO FAR, WITH THE CASE CONSIDERED TO BE STILL IN THE INVESTIGATIVE PHASE.

11. (U) FERNANCO MEJIA EGOICHEAGA, OXAPAMPA, PASCO. STATUS: A FUGITIVE FORMER SUB-PREFECT WAS TRIED IN ABSENTIA AND FOUND GUILTY IN CIVILIAN COURT; NO NEW INFORMATION ON THE STATUS OF A MILITARY INVESTIGATION INTO THE ALLEGED PARTICIPATION OF ARMY PERSONNEL.

ON JUNE 15, 1989, UNIDENTIFIED SOLDIERS ALLEGEDLY ENTERED THE HOME OF FERNANDO MEJIA IN OXAPAMPA. 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 ANOTHER LOCAL MAN, ALBINO MELGAREJO, WERE FOUND LATER BY CAMPESINOS. BOTH BODIES HAD GUNSHOT WOUNDS AND SIGNS OF TORTURE.

MEJIA'S WIDOW FILED CHARGES WITH THE DISTRICT

[REDACTED]  
[REDACTED]

PAGE 04 LIMA 05501 04 OF 07 141448Z  
ATTORNEY OVER THE ABDUCTION AND EXTRAJUDICIAL EXECUTION OF HER HUSBAND. AT THE TIME, THE DISTRICT ATTORNEY ELECTED NOT TO MOVE FORWARD WITH THE CASE SINCE THE PERPETRATORS COULD NOT BE POSITIVELY IDENTIFIED. HOWEVER, IN JANUARY 1991, THE PROSECUTOR IN THE STALLED CIVILIAN CASE ISSUED AN ARREST ORDER FOR 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  
Case Number: S200200010

THE ATTACK ON MEJIA.

ON JUNE 30, 1992 THE CIRCUIT COURT FOUND ARIAS GUILTY AND THE CASE WAS PASSED ON TO THE SUPERIOR COURT FOR REVIEW. ARIAS WAS TRIED IN ABSENTIA AND STILL HAS AN OUTSTANDING WARRANT FOR HIS ARREST. ARIAS COULD BE SENTENCED TO SIX TO TWENTY YEARS IN PRISON IF THE SUPERIOR COURT UPHOLDS THE LOWER COURT'S VERDICT. A RULING IS ANTICIPATED IN MID-1993.

[REDACTED]  
NNNN  
[REDACTED]

PAGE 01 LIMA 05501 05 OF 07 141450Z  
ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CIAE-00	C-01	OASY-00
	DODE-00	DOEE-00	EB-01	HA-09	H-01	INM-02	TEDE-00
	INR-00	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-16	TRSE-00	T-00
	USIE-00	RPE-01	/085W				

-----BFA9EA 141450Z /38

P 141441Z MAY 93  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC PRIORITY 8327  
INFO AMEMBASSY BOGOTA  
AMEMBASSY CARACAS  
AMEMBASSY LA PAZ  
AMEMBASSY QUITO  
AMEMBASSY SAN JOSE  
USMISSION GENEVA  
USCINCSO QUARRY HEIGHTS PM

[REDACTED] SECTION 05 OF 07 LIMA 05501

USCINCSO ALSO FOR POLAD  
DEPT ALSO PASS OAS

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

[REDACTED]  
n/a  
[REDACTED]

[REDACTED]  
n/aCase Number: S200200010  
[REDACTED]  
[REDACTED]

PAGE 02 LIMA 05501 05 OF 07 141450Z  
 AT THE REQUEST OF THE LOCAL MILITARY COMMANDER,  
 THE CASE AGAINST IMPLICATED MILITARY PERSONNEL  
 WAS TRANSFERRED TO THE MILITARY COURT SYSTEM.  
 THE CURRENT STATUS OF THE MILITARY PROCEEDINGS  
 ARE NOT KNOWN, SINCE THE PUBLIC MINISTRY HAS NOT  
 RECEIVED AN UPDATE ON THEM FROM THE MILITARY  
 SINCE MARCH 1992, WHEN THEY WERE IN THE  
 INVESTIGATIVE PHASE. THE PUBLIC MINISTRY IS  
 ATTEMPTING TO OBTAIN MORE CURRENT INFORMATION.

MRS. MEJIA SUBSEQUENTLY RECEIVED POLITICAL  
 ASYLUM IN SWEDEN. IN LATE 1992, HER NAME WAS  
 INCLUDED ON A GOP LIST OF SUPPOSED SENDERO  
 LUMINOSO "AMBASSADORS" LIVING OVERSEAS. HUMAN  
 RIGHTS GROUPS NOTE THAT HER HUSBAND HAD BEEN A  
 MEMBER OF THE FAR-LEFT "UNIR" PARTY (WHICH IS  
 OPPOSED TO SENDERO) AND THEY REJECT THE GOP'S  
 ATTEMPTS TO ASSOCIATE MRS. MEJIA WITH SL.

BREAKDOWN OF CASES: WHERE ARE WE NOW?  
 -----

12. (U) FOR EASY REFERENCE, WE CAN SAY THAT, OF  
 THE NINE CASES, ONE PROGRESSED CONSIDERABLY AND  
 IS BASICALLY RESOLVED IN THAT THE MAIN DEFENDANT  
 HAS BEEN CONVICTED; ONE IS NEARLY RESOLVED; FOUR  
 ARE NO LONGER BEING PURSUED THROUGH THE PERUVIAN  
 LEGAL SYSTEM AND ARE CONSIDERED CLOSED; AND  
 THREE ARE PENDING AND HAVE SEEN LITTLE PROGRESS:

-- RESOLVED: SANTA BARBARA. SOME HUMAN RIGHTS  
 [REDACTED]  
 [REDACTED]

PAGE 03 LIMA 05501 05 OF 07 141450Z  
 GROUPS SEE THE MILITARY'S SENTENCING ONE OF ITS  
 OWN TO TEN YEARS IN PRISON FOR DIRECTING A  
 MASSACRE A MAJOR TRIUMPH. AMERICA'S WATCH,  
 HOWEVER, HAS CRITICIZED THE SENTENCE (SHOULD  
 HAVE BEEN LONGER), THE CHARGE (SHOULD HAVE BEEN  
 MURDER VICE ABUSE OF AUTHORITY), AND THE ABSENCE

[REDACTED]  
n/a

[REDACTED]

n/a

Case Number: S200200010

OF CONVICTIONS OF OTHER PARTICIPANTS.

-- NEARLY RESOLVED: CALLAO. DESPITE THE SLOWNESS OF THE PROCEEDINGS, THE SUPERIOR AND SUPREME COURTS ARE EXPECTED TO UPHOLD THE GUILTY VERDICTS IN WHAT IS SEEN BY MANY AS A CLEAR-CUT CASE.

-- CLOSED: CAYARA, HUGO BUSTIOS, VILCASHUAMAN AND IQUICHA.

-- PENDING: PASCA/VALENCIA, CHUSCHI AND MEJIA (DESPITE THE GUILTY VERDICT IN THE LAST CASE, THE CONVICTED CIVILIAN HAS NOT BEEN BROUGHT TO JUSTICE AND THE STATUS OF THE MILITARY INVESTIGATION IS UNKNOWN).

WHERE DO WE GO FROM HERE?  
-----

13. WE BELIEVE THAT IT IS WORTH THE USG'S EFFORTS TO CONTINUE TO FOLLOW UP ON SOME OF THE NINE CASES; REALISTICALLY, WE CAN NO LONGER EXPECT ALL OF THEM TO BE RESOLVED IN A WAY THAT LEADS TO CONVICTIONS FOR WRONGDOING. EMBASSY

[REDACTED]


PAGE 04 LIMA 05501 05 OF 07 141450Z  
RECOMMENDS THE FOLLOWING FOR EACH CASE:

-- SANTA BARBARA: WE SHOULD CONSIDER THE CONVICTION OF LT. BENDEZU TO BE A SIGNIFICANT VICTORY. IN AN UNPRECEDENTED ACTION, THE MILITARY TRIED AND CONVICTED AN OFFICER FOR WHAT WAS APPARENTLY A ROGUE ACTION. WHILE THE TRIALS OF LOWER-LEVEL SOLDIERS ARE NOT ENTIRELY OVER, BENDEZU WAS THE ONE GIVING THE ORDERS. THEREFORE, IN RESPONSE TO CONGRESSIONAL INQUIRIES, WE SHOULD CONSIDER THIS CASE RESOLVED IN A POSITIVE WAY.

-- CALLAO: THE NATIONAL HUMAN RIGHTS PROSECUTOR IS OPTIMISTIC THE CASE WILL RESULT IN SUCCESSFUL CONVICTIONS. WE HAVE MADE IT KNOWN TO THE GOP THROUGH HIM THAT WE ARE HOPING FOR PROGRESS ON

n/a

[REDACTED]

  
Case Number: S200200010

THIS CASE. WE SHOULD CONTINUE TO MONITOR THE CASE TO ENSURE IT REACHES LEGAL CONCLUSION.

-- CAYARA: FOLLOWING THE RELEASE OF THE


  
NNNN  


PAGE 01 LIMA 05501 06 OF 07 141451Z  
ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CIAE-00	C-01	OASY-00
	DODE-00	DOEE-00	EB-01	HA-09	H-01	INM-02	TEDE-00
	INR-00	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-16	TRSE-00	T-00
	USIE-00	RPE-01	/085W				



-----BFAA0C 141451Z /38

P 141441Z MAY 93  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC PRIORITY 8328  
INFO AMEMBASSY BOGOTA  
AMEMBASSY CARACAS  
AMEMBASSY LA PAZ  
AMEMBASSY QUITO  
AMEMBASSY SAN JOSE  
USMISSION GENEVA  
USCINCSO QUARRY HEIGHTS PM

 SECTION 06 OF 07 LIMA 05501

USCINCSO ALSO FOR POLAD  
DEPT ALSO PASS OAS

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

  
  
PAGE 02 LIMA 05501 06 OF 07 141451Z  
INTER-AMERICAN COMMISSION'S REPORT, WE SHOULD

n/a  


[REDACTED]  
n/a

Case Number: S200200010

PUSH STRONGLY FOR THE OAS TO PRESSURE PERU INTO REOPENING THE CASE AND CONSIDERING PAYING DAMAGES TO RELATIVES OF THE VICTIMS. WITHOUT MULTILATERAL PRESSURE, THE GOP IS UNLIKELY TO EVER TAKE FURTHER ACTION ON THIS EGREGIOUS CASE.

-- HUGO BUSTIOS: UNLESS THE INTER-AMERICAN HUMAN RIGHTS COMMISSION ADOPTS THE CASE, THERE IS NOTHING MORE WE CAN DO. DEPARTMENT MAY WISH TO CONSIDER ENCOURAGING THE COMMISSION TO TAKE ON THE CASE, SINCE LOCAL HUMAN RIGHTS ORGANIZATIONS TELL US THE IAHRIC IS VACILLATING AFTER THE CAYARA CASE FIASCO.

-- VILCASHUAMAN: THE NATIONAL PROSECUTOR FOR HUMAN RIGHTS DOES NOT SEE ANY GROUNDS FOR OPENING LEGAL PROCEEDINGS IN THIS CASE. AFTER A PERSONAL INVESTIGATORY TRIP TO THE SCENE, HE IS CONVINCED (AS WAS THE DISTRICT ATTORNEY) THAT THE ALLEGED VICTIM DIED OF A HEART ATTACK AFTER HIS RELEASE FROM DETENTION. THIS IS THE WEAKEST OF THE NINE CASES AND IT IS UNLIKELY THERE WILL BE FURTHER ACTION TAKEN.

-- PASCA/VALENCIA: THE CASE MAY BE NEARING CONCLUSION; WE SHOULD CONTINUE TO FOLLOW UP.

-- IQUICHA: UNLESS NEW EVIDENCE TURNS UP, WE BELIEVE THAT THE PERPETRATORS OF THIS TRAGEDY WILL PROBABLY NOT BE IDENTIFIED (THE COURTS DID

[REDACTED]  
[REDACTED]

PAGE 03 LIMA 05501 06 OF 07 141451Z  
NOT FIND EVIDENCE THAT THE TWO CIVILIAN SELF-DEFENSE GROUP LEADERS HAD KILLED THE SIXTEEN PEASANTS). DESPITE THE ORIGINAL SUSPICION THAT THE MILITARY WAS IMPLICATED, WE CANNOT REALISTICALLY EXPECT ANYONE ELSE TO BE CHARGED IN THE KILLINGS. WE SHOULD NOT EXPECT FURTHER PROGRESS ON THIS CASE.

-- CHUSCHI: THIS IS A DISAPPOINTING EXAMPLE OF A JUSTICE SYSTEM THAT HAS NOT DONE ITS JOB. THE "IRREGULARITIES" INVOLVED IN THE JUDGE'S DECISION TO RELEASE THE DEFENDANTS SHOULD BE

n/a  
[REDACTED]



[REDACTED]  
n/a

Case Number: S200200010

REVIEWED. FURTHERMORE, NO TRIAL HAS TAKEN PLACE ALMOST A YEAR AFTER THE DEFENDANTS WERE CHARGED. WE SHOULD REMIND THE GOP THAT THE U.S. CONGRESS SEEKS PROGRESS ON THIS CASE AS A CONDITION FOR AID DISBURSEMENT.

-- MEJIA: WE HAVE ASKED THE PUBLIC MINISTRY TO OBTAIN AN UPDATE ON THE MILITARY INVESTIGATION; THIS MAY TAKE SEVERAL WEEKS. WHILE THE APPARENT INTELLECTUAL AUTHOR OF THE KILLING HAS BEEN CONVICTED, WE NEED TO FOLLOW UP TO ENSURE THAT THE SOLDIERS WHO ALLEGEDLY KILLED THE HUMAN RIGHTS ACTIVIST AND RAPED HIS WIFE ARE TRIED. FURTHERMORE, WE SHOULD ASK THE GOP TO EXPLAIN WHAT EVIDENCE IT HAS AGAINST MEJIA'S WIDOW THAT LED TO HER NAME APPEARING ON A LIST OF "AMBASSADORS" OF SL.

COMMENT

[REDACTED]  
[REDACTED]

PAGE 04 LIMA 05501 06 OF 07 141451Z

14. THERE HAS BEEN MIXED PROGRESS ON THE NINE CASES. THE CONVICTION OF BENDEZU, FOLLOWED BY THE UPHOLDING OF THE CONVICTION OF LT. HURTADO IN THE ACCOMARCA MASSACRE (NOT ONE OF THE NINE CASES) WERE GOP SIGNALS THAT IT CAN PUNISH VIOLATIONS AGAINST INNOCENT CIVILIANS. WHILE THERE HAS BEEN SOME ENCOURAGING MOVEMENT ON AT LEAST TWO OF THE NINE CASES, MOST OF THE CASES REMAIN UNRESOLVED. IN ADDITION, THERE CONTINUES TO BE NOTICEABLE DIFFICULTY IN ASCERTAINING THE STATUS OF THE CASES FROM THE GOP. THE PUBLIC MINISTRY IS COOPERATIVE, BUT DOES NOT ALWAYS HAVE UP-TO-DATE INFORMATION. THE FOREIGN MINISTRY IS OUT OF THE LOOP AND UNENTHUSIASTIC ABOUT PROVIDING UPDATES; THEY MUST OBTAIN INFORMATION FROM THE DEFENSE AND JUSTICE MINISTRIES, WHICH HAVE CLEARLY SHOWN THAT THEY ARE NOT INTERESTED IN THE CASES. WE BELIEVE IT IS NECESSARY TO REMIND THE GOP OF THE

[REDACTED]  
[REDACTED]

[REDACTED]

n/a

Case Number: S200200010

NNNN

[REDACTED]

PAGE 01 LIMA 05501 07 OF 07 141451Z  
ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CIAE-00	C-01	OASY-00
	DODE-00	DOEE-00	EB-01	HA-09	H-01	INM-02	TEDE-00
	INR-00	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-16	TRSE-00	T-00
	USIE-00	RPE-01	/085W				

-----BFAA1F 141451Z /38

P 141441Z MAY 93  
 FM AMEMBASSY LIMA  
 TO SECSTATE WASHDC PRIORITY 8329  
 INFO AMEMBASSY BOGOTA  
 AMEMBASSY CARACAS  
 AMEMBASSY LA PAZ  
 AMEMBASSY QUITO  
 AMEMBASSY SAN JOSE  
 USMISSION GENEVA  
 USCINCSO QUARRY HEIGHTS PM

[REDACTED]

SECTION 07 OF 07 LIMA 05501

USCINCSO ALSO FOR POLAD  
DEPT ALSO PASS OAS

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

[REDACTED]

PAGE 02 LIMA 05501 07 OF 07 141451Z  
U.S. CONGRESS'S INTEREST IN THE PENDING CASES.

15. [REDACTED] IN PREPARING FUTURE UPDATES OF THE NINE  
 CASES, WE WILL NO LONGER REQUEST INFORMATION  
 FROM THE GOP ON CAYARA, BUSTIOS, VILCASHUAMAN  
 AND IQUICHA, SINCE THOSE CASES ARE CLOSED UNDER  
 THE PERUVIAN LEGAL SYSTEM. NEVERTHELESS, WE  
 WILL FOLLOW ANY DEVELOPMENTS ON THOSE CASES,

n/a  
[REDACTED]

UNCLASSIFIED

[REDACTED]

n/a

Case Number: S200200010

Page: 19

SUCH AS POSSIBLE ACTIONS BY THE INTER-AMERICAN  
HUMAN RIGHTS COMMISSION ON CAYARA OR BUSTIOS.  
BRAYSHAW

[REDACTED]

NNNN

[REDACTED]

Page: 19

UNCLASSIFIED