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ACTION ARA-01

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|------|---------|---------|---------|---------|---------|--------|---------|
| INFO | LOG-00 | ACDA-17 | AID-01 | AMAD-01 | CIAE-00 | C-01 | OASY-00 |
| | DODE-00 | EAP-01 | EB-01 | EUR-01 | HA-09 | H-01 | INM-02 |
| | INR-00 | IO-19 | JUSE-00 | LAB-04 | L-03 | ADS-00 | NSAE-00 |
| | NSCE-00 | OIC-02 | OMB-01 | PA-01 | PM-02 | PRS-01 | P-01 |
| | RPCS-01 | SIL-00 | SNP-00 | SP-00 | SR-00 | SS-00 | STR-17 |
| | TRSE-00 | T-00 | USIE-00 | RPE-01 | /089W | | |

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P 262315Z FEB 93
FM AMEMBASSY LIMA
TO SECSTATE WASHDC PRIORITY 6208
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY OTTAWA
AMEMBASSY TOKYO
AMEMBASSY QUITO
USMISSION GENEVA
USCINCSO QUARRY HEIGHTS PM

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USCINCSO ALSO FOR POLAD

E.O. 12356: DECL:OADR
TAGS: PHUM, PGOV, KJUS, PE
SUBJECT: PERUVIAN ARMY OFFICER RECEIVES SIX
- YEARS FOR ACCOMARCA MASSACRE
[REDACTED]
[REDACTED]

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REF: LIMA 1798 (NOTAL)

1. (C) COMMENT: AN ARMY OFFICER HAS BEEN GIVEN AN INCREASE IN PRISON TERM FOR ONE OF PERU'S MOST NOTORIOUS MASSACRES. ON REVIEW, HIS SENTENCE WAS INCREASED FROM FOUR TO SIX YEARS. THIS IS THE SECOND DISCIPLINARY ACTION TAKEN BY THE MILITARY JUSTICE SYSTEM IN THE PAST WEEK FOR OFFICERS RESPONSIBLE FOR MAJOR, PAST MASSACRES. THESE ACTIONS, WHILE TARDY IN COMING, ARE SIGNIFICANT SHIFTS FOR THE GOP AND ARMED

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: DONALD A. JOHNSTON
DATE/CASE ID: 25 OCT 2001 200102054

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FORCES. CHARGE IN RECENT WEEKS HAS BEEN
PRESSING VERY HARD FOR DECISIVE GOP ACTION IN
THIS AREA. END SUMMARY

2. (U) THE REVIEW PANEL OF PERU'S SUPREME
COUNCIL OF MILITARY JUSTICE UPHELD A SIX-YEAR
JAIL SENTENCE FOR ARMY CAPTAIN TELMO HURTADO FOR
HIS PART IN THE AUGUST 14, 1985 MASSACRE OF 69
VILLAGERS (INCLUDING WOMEN AND CHILDREN) IN
ACCOMARCA, AYACUCHO DEPARTMENT. HURTADO, WHO
WAS A SUB-LIEUTENANT AT THE TIME OF THE
KILLINGS, IS THE ONLY PERSON TO HAVE BEEN
CONVICTED IN RELATION WITH THE INCIDENT. HE WILL
SERVE HIS SENTENCE IN A MILITARY PRISON, AND HAS
BEEN PERMANENTLY DISCHARGED FROM ACTIVE DUTY.

3. (LOU) THE PRESS AND HUMAN RIGHTS GROUPS HAVE
EXPRESSED REGRETS THAT IT TOOK NEARLY EIGHT
YEARS TO PUNISH ANYONE FOR THE KILLINGS, WHICH
[REDACTED]
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WERE CARRIED OUT BY AN ARMY UNIT THAT BURNED THE
CORPSES, BURIED THEM IN AN UNMARKED GRAVE AND
MURDERED SEVERAL WITNESSES. ALL OF THE
SUSPECTED PERPETRATORS, INCLUDING HURTADO, HAVE
RECEIVED PROMOTIONS SUBSEQUENTLY. IN THE
MILITARY SYSTEM, THESE PROMOTIONS WERE AUTOMATIC
AND DID NOT INVOLVE RATINGS BY PANELS. HURTADO
WAS NOT CONVICTED OF HOMICIDE (WHICH WOULD HAVE
MEANT A MINIMUM SENTENCE OF FIFTEEN YEARS),
SINCE HOMICIDE IS NOT A CRIME IN THE MILITARY
JUSTICE SYSTEM. INSTEAD, HE WAS CONVICTED OF
"DISOBEDIENCE AND ABUSE OF AUTHORITY." HIS
ORIGINAL SENTENCE WAS FOUR YEARS, BUT THE
SUPREME COUNCIL OF MILITARY JUSTICE EXTENDED IT
TO SIX.

4. (C) COMMENT: ACCOMARCA WAS PERU'S MY LAI.
HURTADO CONFESSED TO THE KILLINGS, BUT SAID THE
EVEN THREE-YEAR-OLDS WERE POTENTIAL SL MEMBERS
AND HENCE FAIR GAME. AT THE TIME, MANY ARMY
OFFICERS THOUGHT HURTADO WAS JUST DOING HIS JOB;
ONE EVEN TOLD POLCOUNS HIS ERROR WAS IN NOT
HIDING THE BODIES.

5. HURTADO IS THE SECOND MILITARY OFFICER

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CONVICTED AND SENTENCED FOR A HUMAN RIGHTS VIOLATION IN A MONTH (REFTEL), AND ONE OF THE VERY FEW EVER IN PERU'S HISTORY. ONCE AGAIN, THE REVIEW COURT INCREASED THE SENTENCE. IN THE CASE OF HURTADO, IT IS NOT CLEAR WHEN HE BEGAN SERVING THE SENTENCE AND WHERE. THE GOP WANTS
[REDACTED]
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THIS TO APPEAR AS A SIGN OF PROGRESS; A MILITARY COURT SPOKESMAN CLAIMED THAT THIS CASE PROVES PERU IS SERIOUS ABOUT PUNISHING HUMAN RIGHTS TRANSGRESSORS. WHILE A SIX-YEAR SENTENCE IS LOW, IT IS A WELCOME PRECEDENT IN WHICH MILITARY OFFICERS RARELY HAVE BEEN PUNISHED -- UNTIL NOW -- FOR ABUSES. CHARGE HAS BEEN URGING SENIOR GOP OFFICIALS IN RECENT WEEKS TO BREAK LOGJAMS AND CARRY OUT DISCIPLINARY ACTIONS AGAINST OFFICERS RESPONSIBLE FOR MAJOR HUMAN RIGHTS VIOLATIONS.
BRAYSHAW##
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