

EXCISE

Edo

ADP315

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ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	CIAE-00	C-01	OASY-00	DODE-00
	DOEE-00	EAP-01	EB-01	EUR-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	CORE-00	/086W		

-----C2BBD4 221924Z /38

O 221914Z MAY 93
 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC IMMEDIATE 8572
 INFO AMEMBASSY TOKYO
 AMEMBASSY OTTAWA
 USEC BRUSSELS
 AMEMBASSY BOGOTA
 AMEMBASSY CARACAS
 AMEMBASSY LA PAZ
 AMEMBASSY QUITO
 USCINCSO QUARRY HEIGHTS PM

DEPARTMENT OF STATE

IS/FPC/CDR

Date. *9/5/95*

- RELEASE
- EXCISE
- DENY
- DELETE Non-Responsive Info
- FOIA Exemptions B1, B5
- PA Exemptions _____
- DECLASSIFY
- DECLASSIFY IN PART

MR Cases Only:
EO Citations _____

_____ TS authority to.
 CLASSIFY as S or C OADR
 DOWNGRADE TS to S or C OADR

C O N F I D E N T I A L SECTION 01 OF 03 LIMA 05861

UNCINCSO ALSO FOR POLAD

E.O. 12356: DECL: OADR
 TAGS: PREL, PGOV, PHUM, PE
 SUBJECT: GOVERNMENT BACKS OUT OF AGREEMENT
 OVER CONGRESS' INVESTIGATIVE POWERS
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REF: (A) LIMA 5752
 (B) LIMA 5796

1. (C) SUMMARY: A COMPROMISE AGREEMENT OVER THE CONGRESS' INVESTIGATIVE POWERS BROKE DOWN WHEN PRO-GOVERNMENT BACKED OUT OF THE AGREEMENT THEY HAD AGREED TO AND SIGNED. THE BREAKDOWN LEAVES THE ISSUE OF CONGRESS' RIGHT TO INVESTIGATE HUMAN RIGHTS AND OTHER MATTERS STILL UNRESOLVED. THE BREAKDOWN WILL FURTHER INCREASE OPPOSITION DOUBTS ABOUT FUJIMORI'S DEMOCRATIC INTENTIONS. COMPROMISE COULD BE REVIVED IN CCD PLENARY SESSION MAY 24.

EMBASSY HAD PLAYED
 ROLE IN ENCOURAGING RESPONSIBLE OPPOSITION

ELEMENTS TO COOPERATE WITH MAJORITY PARTIES
(REFTELS) TO REACH AN HONORABLE DEAL. END
SUMMARY.

AGREEMENT REACHED; AGREEMENT BROKEN

2. (U) EFFORTS TO REACH AGREEMENT OVER THE
CONSTITUENT CONGRESS' INVESTIGATIVE POWERS
REACHED AN IMPASSE LATE MAY 21 WHEN MAJORITY
MEMBERS OF THE COMMITTEE FORMED TO WORK OUT AN
AGREEMENT WITHDREW THEIR SIGNATURES FROM THE
COMPROMISE.

3. (U) THE CONGRESS' DAY BEGAN AS IT WAS
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EXPECTED TO. THE CONGRESS (CCD) CONVENED AT
0930 HRS WITH CONGRESS PRESIDENT JAIME YOSHIYAMA
PRESIDING. THE GOVERNMENT MAJORITY PRESENTED
ITS MOTION INDICATING THE SENSE OF THE CONGRESS
THAT IT COULD NOT INVESTIGATE MATTERS CURRENTLY
THE SUBJECT OF A JUDICIAL PROCESS. THE
OPPOSITION PRESENTED ITS CONTRADICTORY MOTION
REAFFIRMING THE CCD'S INVESTIGATIVE AND SUBPOENA
POWERS. THE OPPOSITION REFUSED TO PROCEED WITH
OTHER BUSINESS OF THE DAY UNTIL THESE MOTIONS
HAD BEEN DEALT WITH. AT THAT POINT, PRESIDENT
JAIME YOSHIYAMA APPOINTED A SPECIAL COMMITTEE TO
WORK OUT A COMPROMISE AND SUSPENDED THE SESSION
INDEFINITELY. YOSHIYAMA NAMED "NEW MAJORITY/
CAMBIO 90" MEMBER VICTOR JOY WAY TO CHAIR THE
ELEVEN MEMBER, MULTI-PARTY COMMITTEE. MEMBERS
INCLUDED:

GOVERNMENT:

1. VICTOR JOY WAY
2. GILBERTO SIURA
3. MARTHA CHAVEZ
4. RICARDO MARCENARO
5. LUZ SALGADO
6. ANDRES REGGIARDO

OPPOSITION:

1. ANTERO FLORES-ARAOZ (POPULAR CHRISTIAN
PARTY-PPC)
2. HENRY PEASE (DEMOCRATIC LEFT - MDI)
3. FRANCISCO TUDELA (RENOVATION - MR)

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4. GUSTAVO GARCIA MUNDACA (INDEPENDENT AGRICULTURAL MOVEMENT - MIA)
5. MANUEL MOREYRA (SOLIDARITY AND DEMOCRACY - SODE)

4. (C) THE GROUP WORKED THROUGHOUT THE DAY BEHIND CLOSED DOORS AND EVENTUALLY REACHED A COMPROMISE RESOLUTION -- REPORTEDLY DRAFTED BY FRANCISCO TUDELA OF THE MR. REPRESENTING THE OPPOSITION, HENRY PEASE, MANUEL MOREYRA, FRANCISCO TUDELA, GUSTAVO GARCIA AND ANTERO FLORES-ARAOZ SIGNED. THREE MEMBERS REPRESENTING THE MAJORITY, ANDRES REGGIARDO, GILBERTO SIURA AND LUZ SALGADO, ALSO AT FIRST SIGNED THE

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	T-00	USIE-00	RPE-01	CORE-00	/086W		

-----C2BBB5 221920Z /38

O 221914Z MAY 93
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C O N F I D E N T I A L SECTION 02 OF 03 LIMA 05861

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 AGREEMENT. HOWEVER, THEY RETRACTED THEIR
 SIGNATURES (TO THE EXTENT OF WHITING OUT THEIR
 SIGNATURES WITH "LIQUID PAPER"). FOLLOWING
 CONVERSATIONS WITH THE PALACE. VICTOR JOY WAY,
 MARTHA CHAVEZ AND RICARDO MARCENARO HAD NOT, AT
 THAT POINT, SIGNED THE ACCORD.

5. (U) THE EXTENT OF THE BREAKDOWN ONLY BECAME
 APPARENT LATER. CARLOS TORRES Y TORRES LARA,
 CHAIRMAN OF THE CONSTITUTION COMMITTEE WHO WAS
 ALSO SITTING IN THE CHAIR AS PRESIDING OFFICER
 OF THE FULL CONGRESS (FOR AN ABSENT JAIME
 YOSHIYAMA), ANNOUNCED THAT HE WAS ADJOURNING THE
 PLENARY SESSION UNTIL MONDAY, MAY 24, RATHER
 THAN PUTTING THE GOP-OPPOSITION RESOLUTION TO A
 VOTE. (COMMENT: YOSHIYAMA APPARENTLY PREFERRED

TO AVOID ASSOCIATION WITH FAILURE TO CARRY THROUGH WITH A BROKERED DEAL TO WHICH HE WAS PERSONALLY LINKED.)

6. (U) IN THE ANGER AND CONFUSION WHICH FOLLOWED, LOURDES FLORES (PPC) AND TORRES EXCHANGED SHOUTED INSULTS. FLORES CALLED TORRES A "MARICON" (SLANG TERM FOR HOMOSEXUAL/COWARD), AND TORRES RETORTED WITH "LET ME PROVE TO YOU I'M NOT." IN ADDITION, SOME OF THE GOVERNMENT MEMBERS OF THE NEGOTIATING COMMITTEE AT FIRST DENIED TO REPORTERS THAT THEY HAD SIGNED THE DOCUMENT AND ACCUSED HENRY PEASE AND OTHERS OF BEING LIARS IN CLAIMING THAT THEY HAD DONE SO. THEY LATER ADMITTED FIRST SIGNING AND THEN

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RETRACTING THEIR SIGNATURES. SPEAKING ON A RADIO PROGRAM ON SATURDAY, MAY 22, TORRES EXPRESSED THE BELIEF THAT A COMPROMISE WOULD BE REACHED BY MONDAY. HE CLAIMED HE DID NOT TAKE THE INSULTS, UTTERED IN THE HEAT OF THE MOMENT, PERSONALLY.

TEXT OF THE COMPROMISE AGREEMENT

7. (U) FOLLOWING IS AN UNOFFICIAL TRANSLATION OF THE TEXT OF THE AGREEMENT AS ORIGINALLY AGREED TO:

1. DECLARES THAT THE CURRENT FUNCTIONING DEMOCRATIC SYSTEM, DESPITE COMING UNDER SYSTEMATIC ATTACK BY HOMICIDAL TERRORIST ACTIONS, IS STRUCTURED AROUND A BASE OF A FULL, INDEPENDENT AND EQUAL DIVISION OF THE POWERS OF THE STATE, IN ACCORD WITH LEGAL AND CONSTITUTIONAL PRECEPTS WHICH, BY THEIR NATURE, ARE NORMS OF PUBLIC ORDER AND, IN CONSEQUENCE, ARE OBLIGATORY AND MUST BE COMPLIED WITH STRICTLY.

2. REITERATES THE SOLEMN PROMISE OF THE DEMOCRATIC CONSTITUENT CONGRESS TO RESPONSIBLY ASSUME THE INVESTIGATION OF VARIOUS HUMAN RIGHTS VIOLATIONS WHICH MIGHT HAVE OCCURRED OR MAY OCCUR IN THE COUNTRY, IN EXERCISE OF ARTICLE 180 OF THE CURRENT CONSTITUTION WITH THE DESIRE TO STRENGTHEN THE DEMOCRATIC SYSTEM, ADOPTING

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LEGISLATIVE MEASURES AND POLICIES THAT MIGHT BE
NECESSARY.

3. CONCURS IN THE ACTIONS OF THE "INVESTIGATIVE
COMMISSION ON THE DISAPPEARANCES AT THE NATIONAL
UNIVERSITY ENRIQUE GUZMAN AND VALLE - LA
CANTUTA," A COMMISSION WITH WHICH ALL PUBLIC
OFFICIALS AND CITIZENS OF PERU SHOULD COOPERATE,
WITHOUT SUCH COOPERATION THE CURRENT MATTER
COULD BE CLOSED OFF (BUT) NEITHER INTERFERING
WITH THE INVESTIGATING (JUDICIAL) AUTHORITY, NOR
IGNORANT OF THE CONTENT OF ARTICLE 233 OF THE
CONSTITUTION OF THE STATE.

4. INDICATES THAT THE MEMBERS OF THE ARMED
FORCES, THROUGH THEIR COMMANDERS, MAY BE
SUMMONED BEFORE THE INVESTIGATIVE COMMISSION
THAT IS CONCERNED WITH THE PRESENT CASE,
MAINTAINING THE CONDITIONS OF PRIVACY AND
SECURITY THAT ARE REQUIRED BY CURRENT CONDITIONS

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-----C2BBBE 221921Z /38

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 IN THE COUNTRY. SIMILAR TREATMENT WILL BE
 ACCORDED WITH RESPECT TO ALL OTHER INFORMATION
 WHICH THE COMMISSION CONSIDERS APPROPRIATE.

5. EXTENDS FOR 30 DAYS THE EXISTENCE OF SAID
 INVESTIGATIVE COMMISSION IN ORDER TO CONTINUE
 ITS WORK WHICH IT HAS BEGUN.

LIMA, MAY 21, 1993.

/S/ HENRY PEASE
 MANUEL MOREYRA
 FRANCISCO TUDELA
 GUSTAVO GARCIA MUNDOCA
 ANTERO FLORES-ARAJZ

8. (c) [REDACTED] THE EVENT SHOWED THE USELESSNESS OF NEGOTIATING WITH GOVERNMENT "PEONS" WHO LACKED ANY AUTHORITY.

B1

[REDACTED] SAID THERE WOULD BE RENEWED GOP-OPPOSITION CONTACTS SOON, BUT HE WAS SKEPTICAL THAT THEY WOULD REACH A SOLUTION THAT WOULD AVOID AN OPPOSITION WALK-OUT FROM CONGRESS.

B1

9. (c) COMMENT: THE AGREEMENT WAS SIGNIFICANT SINCE IT GAVE THE OPPOSITION -- AND SEVERAL

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PAGE 03 LIMA 05861 03 OF 03 221920Z MEMBERS OF THE PRO-GOVERNMENT MAJORITY -- WHAT THEY WANTED, I.E., A REAFFIRMATION OF THE CONGRESS' TRADITIONAL POWERS TO SUBPOENA WITNESSES WHILE IMPLYING (IN PARAGRAPH 3) THAT THE GOVERNMENT'S VIEW ABOUT NON-INTERFERENCE IN AN ON-GOING LEGAL MATTER WOULD ALSO BE RESPECTED.

10. (c) [REDACTED] SINCE DEBATE ON THE ISSUE WAS NOT QUASHED, BUT PUT OFF UNTIL MAY 24, THE COMPROMISE AGREEMENT COULD STILL BE REVIVED.

B1, B5

[REDACTED] THE BREAKDOWN IS LIKELY TO FURTHER EXACERBATE OPPOSITION-GOVERNMENT RELATIONS, PARTICULARLY SINCE THE GOVERNMENT IS NOW SIMULTANEOUSLY LAUNCHING A CAMPAIGN TO GO OVER THE HEADS OF THE OPPOSITION TO WIN POPULAR BACKING FOR THE NEW CONSTITUTION. FINALLY, THE GOP'S FAILURE TO CARRY THROUGH ON ITS COMPROMISE WILL INCREASE, IF THAT IS POSSIBLE, THE OPPOSITION'S DISTRUST OF DEALING WITH THE GOP.

B1, B5

B1, B5

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[REDACTED]

BRAYSHAW##

BE, BS

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