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ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-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	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	/083W		

-----C398DC 251741Z /38

O 251737Z MAY 93  
 FM AMEMBASSY LIMA  
 TO SECSTATE WASHDC IMMEDIATE 8623  
 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 <i>AK/B</i> Date. <i>9/5/95</i>
<input checked="" type="checkbox"/> RELEASE	<input checked="" type="checkbox"/> DECLASSIFY	MR Cases Only:
<input type="checkbox"/> EXCISE	<input type="checkbox"/> DECLASSIFY	EO Citations _____
<input type="checkbox"/> DENY	IN PART	
<input type="checkbox"/> DELETE Non-Responsive Info		_____ TS authority to.
FOIA Exemptions _____		<input type="checkbox"/> CLASSIFY as <input type="checkbox"/> S or <input type="checkbox"/> C OADR
PA Exemptions _____		<input type="checkbox"/> DOWNGRADE TS to <input type="checkbox"/> S or <input type="checkbox"/> C OADR

C O N F I D E N T I A L SECTION 01 OF 03 LIMA 05938

USCINCSO ALSO FOR POLAD

E.O.12356: DECL: OADR  
 TAGS: PGOV, PHUM, PREL, PE  
 SUBJECT: MOTION LIMITING CONGRESSIONAL  
 OVERSIGHT CAUSES OPPOSITION  
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WALKOUT

1. (C) SUMMARY: MANY OPPOSITION MEMBERS WALKED OUT OF THE CCD LATE MAY 24 IN PROTEST OVER THE MAJORITY'S HANDLING OF THE CCD INVESTIGATION OF LA CANTUTA. THE MAJORITY REJECTED OPPOSITION DEMANDS TO REASSERT CONGRESSIONAL SUBPOENA POWERS TO CALL ANY WITNESS TO TESTIFY ABOUT THE DISAPPEARANCE OF TEN PERSONS FROM "LA CANTUTA" UNIVERSITY. MAJORITY LIMITED SUBPEONA ISSUING TO ARMED FORCES COMMANDER, POLICE COMMANDER AND DEFENSE MINISTER. WALK-OUT IS TEMPORARY, BUT OPPOSITION GROUPS MLY PUSH FOR PERMANENT PROTEST ACTION; KEY ISSUE IS WHETHER OPPOSITION LEGITIMIZING OF CONGRESS BY ITS PRESENCE IS WORTH THE RISK OF UNDERMINING ARMY LEADERSHIP BY

EXPOSING OFFICERS BELOW THE RANK OF GENERAL HERMOZA RIOS TO CCD'S INQUIRY INTO HUMAN RIGHTS ABUSE. GOVERNMENT'S ACTION EFFECTIVELY ENDS CURRENT CCD EFFORTS TO INVESTIGATE LIKELY RESPONSIBILITY OF SENIOR ARMY AND INTELLIGENCE SERVICE FOR OPERATIONS OF DEATH SQUAD. MILITARY COURTS COULD PUNISH SOMEONE FROM THE RANKS. IT ALSO SETS A PRECEDENT ON LIMITING CONGRESSIONAL OVERSIGHT OF THE EXECUTIVE SINCE PREVIOUS CONGRESSES HAVE CALLED JUNIOR OFFICERS AS WITNESSES. TENSION IN THE ARMY IS LIKELY TO RISE, AND THERE COULD BE ADDITIONAL ARMY DISSIDENT LEAKS TO THE PRESS ON LA CANTUTA OR OTHER ISSUES IN AN EFFORT TO WEAKEN ARMY COMMANDER HERMOZA.

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END SUMMARY.

OPPOSITION WALKS OUT OVER OVERSIGHT POWERS  
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2. (U) AFTER FIVE HOURS OF TENSE AND ACRIMONIOUS DEBATE MAY 24, THE REPRESENTATIVES OF THE OPPOSITION WALKED OUT OF THE PLENARY OF THE CONSTITUENT CONGRESS (CCD) LATE MONDAY NIGHT WHEN THE PRO-GOVERNMENT MAJORITY INSISTED ON VOTING ON ITS MOTION TO LIMIT CONGRESS' POWERS TO CALL WITNESSES. WHEN THE VOTE REACHED 37 IN FAVOR AND 23 OPPOSED, THE OPPOSITION LEFT THE CHAMBER. IN THE VOTE, ONE SMALL (TWO SEATS) OPPOSITION GROUP, THE POPULAR AGRICULTURAL FRONT (FREPAF) SIDED WITH THE GOVERNMENT "NEW MAJORITY/CAMBIO 90." IN THE FULL 80 MEMBER CONGRESS, THE GOVERNMENT HAS 44 SEATS, THE NON-GOVERNMENT GROUPS 36 SEATS. WE DO NOT YET HAVE A COUNT ON HOW MANY OPPOSITION MEMBERS WALKED OUT. PPC MEMBER LOURDES FLORES NANO ESTIMATED TO EMBOFFS MAY 20 THAT PERHAPS 22 CCD MEMBERS WOULD PROTEST A QUASHING OF THE CCD INQUIRY INTO LA CANTUTA.

3. (U) IN THE INVESTIGATION OF THE ROLE OF LOWER-RANKING ARMY PERSONNEL IN DISAPPEARANCES OF NINE STUDENTS AND A PROFESSOR FROM "LA CANTUTA" UNIVERSITY, THE GOVERNMENT MOTION LIMITS THE CCD TO CALLING THE DEFENSE MINISTER AND THE COMMANDERS OF THE ARMY AND THE NATIONAL

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POLICE TO TESTIFY RATHER THAN SUBORDINATES "FOR  
REASONS OF DISCIPLINE AND PERSONAL SECURITY...."

4. (U) THE PRO-GOVERNMENT MAJORITY ALSO  
EXTENDED THE MANDATE OF THE "LA CANTUTA" SPECIAL  
INVESTIGATIVE COMMITTEE ANOTHER 20 DAYS TO DRAFT  
A FINAL REPORT ABOUT THE RESULTS OF ITS  
INVESTIGATION.

OPPOSITION STATEMENT  
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5. (U) THE OPPOSITION STATEMENT WAS SIGNED BY  
SEVEN MEMBERS OF THE MINORITY: ANTERO

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-----C39903 251742Z /38

O 251737Z MAY 93  
 FM AMEMBASSY LIMA  
 TO SECSTATE WASHDC IMMEDIATE 8624  
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C O N F I D E N T I A L SECTION 02 OF 03 LIMA 05938

USCINCSO ALSO FOR POLAD

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 FLORES-ARAOZ OF THE POPULAR CHRISTIAN PARTY  
 (PPC), HENRY PEASE OF THE DEMOCRATIC LEFT (MDI),  
 MANUEL MOREYRA OF SOLIDARITY AND DEMOCRACY  
 (SODE), ERNESTO GAMARRA OF THE INDEPENDENT  
 MORALIZATION FRONT (FIM), JOSE BARBA CABALLERO  
 OF THE DEMOCRATIC COORDINATOR (CD), GUSTAVO  
 GARCIA MUNDACA OF THE INDEPENDENT AGRICULTURAL  
 MOVEMENT (MIA), AND JORGE VELASQUEZ OF  
 FRENATRACA. NO ONE FROM "RENOVATION" (SIX  
 SEATS) OR "FREPA" (TWO SEATS) SIGNED. THE  
 RENOVACION MEMBERS ABSTAINED ON THE VOTE. IN  
 THEIR STATEMENT JUSTIFYING THEIR WALKOUT FROM  
 CONGRESS TO PROTEST THIS RESTRICTION ON THE  
 CONGRESS' INVESTIGATIVE POWERS, THE OPPOSITION:

-- REITERATED ITS SUPPORT OF THE ARMED FORCES

AND THE POLICE IN COMBATTING TERRORISM.

-- PROTESTED THE "GRAVE ABDICATION" BY THE MAJORITY OF CONGRESS' RIGHTS AND OBLIGATIONS TO INVESTIGATE THE REPORTS OF HUMAN RIGHTS VIOLATIONS AT LA CANTUTA UNIVERSITY.

-- EXPRESSED ITS WORRY OVER THE FAILURE OF THE MAJORITY TO COMPLY WITH ARTICLES 180 AND 30 OF THE 1979 CONSTITUTION REGARDING THE POWER TO SUMMON ANY CITIZEN TO TESTIFY BEFORE INVESTIGATIVE COMMISSIONS.

-- OPPOSED THE GOVERNMENT MAJORITY'S DECISION TO PERMIT THE OPENING OF A INVESTIGATION IN THE  
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CIVIL OR MILITARY COURTS TO PREEMPT CONGRESS' INVESTIGATIVE POWERS.

DURATION AND EXTENT OF WALKOUT UNCERTAIN  
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6. (C) IN A PARTIAL WALKOUT, THE OPPOSITION WOULD SYMBOLICALLY ABSENT ITSELF FROM PLENARY SESSIONS WHILE CONTINUING TO PARTICIPATE IN THE COMMITTEE WORK OF THE CONGRESS. SINCE THE GOVERNMENT HAS NO PLANS TO BRING THE CONSTITUTION TO THE FLOOR OF THE CONGRESS FOR DEBATE SOON, A BOYCOTT OF PLENARY SESSIONS COULD CONTINUE FOR SOME TIME WITHOUT THE OPPOSITION FULLY ABNEGATING ITS ROLE OF CRITICIZING THE GOVERNMENT.

7. (C) THE DURATION OF THE OPPOSITION WALK OUT IS UNCLEAR. THE ISSUE IS WHETHER THE GOP HAS SO CONSTRAINED THE INDEPENDENCE OF THE CONGRESS THAT OPPOSITION LEGITIMATION OF THE BODY IS NO LONGER WORTH THE COST. BASED ON PREVIOUS CONVERSATIONS, WE BELIEVE THAT THE DEMOCRATIC LEFT AND THE FIM (OLIVERA) ARE THE PARTIES MOST INCLINED TO SUPPORT A LONGER-TERM WALKOUT. THE DEMOCRATIC COODINATOR (PEPE BARBA), GARCIA MUNDACA (MIA), AND FRENATRACA (CACERES) ARE LIKELY TO OPPOSE MORE THAN A TEMPORARY ABSENCE. RAFAEL REY AND THE RENOVACION MOVEMENT, WHICH ARE GENERALLY PRO-GOVERNMENT, WILL NOT SUPPORT ANY WALK-OUT. THE KEY PARTY IS THE PPC, WHICH HAS TOYED WITH A LONG-TERM WALKOUT, BUT HAS SO

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FAR MADE NO DECISION THAT WE KNOW OF.

8. (C) COMMENT: THE GOVERNMENT'S ACTION EFFECTIVELY ENDS THE EFFORTS FOR AN IMPARTIAL INVESTIGATION OF THE SENIOR ARMY LEADERSHIP AND NATIONAL INTELLIGENCE SERVICE (SIN) FOR THE DEATH SQUAD ACTION AT LA CANTUTA. IT REMAINS POSSIBLE THAT A MILITARY COURT WILL PUNISH SOMEONE AT LOWER LEVELS. THIS ACTION WOULD PRESUMABLY PUNISH GUILTY PARTIES, BUT WOULD QUASH ANY INVESTIGATION OF HIGH LEVEL INVOLVEMENT OR SUPPORT FOR A "DEATH SQUAD." DISAFFECTED MILITARY OFFICERS MAY RESPOND BY LEAKING ADDITIONAL INFORMATION ABOUT LA CANTUTA OR OTHER CASES. CONGRESSIONAL ACTION COULD HEIGHTEN TENSIONS IN THE ARMY, SINCE GOP ACTION IS SEEN AS EFFORT TO PROTECT GEN. HERMOZA FOR THE SOLE SAKE OF FUJIMORI'S POLITICAL NEEDS.

9. (C) THE LA CANTUTA CONGRESSIONAL INQUIRY

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 WAS IN LARGE PART A POLITICAL RATHER THAN A  
 HUMAN RIGHTS TEST. FOR THE GOP THE ISSUE WAS  
 PROTECTION OF THE PRESIDENT'S MEN IN THE ARMY  
 AND SIN; FOR THE OPPOSITION THE ISSUE WAS HOW  
 FAR THE CONGRESS COULD GO IN ITS OVERSIGHT  
 FUNCTION OF THE EXECUTIVE. THE LIMITING OF  
 SUBPEONA POWERS TO A FEW VERY SENIOR OFFICIALS  
 BREAKS WITH PAST PERUVIAN PRECEDENT. THE  
 OPPOSITION'S ONLY REMAINING CARD IS THE THREAT  
 OF A LONG-TERM WALKOUT THAT WOULD OVERSHADOW  
 CONCLUSION OF THE NEW CONSTITUTION. WHILE THE  
 GOP HAS DEMONSTRATED THE CLEAR LIMITS ON  
 CONGRESS' OVERSIGHT POWERS, THE OPPOSITION IS  
 DIVIDED ON HOW AND WHEN TO PLAY THIS POSSIBLY  
 TRUMP CARD. OPPOSITION GROUPS ARE CONSCIOUS  
 THAT FUJIMORI'S "RETURN TO DEMOCRACY" AND THE

TEXT OF TELEGRAM 93LIMA 005938

VALUE IT BRINGS HIM INTERNATIONALLY DEPENDS ON  
THEIR PLAYING IN THE GAME.  
BRAYSHAW

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