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RELEASED IN PART  
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ACTION SCT-03

INFO	LOG-00	ACDA-17	AID-01	ARA-01	A-01	CA-02	CCO-00
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	DOTE-00	DS-00	EB-01	FAAE-00	FBIE-00	FBO-01	HA-09
	H-01	IMMC-01	INM-02	TEDE-00	INR-00	INSE-00	IO-19
	JUSE-00	L-03	ADS-00	M-01	NRCE-00	NSAE-00	NSCE-00
	OCS-06	OIC-02	OIS-01	OMB-01	OPR-01	PA-01	PM-02
	PRS-01	P-01	SIL-00	SNP-00	SP-00	SR-00	SSO-00
	SS-00	STR-16	TRSE-00	T-00	USIE-00	USSS-00	ASDS-01
	RPE-01	CORE-00	/098W				

-----C428AB 270255Z /38

R 262228Z MAY 93  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC 8683  
INFO AMEMBASSY QUITO  
AMEMBASSY BOGOTA  
AMEMBASSY LA PAZ  
USCINCSO QUARRY HEIGHTS PM  
DIA WASHDC

COPY FROM  
THE COLLECTION OF THE  
NATIONAL SECURITY ARCHIVE

[REDACTED] SECTION 01 OF 03 LIMA 06014

SOUTHCOM ALSO FOR POLAD

E.O. 12356: DECL: OADR  
TAGS: PTER, PHUM, PGOV, PE

SUBJECT: TERRORIST REPENTANCE LAW REGULATIONS  
[REDACTED]  
[REDACTED]

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(FINALLY) PASSED - BUGS AND ALL

REF: 92 LIMA 7777

1. (C) SUMMARY: NEARLY A YEAR AFTER IT PASSED  
ITS MUCH-TOUTED TERRORIST REPENTANCE LAW, THE  
GOP ON MAY 8 FINALLY ISSUED THE IMPLEMENTING  
REGULATIONS NECESSARY FOR THE LAW TO BECOME  
OPERATIONAL. HOWEVER, THE LAW AND SUPPORTING  
REGULATIONS, AS CURRENTLY WRITTEN, TECHNICALLY  
ARE ONLY APPLICABLE TO A SMALL CATEGORY OF  
LOW-LEVEL TERRORIST. POL/MIL ANALYSTS

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UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: OSCAR J. OLSON  
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SUPPORTIVE OF THE LAW AND HUMAN RIGHTS GROUPS, ALSO GENERALLY IN AGREEMENT WITH THE PROGRAM, CRITICIZE THE LAW AS TOO VAGUE AND OVERLY COMPLICATED. HUMAN RIGHTS GROUPS ALSO CRITICIZE REGULATIONS THAT REQUIRE NON-JUDICIAL INTERFERENCE, ESPECIALLY FROM THE NATIONAL INTELLIGENCE SERVICE, INTO WHAT THEY PERCEIVE ARE STRICTLY LEGAL MATTERS. THE FACT THAT THE LAW ONLY NOW BECOMES OPERATIONAL DID NOT KEEP PRESIDENT FUJIMORI FROM REPEATEDLY POINTING TO THE REPENTANCE LAW AS A KEY PIECE OF HIS ANTI-TERRORISM STRATEGY OVER THE PAST YEAR. THE LAW'S THRUST IS POSITIVE: FOSTER COOPERATION AND INTELLIGENCE GATHERING. END SUMMARY.

IMPLEMENTATION REGULATION BILL (FINALLY) APPROVED  
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2. (U) ON MAY 8, THE GOP FINALLY ISSUED  
 [REDACTED]  
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 JUSTICE MINISTRY SUPREME DECREE NUMBER 15, WHICH CONTAINS THE IMPLEMENTING REGULATIONS FOR ITS MUCH-TOUTED TERRORIST REPENTANCE LAW. THE REPENTANCE LAW ITSELF, WHICH CONTAINS PROVISIONS FOR REDUCING OR ELIMINATING PRISON TERMS FOR TERRORISTS IN EXCHANGE FOR INFORMATION (AND WAS PASSED ON MAY 16, 1992) AT LAST BECAME LEGALLY OPERABLE ON MAY 10. COMMENT: THE FACT THAT THE LAW ONLY RECENTLY BECAME OPERATIONAL DID NOT KEEP PRESIDENT FUJIMORI FROM CITING IT REPEATEDLY AS A KEY PART OF HIS ANTI-TERRORISM STRATEGY DURING THE LAST YEAR. EVEN ARMY CHIEF GEN. HERMOZA STATED LAST MONTH THAT 246 FORMER TERRORISTS HAVE ALREADY TAKEN ADVANTAGE OF LAW AND JOINED THE RALLIER PROGRAM. END COMMENT.

TERRORIST REPENTANCE LAW REVISITED  
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3. (U) ACCORDING TO THE LEGAL DEFENSE INSTITUTE (IDL), PERU'S REPENTANCE LAW GENERALLY DRAWS UPON SIMILAR LAWS IN FORCE IN COLOMBIA, ITALY AND GERMANY. PERU'S LAW PROVIDES FOR THE REDUCTION OR ELIMINATION OF PRISON TERMS AND OTHER LEGAL PENALTIES FOR TERRORISTS AND

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COLLABORATORS IN EXCHANGE FOR "TRUE REPENTANCE"  
AND INFORMATION ON TERRORIST GROUPS. THE LAW IS  
APPLICABLE TO TERRORISTS WHO VOLUNTARILY TURN  
THEMSELVES IN, AS WELL AS TO TERRORISTS WHO ARE  
ALREADY DETAINED, BEING TRIED, OR HAVE BEEN  
CONVICTED AND ARE SERVING SENTENCES. CAPTURED  
[REDACTED]  
[REDACTED]

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OR CONVICTED TERRORISTS MUST PROVIDE "TIMELY,  
CORRECT, AND VALUABLE" INFORMATION IN ORDER TO  
BE ACCEPTED INTO THE PROGRAM. WALK-INS MUST  
ONLY PROVIDE INFORMATION ON THEIR PREVIOUS  
ACTIVITIES AND PROVIDE WHAT OTHER INFORMATION  
THEY KNOW. REDUCTIONS MAY RUN ANYWHERE BETWEEN  
10 YEARS OFF THE SENTENCE TO AN ELIMINATION OF  
THE SENTENCE ALTOGETHER.

4. (U) THE LAW ALSO "GUARANTEES" TO PROTECT THE  
IDENTITY OF THE THOSE JOINING THE PROGRAM;  
PHYSICAL PROTECTION FOR THOSE WHO JOIN; A CHANGE  
OF IDENTITY AND RELOCATION IF NECESSARY; AND  
UNSPECIFIED "ECONOMIC BENEFITS" FOR REPENTANT  
TERRORISTS AND THEIR FAMILY MEMBERS AS NECESSARY.

IMPLEMENTATION BILL APPROVED, WARTS AND ALL  
[REDACTED]

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	RPE-01	CORE-00	/098W				

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R 262228Z MAY 93

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FM AMEMBASSY LIMA  
 TO SECSTATE WASHDC 8684  
 INFO AMEMBASSY QUITO  
 AMEMBASSY BOGOTA  
 AMEMBASSY LA PAZ  
 USCINCSO QUARRY HEIGHTS PM  
 DIA WASHDC

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SOUTHCOM ALSO FOR POLAD

E.O. 12356: DECL: OADR  
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 SUBJECT: TERRORIST REPENTANCE LAW REGULATIONS

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5. (C) THE IDL AND OTHER HUMAN RIGHTS GROUPS  
 CRITICIZED MANY ASPECTS OF THE REPENTANCE LAW  
 AND IMPLEMENTING REGULATIONS, WHILE GENERALLY  
 AGREEING THAT THE PROGRAM IS IN ITSELF NECESSARY.

-- PRINCIPAL AMONG THEIR COMPLAINTS IS THE  
 "UNBELIEVABLE" WORDING AT THE BEGINNING OF THE  
 LAW THAT PRECLUDES TERRORIST LEADERS AND FULL  
 MEMBERS (DIRIGENTES Y MILITANTES) FROM TAKING  
 ADVANTAGE OF THE PROGRAM. ONLY LESSER  
 "COLLABORATORS" ARE TECHNICALLY ELIGIBLE FOR THE  
 REPENTANCE LAW. ALSO, THE LAW AND IMPLEMENTING  
 REGULATIONS CURRENTLY ONLY APPLY TO TERRORISM  
 SUSPECTS AND THOSE DETAINED OR CONVICTED OF  
 "TERRORISM," AND THEREFORE EXCLUDES THOSE  
 DETAINED OR CONVICTED FOR "TREASON AGAINST THE  
 STATE." A STIFFENING OF ANTI-TERRORISM  
 LEGISLATION LAST YEAR PLACED NEARLY ALL  
 TERRORISM SUSPECTS INTO THE LATTER CATEGORY,  
 MAKING THE REPENTANCE LAW INAPPLICABLE EXCEPT  
 FOR A SMALL NUMBER OF CASES. ACCORDING TO IDL,  
 THE SELF-DEFEATING WORDING COULD BE EASILY FIXED  
 VIA AMENDMENTS, BUT IS INDICATIVE OF THE  
 "SLOPPY" LEGAL WORK THAT HAS GONE INTO THIS LAW.

-- THE IMPLEMENTING REGULATIONS REQUIRE THAT

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THESE CASES, BY THEIR NATURE HIGHLY SENSITIVE,  
 BE PROCESSED THROUGH THE TYPICAL LABYRINTH OF AT  
 LEAST TWO, POSSIBLY THREE DIFFERENT LEVELS OF

[REDACTED]  
 [REDACTED]

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 LEGAL CLERKS, PROSECUTORS AND JUDGES.  
 ANTICIPATED PROCESSING TIME FROM START TO FINISH  
 COULD EASILY STRETCH OUT FOR MORE THAN A YEAR.

-- VOLUNTARY WALK-IN TERRORISTS WOULD HAVE TO  
 INCRIMINATE THEMSELVES, UNDERGO A LEGAL PROCESS,  
 INCLUDING TRIAL AND CONVICTION, BUT WOULD HAVE  
 NO GUARANTEE THAT THEY WOULD RECEIVE ANY  
 REDUCTION OF THEIR SENTENCE.

-- ACCEPTANCE INTO THE PROGRAM IS AT THE MERCY  
 OF THE WHIMS OF TOO MANY ACTORS. WHILE  
 ACCEPTING THE NECESSITY FOR ANTI-TERRORISM  
 POLICE TO CONFIRM THE INFORMATION (WITHIN FIVE  
 DAYS), PROSECUTORS AND JUDGES, TOO, MUST AGREE  
 THAT THE INFORMATION IS NOT ONLY CORRECT, BUT  
 ALSO "TIMELY AND VALUABLE." THERE IS NO  
 CRITERIA ESTABLISHED FOR WHAT THESE KEY TERMS  
 MEAN.

-- THERE ARE TWO "EXTRANEOUS" REGULATIONS THAT  
 ACCORDING TO THE IDL, AMOUNT TO "NON-JUDICIAL  
 INTERFERENCE INTO A STRICTLY JUDICIAL MATTER":  
 AN OUTSIDE "EVALUATION COMMITTEE IS CALLED FOR,  
 TO INCLUDE MEMBERS OF THE DEFENSE MINISTRY,  
 NATIONAL INTELLIGENCE SERVICE (SIN) AND THE  
 JOINT ARMED FORCES COMMAND, TO "EVALUATE,  
 COORDINATE AND SUPERVISE THE GRANTING OF THE  
 BENEFITS." ALSO, A SEPARATE PROVISION REQUIRES  
 THAT INFORMATION REGARDING TERRORIST REPENTANCE  
 APPEALS BE PROVIDED TO THE NATIONAL INTELLIGENCE

[REDACTED]  
 [REDACTED]

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 SERVICE.

A POLITICAL/MILITARY ANALYST'S VIEW  
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6. [REDACTED] GENERALLY AGREED WITH THE CRITICISMS OF THE LAW MADE BY HUMAN RIGHTS GROUPS -- IT IS TOO COMPLICATED AND TOO NARROW IN SCOPE BY NOT APPLYING TO TERRORIST LEADERS AND SENIOR CADRE. HOWEVER, THE GENERAL THRUST WAS GOOD. MORE IMPORTANT THAN WHAT THE LAW SAID WAS THE POPULAR IMPRESSION THAT THE GOP HAD CREATED AMONG THE PERUVIAN PUBLIC THAT TERRORIST COULD NOW APPROACH THE ARMY TO TURN THEMSELVES IN WITHOUT FEAR OF RETRIBUTION OR MISTREATMENT.

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7. (C) [REDACTED] SAID THAT UNTIL NOW THE LAW HAD

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[REDACTED]

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R 262228Z MAY 93  
FM AMEMBASSY LIMA  
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AMEMBASSY LA PAZ  
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[REDACTED]  
 [REDACTED]

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 BEEN MOSTLY USED BY PEASANTS AND NATIVE INDIANS  
 FORCED INTO SENDERO RANKS AND WHO HAD MANAGED TO  
 ESCAPE, BUT ADDED THAT A FEW SENDERO AND MRTA  
 CADRE HAD COME FORWARD ON THE ERRONEOUS  
 ASSUMPTION THAT THEY COULD USE THE LAW. BOTH  
 [REDACTED] AND THE HUMAN RIGHTS GROUP CLAIMED THAT  
 PERSONS TURNING THEMSELVES IN TO THE ARMY WERE,  
 IN FACT, BEING HANDLED IN AN AD-HOC (BUT  
 EFFICIENT AND USUALLY BENIGN) MANNER BY THE  
 LOCAL POLITICAL MILITARY COMMANDERS. MEN (AND  
 SOME WOMEN) OF RECRUITMENT AGE WERE USUALLY  
 SIGNED UP INTO THE RANKS; THE REST WERE  
 RE-LOCATED, SOMETIMES TO THEIR HOME COMMUNITIES,  
 AND PLACED WITHIN THE LOCAL SELF-DEFENSE (RONDA)  
 ORGANIZATION. ACCORDING [REDACTED] THE NUMBER  
 OF "REAL" HARD-CORE SENDERISTAS WHO HAD TURNED  
 THEMSELVES OVER WAS NEGLIGIBLE, BUT HE ADDED  
 THAT HE HAD NO FIGURES ON PERSONS JOINING THE  
 PROGRAM.

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THE LET'S-WING-IT SCHOOL OF LAW  
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8. (C) COMMENT: WHAT IS MOST IMPORTANT ABOUT  
 THE LAW IS NOT ITS CONTENT, BUT RATHER ITS  
 THRUST, I.E. THE SECURITY FORCES SHOULD BE  
 SEEKING COOPERATION FROM LOWER-LEVEL SUSPECTED  
 TERRORISTS, RATHER THAN KILLING OR JAILING THEM.  
 SETTING ASIDE THE SERIOUS (BUT SOLVABLE) TEXTUAL  
 AND PROCEDURAL PROBLEMS WITH THE GOP'S NEW  
 REPENTANCE LAW, FUJIMORI, HIS MINISTERS AND

[REDACTED]  
 [REDACTED]

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 SENIOR MILITARY OFFICERS HAVE FOR MONTHS  
 HIGHLIGHTED THE SUCCESS OF A REPENTANCE LAW THAT  
 HAD NOT EVEN BEEN IN FORCE. ALTHOUGH NO ONE,  
 NOT EVEN THE PRESS, SEEMS TO HAVE CARED ENOUGH  
 TO CALL THEM ON THIS MINOR DETAIL, THIS IS  
 NEVERTHELESS SYMPTOMATIC OF THE GOP'S LESS THAN  
 RIGOROUS APPROACH TO THE WAR, EVEN BY ITS  
 LAWYERS. BRAYSHAW

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