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Current Class: CONFIDENTIAL
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Page: 1

Channel: n/a

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PAGE 01 LIMA 13477 01 OF 02 232126Z
ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CIAE-00	C-01	OASY-00	
	DOEE-00	EB-01	EUR-01	HA-09	H-01	INM-02	TEDE-00	
	INR-00	IO-16	JUSE-00	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	/079W					

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P 232127Z DEC 93
FM AMEMBASSY LIMA
TO SECSTATE WASHDC PRIORITY 3684
INFO AMEMBASSY BOGOTA
AMEMBASSY LA PAZ
AMEMBASSY OTTAWA
AMEMBASSY QUITO
USMISSION GENEVA
DIA WASHDC//CH-5//
USCINCSO QUARRY HEIGHTS PM

RELEASED IN PART / *additional*
1.5(D), B1

C O N F I D E N T I A L SECTION 01 OF 02 LIMA 13477

USCINCSO ALSO FOR POLAD

E.O. 12356: DECL: OADR
TAGS: PHUM, PGOV, KJUS, PE
SUBJECT: PERUVIAN JUDGE ORDERS ARRESTS OF
ARMY PERSONNEL IN LA CANTUTA CASE

CONFIDENTIAL

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PAGE 02 LIMA 13477 01 OF 02 232126Z
REF: LIMA 13266

1. (C) SUMMARY: A CIVIL COURT JUDGE HAS
INDICTED TEN ARMY PERSONNEL, INCLUDING AT LEAST
THREE OFFICERS, OVER THE LA CANTUTA ABDUCTIONS
AND KILLINGS. ARREST WARRANTS WERE ISSUED; THE
ARMY HAS SO FAR NOT TURNED OVER THE ACCUSED.
THE SUPREME COURT WILL HAVE TO RESOLVE THE
DISPUTE OVER JURISDICTION. WITNESSES SUBPOENAED
TO TESTIFY BEFORE A CIVILIAN JUDGE IN THE CASE
INCLUDE ARMY COMMANDER GEN. HERMOZA, DEFENSE

Current Class: CONFIDENTIAL

DEPT OF STATE APPEALS REVIEW PANEL (ARP)

Page: 1

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	() Deny	() Class. Ret/Renew

Exemptions B1
ARP Action Cert. me Date 070802

Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 1993LIMA13477

Page: 2
Channel: n/a

MINISTER GEN. MALCA AND PRESIDENTIAL INTELLIGENCE ADVISER MONTESINOS. THE CIVILIAN PROSECUTOR AND JUDGE HAVE BOTH REPORTED THEY HAVE RECEIVED ANONYMOUS DEATH THREATS OVER THE CASE.
END SUMMARY.

2. (U) LIMA SUPERIOR COURT JUDGE CARLOMAGNO CHACON ISSUED INDICTMENTS AND ARREST WARRANTS DECEMBER 17 FOR TEN ARMY PERSONNEL FOR ALLEGED COMPLICITY IN THE THE LA CANTUTA DISAPPEARANCES/KILLINGS. THE TEN, CHARGED WITH KIDNAPPING AND MURDER, FACE SENTENCES OF 15 TO 20 YEARS IN PRISON IF FOUND GUILTY.

CONFUSION OVER WHO HAS BEEN INDICTED

3. (U) PRESS REPORTS HAVE DIFFERED OVER WHO THE TEN ARE. HOWEVER, SIX NAMES APPEAR IN ALL OF THE PUBLISHED LISTS:

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PAGE 03 LIMA 13477 01 OF 02 232126Z

-- MAJOR SANTIAGO MARTIN RIVAS (ALLEGED CHIEF OF "COLINA," THE SPECIAL INTELLIGENCE SQUAD ACCUSED OF CARRYING OUT THE ABDUCTIONS AND KILLINGS);

-- MAJOR ELISEO PICHILINGUE GUEVARA (ALLEGED ADMINISTRATIVE OFFICER OF "COLINA");

-- LT. AQUILINO PORTELLA NUNEZ (CHIEF OF THE ARMY'S LA CANTUTA DETACHMENT); AND

-- ENLISTED MEN EDUARDO SOSA DAVILA, JUAN SUPO SANCHEZ, AND NELSON CARBAJAL GARCIA.

4. (U) "EL COMERCIO," PERU'S LARGEST CIRCULATION DAILY, LISTS THE OTHER FOUR INDICTEES AS:

-- COL. FEDERICO NAVARRO PEREZ (WHO WAS HEAD OF SPECIAL OPERATIONS OF THE ARMY INTELLIGENCE DIRECTORATE WHEN THE ABDUCTIONS OCCURRED); AND

-- ENLISTED MEN JUAN SOSA SAAVEDRA, JULIO CHUQUI AGUIRRE AND HUGO CORAL SANCHEZ.

Current Class: CONFIDENTIAL

Page: 2

UNCLASSIFIED

Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 1993LIMA13477

Page: 3

Channel: n/a

UNCLASSIFIED

5. (U) ACCORDING TO "EL COMERCIO," LT. COLONEL MANUEL GUZMAN CALDERON (FORMER CHIEF OF THE SPECIAL FORCES DIVISION'S 19TH COMMANDO BATTALION), WAS ALSO INDICTED BUT NO ARREST WARRANT WAS ISSUED ON THE UNDERSTANDING HE WOULD APPEAR IN COURT (THE JUDGE BELIEVED HE WAS ONLY INDIRECTLY INVOLVED IN THE CASE).

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PAGE 04 LIMA 13477 01 OF 02 232126Z

6. (U) OTHER PUBLICATIONS HAVE LISTED THE REMAINING INDICTEES AS:

- COL. CARLOS MIRANDA BALAREZO;
- COL. MANUEL GUZMAN CALDERON (WHOM "EL COMERCIO" LISTED AS INDICTED BUT NOT ORDERED TO BE ARRESTED);
- MAJ. BERTETI CARAZAS; AND
- ENLISTED MAN JOSE PINO.

CONFIDENTIAL

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PAGE 01 LIMA 13477 02 OF 02 232126Z
ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CIAE-00	C-01	OASY-00
	DOEE-00	EB-01	EUR-01	HA-09	H-01	INM-02	TEDE-00
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Current Class: CONFIDENTIAL

Page: 3

UNCLASSIFIED

Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 1993LIMA13477

Page: 4
Channel: n/a

USMISSION GENEVA
DIA WASHDC//CH-5//
USCINCSO QUARRY HEIGHTS PM

UNCLASSIFIED

C O N F I D E N T I A L SECTION 02 OF 02 LIMA 13477

USCINCSO ALSO FOR POLAD

E.O. 12356: DECL: OADR
TAGS: PHUM, PGOV, KJUS, PE
SUBJECT: PERUVIAN JUDGE ORDERS ARRESTS OF
7. (U) THE JUDGE INSTRUCTED IMMIGRATION
OFFICIALS TO ENSURE THAT NONE OF THE WANTED MEN
CONFIDENTIAL

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PAGE 02 LIMA 13477 02 OF 02 232126Z
LEAVE THE COUNTRY, ORDERED THAT THEIR ASSETS BE
FROZEN, AND SENT AN ORDER TO DEFENSE MINISTER
GEN. VICTOR MALCA AND ARMY COMMANDER GEN. NICOLAS
HERMOZA FOR THE TEN TO BE TURNED OVER TO CIVIL
AUTHORITIES. SEVERAL PRESS STORIES HAVE REPORTED
THAT AT LEAST ONE OF THE WANTED MEN HAS FLED THE
COUNTRY.

HERMOZA AND MONTESINOS SUBPOENAED

8. (U) CHACON ALSO SUBPOENAED AS WITNESSES IN
THE CASE, AMONG OTHERS, PRESIDENTIAL INTELLIGENCE
ADVISER VLADIMIRO MONTESINOS; GENERAL HERMOZA;
DEFENSE MINISTER MALCA; GEN. LUIS SALAZAR MONROE,
SECOND MILITARY REGION COMMANDER AT THE TIME OF
THE ABDUCTIONS AND NOW DEFENSE ATTACHE IN
WASHINGTON; GEN. PABLO CARMONA ACHA, SALAZAR'S
FORMER SECOND-IN-COMMAND; GEN. LUIS PEREZ
DOCUMET, HEAD OF THE ARMY'S SPECIAL FORCES
DIVISION; AND GEN. JUAN RIVERO LAZO, FORMER
CHIEF OF THE ARMY INTELLIGENCE DIRECTORATE AND
NOW DEPUTY CHIEF OR ARMY PERSONNEL.

DEATH THREATS AGAINST PROSECUTOR AND JUDGE

9. (U) BOTH THE PUBLIC MINISTRY'S SPECIAL
INVESTIGATOR, VICTOR CUBAS, AND THE JUDGE HAVE
GONE ON RECORD CLAIMING THEY HAVE RECEIVED
NUMEROUS ANONYMOUS DEATH THREATS OVER THE LA

Current Class: CONFIDENTIAL

Page: 4

UNCLASSIFIED

CONFIDENTIAL

CONFIDENTIAL

UNCLASSIFIED

PAGE 03 LIMA 13477 02 OF 02 232126Z
CANTUTA CASE. CUBAS TOLD "SI" MAGAZINE THAT
HOODED MEN HAD BEEN WATCHING HIS HOUSE AND THAT
HE WAS RECEIVING AN AVERAGE OF THREE PHONE CALLS
A DAY WITH OBSCENE AND HIGHLY ABUSIVE LANGUAGE
ACCUSING HIM OF PROTECTING TERRORISTS. CHACON
BRUSHED OFF THE ANONYMOUS PHONE THREATS HE HAD
RECEIVED, ASSERTING, "THEY CANNOT INTIMIDATE ME."
VICTOR CUBAS HAS WRITTEN TO DAS NANCY ELY-RAPHEL,
WITH WHOM HE PARTICIPATED IN A RECENT USIS HUMAN
RIGHTS ARNET, COMPLAINING OF THE THREATS AND THE
INADEQUATE GOP PROTECTION GIVEN HIM.

ARCHBISHOP SPEAKS OUT AGAIN

10. (U) THE ARCHBISHOP OF LIMA, AUGUSTO VARGAS
ALZAMORA, SAID A CHRISTMAS MASS AT LA CANTUTA
UNIVERSITY DECEMBER 21, DURING WHICH HE CALLED
FOR THE CASE TO MOVE AHEAD MORE QUICKLY.
VARGAS, SPEAKING OUT ON THE CASE FOR THE SECOND
TIME, DECLARED THAT THE SUPREME COURT SHOULD
DECIDE JURISDICTION AS SOON AS POSSIBLE AND THAT
"JUSTICE SHOULD BE ORIENTED TOWARD PUNISHING
THOSE RESPONSIBLE."

JUDGE COMMENTS ON JURISDICTIONAL DISPUTE

11. (C) IN DECEMBER 9 ARMY DAY SPEECHES, SENIOR
MILITARY OFFICIALS STRONGLY INDICATED THAT THEY
WOULD NOT SURRENDER JURISDICTION IN THE CASE.

CONFIDENTIAL

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PAGE 04 LIMA 13477 02 OF 02 232126Z
AS NOTED REFTTEL, THE SUPREME COURT WILL NOW HAVE
TO RESOLVE CONFLICTING CLAIMS TO JURISDICTION.

//TOLD POLOFF DECEMBER 18 THAT HE
BELIEVED THE CIVILIAN COURTS WILL WIND UP
GETTING THE CASE// BELIEVED THAT THE
DECISION WOULD COME IN THE NEXT TWO WEEKS. HE
WAS UNSURE, HOWEVER, IF THE ARMY WOULD ABIDE BY

B1, 1.5(D)

Current Class: CONFIDENTIAL

Page: 5

UNCLASSIFIED

Current Class: CONFIDENTIAL
Current Handling: n/a
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UNCLASSIFIED

Page: 6
Channel: n/a
B1,1.5(D)

SUCH A RULING. "WHO KNOWS?" HE REMARKED, "MAYBE WE WILL SEE TANKS IN THE STREETS AGAIN."

12. (C) COMMENT: _____ (AS ONLY SPECULATING, BUT HIS COMMENT REFLECTS A GROWING UNDERCURRENT OF ANXIETY THAT AN OPEN CONFRONTATION BETWEEN CIVILIAN AND MILITARY AUTHORITIES OVER THE LA CANTUTA CASE COULD UNDO THE STEPS WHICH HAVE BEEN TAKEN TO RESTORE INSTITUTIONAL DEMOCRACY IN PERU//
BRAYSHAW

Release additional

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Current Class: CONFIDENTIAL

Page: 6

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