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INQUIRE=DOC31D  
ITEM NO=00000474  
ENVELOPE

CDSN = CFS497 MCN = 95139/04852 TOR = 951390354  
RTTCZYUW RUEKJCS0521 1390352-CCCC--RUEANSS.  
ZNY CCCCC

HEADER

R 190352Z MAY 95  
FM DIA WASHINGTON DC  
INFO RUEADWD/OCSA WASHINGTON DC  
RUENAAA/CNO WASHINGTON DC  
RUEAHQA/CSAF WASHINGTON DC  
RUEACMC/CMC WASHINGTON DC  
RUFQBBA/US SURVEY SHAPE BE  
RHLBAAK/CDRUSARSO MAXI FT CLAYTON PM//SOIN-IDI//  
RUWMBKA/12AINS DAVIS MONTHAN AFB AZ  
RUETIAQ/MPC FT GEORGE G MEADE MD  
RUCBSAA/CINCUSACOM NORFOLK VA//J2//  
RUWSMXI/USCINCTrans INTEL CEN SCOTT AFB IL//J2-J//  
RUCQVAB/USCINCSOC INTEL OPS CEN MACDILL AFB FL  
RUEOFAA/COMJSOC FT BRAGG NC//J2//  
RUFTAKC/UDITDUSAREUR HEIDELBERG GE  
RHLBAAA/USCINCSO QUARRY HEIGHTS PM  
RUDMQAN/MARCORINTACT DET QUANTICO VA  
RUDMGRD/COGARD INTELCOORDCEN WASHINGTON DC  
RUDMONI/ONI WASHINGTON DC  
RUDHNS/DIRNAVCRIMINSERV WASHINGTON DC//NAVATAC/22//  
RUGAID/USCINCEUR INTEL VAIHINGEN GE//ECJ2/DIA REP//  
RUFTAKA/UCIRF AUGSBURG GE  
RUDHSIC/CDRUSASOIC WASHINGTON DC//DI//  
RUHPQUA/COMTHIRDFLT  
RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK//CC/DOA//  
RUEALGX/SAFE

R 182111Z MAY 95  
FM AMEMBASSY LIMA  
TO RUEHC/SECSTATE WASHDC 4991  
INFO RUEHGV/USMISSION GENEVA 3069  
RUEHQT/AMEMBASSY QUITO 5421  
RUEHLP/AMEMBASSY LA PAZ 8989  
RUEHBO/AMEMBASSY BOGOTA 7310  
RUEKJCS/DIA WASHDC  
RUEAIIA/CIA WASHDC

BT  
CONTROLS  
~~CONFIDENTIAL~~ SECTION 01 OF 02 LIMA 004859

E.O. 12356: DECL: 5/31/05

/\*\*\*\*\* THIS IS A COMBINED MESSAGE \*\*\*\*\*/

BODY

TAGS: PHUM, PE

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Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.  
( ) Release (X) Excise ( ) Deny (X) Declassify  
Date 9/29/00 Exemption B1, ZD

P  
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SUBJECT: PERUVIAN JUDGE INDICTS FIVE IN BARRIOS  
- ALTOS CASE; MILITARY COURT CHALLENGES  
- JURISDICTION

REF: A) LIMA 3793,  
- B) LIMA 4642 (DAO IIR 6 876 0239 95)

1. (C) SUMMARY: IN LATE APRIL, A LIMA JUDGE, IN RESPONSE TO CHARGES PRESSED BY A DISTRICT ATTORNEY, INDICTED FIVE ARMY PERSONNEL FOR THE 1991 MURDER OF FIFTEEN PEOPLE IN LIMA'S BARRIOS ALTOS NEIGHBORHOOD. THE JUDGE DID NOT ISSUE ARREST WARRANTS, BUT SUBPOENAED THE FIVE TO TESTIFY; OTHERS SUMMONED TO GIVE TESTIMONY INCLUDE ARMY CHIEF GENERAL HERMOZA, DE FACTO HEAD OF THE NATIONAL INTELLIGENCE SERVICE MONTESINOS, AND RETIRED ARMY GENERAL RODOLFO ROBLES. ACCORDING TO A HUMAN RIGHTS CONTACT, THE MILITARY COURT SYSTEM HAS CHALLENGED THE CIVILIAN JUDGE'S JURISDICTION IN THE CASE. LIKE THE LA CANTUTA CASE LAST YEAR, THE BARRIOS ALTOS DEFENDANTS ARE UNLIKELY TO BE PROSECUTED IN OPEN CIVILIAN COURT. IN THE PAST SEVERAL WEEKS, THE AMBASSADOR HAS DISCUSSED THE CASE WITH SANTIAGO FUJIMORI, CONGRESS PRESIDENT YOSHIYAMA, AND THE ATTORNEY GENERAL, STRESSING THE IMPORTANCE OF RESOLVING THIS CASE AND PUNISHING THOSE RESPONSIBLE. END SUMMARY.

JUDGE INDICTS FIVE, INCLUDING GENERAL  
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2. (U) IN LATE APRIL, LIMA FIRST-INSTANCE JUDGE ANTONIA SAQUICURAY INDICTED THE FIVE ARMY PERSONNEL CHARGED EARLIER THAT MONTH IN THE 1991 BARRIOS ALTOS MASSACRE (REFTELS). THE JUDGE DID NOT, HOWEVER, ISSUE ARREST WARRANTS; INSTEAD, SHE ISSUED SUBPOENAS FOR EACH OF THE FIVE, AS WELL AS SEVERAL POSSIBLE WITNESSES, TO APPEAR IN COURT AND TESTIFY (WE NOTE THAT THREE OF THOSE CHARGED ARE ALREADY IN MILITARY DETENTION, SERVING SENTENCES FOR THE 1992 LA CANTUTA KILLINGS). THE INDICTED ARE: RETIRED GENERAL AND NOMINAL CHIEF OF THE NATIONAL INTELLIGENCE SERVICE (SIN) JULIO SALAZAR MONROE, MAJOR SANTIAGO MARTIN RIVAS, AND THREE ENLISTED MEN (AS NOTED REFTELS, MARTIN AND TWO OF THE ENLISTED MEN ARE THE ONES WHO ARE ALREADY IN JAIL). AMONG THOSE SUBPOENAED TO TESTIFY WERE COMMANDING GENERAL OF THE ARMY AND CHAIRMAN OF THE ARMED FORCES JOINT COMMAND NICOLAS DE BARI HERMOZA, DE FACTO HEAD OF THE SIN VLADIMIRO MONTESINOS, RETIRED GENERAL RODOLFO ROBLES, AND

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CONGRESSMAN JULIO CASTRO.

3. (U) PRESS REPORTS NOTED THAT JUDICIAL PERSONNEL WERE STYMIED BY GUARDS WHEN THEY TRIED TO PRESENT THE SUBPOENAS FOR HERMOZA, SALAZAR AND MONTESINOS. ROBLES, IT SHOULD BE RECALLED, HAS POLITICAL ASYLUM IN ARGENTINA; ACCORDING TO PRESS REPORTS, HE INFORMED THE JUDGE THAT HE WOULD TESTIFY IN PERU ONLY IF HIS SAFETY COULD BE GUARANTEED. CASTRO WAS SUBPOENAED PRESUMABLY BECAUSE HE HAD PARTICIPATED IN CONGRESSIONAL INVESTIGATIONS OF THE KILLINGS.

4. (U) OTHERS LIKELY TO TESTIFY IN THE CASE, ASSUMING IT WERE TO GO FORWARD, ARE SURVIVORS OF THE ATTACK; NEIGHBORS WHO WITNESSED THE KILLINGS; POLICE FROM THE NEIGHBORHOOD; AND A MAN -- JOSE BAZAN ADRIANZEN -- WHO HAS CLAIMED TO THE MEDIA THAT HE WAS A MEMBER OF ARMY INTELLIGENCE AND ON AT LEAST ONE OCCASION WORKED WITH THE "COLINA" DEATH SQUAD THAT, HE ALLEGED, EARLIER CARRIED OUT THE BARRIOS ALTOS MASSACRE. ACCORDING TO BAZAN'S VIDEOTAPED ALLEGATIONS, GENERAL SALAZAR WAS ONE OF THE INTELLECTUAL AUTHORS OF THE CRIME.

COORDINADORA PLEASANTLY SURPRISED  
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5. (C) ACCORDING TO A MEMBER OF THE NATIONAL HUMAN RIGHTS COORDINATING COMMITTEE (COORDINADORA), THE HUMAN RIGHTS COMMUNITY IS DEEPLY CONCERNED THAT JUSTICE BE DONE IN THIS CASE. MANY HAD GIVEN UP HOPE THAT THERE WOULD EVER BE INDICTMENTS. THE COORDINADORA MEMBER CHARACTERIZED THE PROSECUTOR AND JUDGE AS "BRAVE." HE SAID THAT WHEN THE COORDINADORA RECEIVED THE NEWS THAT THE PROSECUTOR HAD FORMALLY CHARGED THE FIVE ARMY PERSONNEL, ITS MEMBERS WERE ASTOUNDED. THEY WERE ALSO SURPRISED THAT THE INDICTMENTS WERE ISSUED EVEN BEFORE THEY COULD MEET WITH THE JUDGE.

/\*\*\*\*\* BEGINNING OF SECTION 002 \*\*\*\*\*/  
MILITARY COURT OPENS CASE, CHALLENGES JURISDICTION  
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6. (C) OUR COORDINADORA CONTACT NOTED, HOWEVER, THAT, AS IN THE LA CANTUTA CASE, THE MILITARY JUSTICE SYSTEM HAD OPENED ITS OWN INVESTIGATION OF BARRIOS ALTOS AND WAS INTENT ON CHALLENGING THE CIVILIAN COURT SYSTEM'S JURISDICTION. THE MILITARY COURT WAS CLAIMING THAT ITS INVESTIGATION BEGAN

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LONG AGO, HE SAID, BUT IT WAS OBVIOUS THAT THE INDICTMENTS WERE PUT TOGETHER HASTILY AND BY COINCIDENCE NAMED THE SAME FIVE PERSONS. OUR CONTACT ADVISED THAT THE DOCUMENT BY WHICH THE MILITARY COURT OFFICIALLY REQUESTS CLOSURE OF THE CIVILIAN PROCESS WAS ALREADY ON ITS WAY TO THE CIVILIAN JUDGE. UNDER PERUVIAN LAW, A CASE CANNOT BE HEARD IN BOTH COURT SYSTEMS; THE SUPREME COURT (IN THIS CASE THE CRIMINAL CHAMBER) MUST DECIDE WHICH -- CIVILIAN OR MILITARY -- WILL GET JURISDICTION.

7. (C) A JOURNALIST CONTACT, WHOSE COVERAGE OF THE LA CANTUTA AFFAIR WAS IN PART RESPONSIBLE FOR FORCING THE CASE INTO THE COURTS, TOLD POLOFF RECENTLY THAT HE HAD HAD ACCESS TO THE MILITARY CASE FILE NOW OPENED IN THE BARRIOS ALTOS CASE. THE JOURNALIST SAID THAT THE MILITARY CASE FILE ON BARRIOS ALTOS WAS VERY SIMILAR TO THE MILITARY'S LA CANTUTA CASE FILE IN THAT IT SEEMED TO CLOSELY MIRROR THE CIVILIAN CASE FILE. THAT BEING THE CASE, THERE WAS ENOUGH "MEAT" TO THE CHARGES IN THE MILITARY CASE FILE ON BARRIOS ALTOS THAT THE JOURNALIST SPECULATED THERE MAY WELL BE CONVICTIONS RESULTING FROM THE MILITARY PROSECUTION FOR AT LEAST SOME OF THOSE WHO CARRIED OUT THE ACTUAL KILLINGS, IF NOT HIGHER-UPS.

8. (C) COMMENT: J

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