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Case Number: 200004404

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	OASY-00	DOEE-00	DOTE-00	SRPP-00	DS-00	EB-01	FAAE-00
	FBIE-00	INLB-01	H-01	IMMC-01	TEDE-00	INR-00	INSE-00
	IO-08	L-01	ADS-00	M-00	NRCE-00	NSAE-00	OCS-06
	OIC-02	OIS-01	OMB-01	PA-01	PM-00	PRS-01	P-01
	SCT-00	SP-00	SSO-00	SS-00	STR-01	TRSE-00	T-00
	USSS-00	ASDS-01	PMB-00	DSCC-00	PRME-01	DRL-09	G-00

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O 152214Z JUN 95
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 5377
INFO NSC WASHDC IMMEDIATE
JOINT STAFF WASHDC
AMEMBASSY SANTIAGO
DIA WASHDC
AMEMBASSY BRASILIA
USIA WASHDC 1624
AMEMBASSY BUENOS AIRES
USMISSION GENEVA
USCINCSO QUARRY HEIGHTS PM
AMEMBASSY MEXICO
AMEMBASSY CARACAS
AMEMBASSY BOGOTA
AMEMBASSY LA PAZ
AMEMBASSY QUITO

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: JOHN L. MILLS
DATE/CASE ID: 17 APR 2001 200004404

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NSC FOR FEINBERG;
SOUTHCOM ALSO FOR POLAD

E.O. 12356: 06/30/2000
TAGS: PHUM, KJUS, PGOV, PTER, PE
SUBJECT: FUJIMORI SIGNS AMNESTY LAW

REF: LIMA 5653

1. (C) SUMMARY: LATE JUNE 14, PRESIDENT FUJIMORI SIGNED INTO LAW THE LEGISLATION PROVIDING AMNESTY TO HUMAN RIGHTS ABUSERS WHILE COMBATTING TERRORISM, AS WELL AS OFFICERS INVOLVED IN CRITICISM OF PERU'S PERFORMANCE DURING THE BORDER CONFLICT AND THE 1992 COUP PLOTTING. THE LAW WAS PUBLISHED IN THE GOVERNMENT NEWSPAPER JUNE 15 AND WILL GO INTO EFFECT JUNE 16. CONGRESSWOMAN MARTHA CHAVEZ SAID PUBLICLY THAT SHE DID NOT THINK THIS AMNESTY WOULD PROVIDE IMMEDIATE RELIEF TO ARMY GENERALS RODOLFO ROBLES, WHO IN APRIL 1993 WENT INTO EXILE AFTER DENOUNCING THE ARMY FOR THE LA CANTUTA KILLINGS, NOR JAIME SALINAS SEDO, WHO LED THE NOVEMBER 1992 COUP PLOT AGAINST FUJIMORI. SALINAS'S LAWYER HAS CALLED THE AMNESTY A "TRICK" IF IT DOES NOT LEAD TO HIS CLIENT'S IMMEDIATE RELEASE. THE ARCHBISHOP OF LIMA, THE POLITICAL OPPOSITION AND HUMAN RIGHTS COMMUNITY, AS WELL AS RELATIVES OF VICTIMS OF THE LA CANTUTA AND BARRIOS ALTOS MASSACRES HAVE SPOKEN OUT STRONGLY AGAINST THE LAW FOR PERMITTING THOSE WHO COMMITTED ATROCITIES TO

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GO UNPUNISHED. THE AMNESTY WILL LIKELY CONTINUE TO GENERATE CONSIDERABLE DEBATE IN PERU FOR SOME TIME TO COME, PARTICULARLY FOR THE NATURE IN WHICH IT WAS PASSED.

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END SUMMARY.

AMNESTY LAW SIGNED

2. (U) LATE JUNE 14, PRESIDENT FUJIMORI SIGNED THE AMNESTY LAW (REFTEL) PROVIDING AMNESTY TO MILITARY OFFICERS, WHO COMMITTED ABUSES IN FIGHTING TERRORISM SINCE 1980, AS WELL AS TO OFFICERS WHO CRITICIZED PERU'S PERFORMANCE DURING THIS YEAR'S BORDER CONFLICT, AND THOSE CHARGED WITH PLOTTING A COUP IN NOVEMBER 1992. THE TEXT OF THE LAW WAS PUBLISHED JUNE 15 IN THE GOVERNMENT DAILY "EL PERUANO," AND WILL TAKE EFFECT JUNE 16.

3. (U) FUJIMORI HELD A MEETING WITH HIS CABINET LATE JUNE 14 AT WHICH THE LAW WAS DISCUSSED. PRESS REPORTS INDICATE THAT SOME CABINET MEMBERS WERE UPSET BY THE LAW AND COULD RESIGN, BUT DID NOT PROVIDE DETAILS. PRIME/FOREIGN MINISTER EFRAIN GOLDENBERG SIGNED THE AMNESTY LAW AS PRESIDENT OF THE COUNCIL OF MINISTERS. CONGRESSIONAL FIRST VICE PRESIDENT CARLOS TORRES Y TORRES LARA WHO VOTED AGAINST THE LAW, ATTENDED THE CABINET MEETING, BUT DID NOT CO-SIGN THE LAW ALONG WITH THE PRESIDENT OF CONGRESS AS IS CUSTOMARY.

LAW MAY NOT APPLY TO SOME COUP-PLOTTERS
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 4. (U) IN A PRESS INTERVIEW JUNE 14, CONGRESSWOMAN MARTHA CHAVEZ SAID SHE DID NOT THINK THE AMNESTY LAW WOULD PROVIDE IMMEDIATE RELIEF TO ARMY GENERALS RODOLFO ROBLES, WHO IN APRIL 1993 WENT INTO EXILE AFTER DENOUNCING THE ARMY FOR THE LA CANTUTA KILLINGS, AND JAIME SALINAS SEDO, WHO LED THE NOVEMBER 1992 COUP PLOT AGAINST FUJIMORI. CHAVEZ SAID THAT SHE UNDERSTOOD BOTH ROBLES AND SALINAS WERE EITHER CONVICTED OR FACE CHARGES FOR CRIMES (CORRUPTION) NOT COVERED BY THE AMNESTY LAW. WITH REGARD

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TO TORRES Y TORRES'S OPPOSITION TO THE AMNESTY, CHAVEZ EXPRESSED THE VIEW THAT WHEN ONE IS A MEMBER OF A GROUP, ONE SHOULD RESPECT THE VIEWS OF THE MAJORITY, WHICH SHE SAID IS WHAT DEMOCRACY IS ALL ABOUT. SHE ADDED THAT TORRES Y TORRES, WOULD NOT BE PUNISHED, AND WAS FREE TO HAVE HIS OWN OPINIONS, EVEN THOUGH SHE DID NOT AGREE WITH THEM.

5. (U) SALINAS'S ATTORNEY, JAVIER VALLE Riestra, IN COMMENTING ON THE LAW, SAID THAT IF SALINAS DOES NOT LEAVE PRISON THIS WEEK, THEN THE AMNESTY WOULD BE A "TRICK". VALLE Riestra EXPLAINED THAT SALINAS WAS CONVICTED LAST YEAR OF FRAUD IN THE USE OF ANTI-TERRORIST FUNDS (CHARGES WHICH HE CLAIMED WERE FABRICATED), WHICH SHOULD BE COVERED BY THE AMNESTY FOR ANTI-TERRORIST ACTIVITIES. VALLE Riestra ALSO POINTED OUT THAT THE AMNESTY PROBABLY DOES

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	OASY-00	DOEE-00	DOTE-00	SRPP-00	DS-00	EB-01	FAAE-00
	FBIE-00	INLB-01	H-01	IMMC-01	TEDE-00	INR-00	INSE-00
	IO-08	L-01	ADS-00	M-00	NRCE-00	NSAE-00	OCS-06

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SCT-00	SP-00	SSO-00	SS-00	STR-01	TRSE-00	T-00
USSS-00	ASDS-01	PMB-00	DSCC-00	PRME-01	DRL-09	G-00

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O 152214Z JUN 95
 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC IMMEDIATE 5378
 INFO NSC WASHDC IMMEDIATE
 JOINT STAFF WASHDC
 AMEMBASSY SANTIAGO
 DIA WASHDC
 AMEMBASSY BRASILIA
 USIA WASHDC 1625
 AMEMBASSY BUENOS AIRES
 USMISSION GENEVA
 USCINCSO QUARRY HEIGHTS PM
 AMEMBASSY MEXICO
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NOT APPLY TO GEN. ROBLES, BECAUSE HE WAS CHARGED WITH
INSUBORDINATION AND ABANDONING HIS POST, NOR WOULD IT
BENEFIT RETIRED GENERALS PARRA AND CISNEROS WHO WERE

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CONVICTED BY MILITARY COURTS IN 1994 FOR MEDIA STATEMENTS
IN WHICH THEY CRITICIZED THE MILITARY LEADERSHIP.

CHURCH OPPOSES AMNESTY

6. (U) THE ARCHBISHOP OF LIMA, CARDINAL AUGUSTO VARGAS
ALZAMORA, EXPRESSED OPPOSITION JUNE 14 TO THE AMNESTY LAW,
WHICH HE SAID WOULD CREATE CONFUSION IN THE POPULACE BY
PUTTING ON THE SAME LEVEL THOSE ACCUSED OF MURDER WITH
THOSE TRIED FOR EXPRESSING THEIR VIEWS. HE CALLED THE
AMNESTY LAW "DANGEROUS" AND THAT TO APPLY IT WOULD
GENERATE "GREAT CONFUSION REGARDING THE NORMS OF CONDUCT
OF A HUMAN BEING."

PRO-GOVERNMENT CONGRESSMAN EXPLAINS VOTE AGAINST AMNESTY

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7. (U) ONE OF THE SIX GOVERNMENT LEGISLATORS WHO VOTED
AGAINST THE AMNESTY, CARLOS FERRERO COSTA, EXPLAINED
PUBLICLY JUNE 14 THAT HE HAD VOTED AGAINST THE LAW BECAUSE
IN HIS VIEW IT WOULD NOT CLOSE ANY WOUNDS, BUT RATHER
PROFOUNDLY REOPEN THEM. HE SAID HE DISAGREED WITH THE
VIEWS OF OTHERS IN HIS PARTY THAT THE AMNESTY WOULD LEAD
TO A NATIONAL RECONCILIATION. FERRERO ADDED THAT HE DID
NOT FAVOR THE APPROVAL OF LAWS UNLESS THEY ARE PROPERLY
CIRCULATED, AND THAT THIS PRACTICE WOULD NOT CONTRIBUTE TO
DEMOCRACY.

COORDINADORA CONDEMNS THE AMNESTY

8. (U) THE NATIONAL HUMAN RIGHTS COORDINATING COMMITTEE
(COORDINADORA), AN UMBRELLA ORGANIZATION OF MOST OF PERU'S
HUMAN RIGHTS NGO'S, ISSUED A STATEMENT JUNE 14 CALLING THE
AMNESTY "UNACCEPTABLE AND WITHOUT PRECEDENT IN LATIN
AMERICAN DEMOCRACIES." ACCORDING TO THE COMMUNIQUE, THE

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COORDINADORA REJECTED THE AMNESTY FOR A NUMBER OF REASONS, AMONG THEM:

-- "BECAUSE THIS CONDEMNABLE MEASURE INCLUDES INNOCENT PEOPLE, POLITICAL PRISONERS AND PRISONERS OF CONSCIENCE ALONGSIDE COMMON MURDERERS WHO COMMITTED THE BARBARIC KILLINGS OF LA CANTUTA, BARRIOS ALTOS AND CAYARA, AMONG MANY OTHERS;

-- "BECAUSE THIS MEASURE LEAVES UNPUNISHED THE HUMAN RIGHTS CRIMES COMMITTED SINCE 1980....(INCLUDING) THE
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DISAPPEARANCES OF MORE THAN FIVE THOUSAND PEOPLE, THE THOUSANDS OF PEOPLE KILLED EXTRAJUDICIALLY, AND THE INDISCRIMINATE MASSACRES OF ENTIRE COMMUNITIES; (AND)

-- "BECAUSE A DEMOCRACY REQUIRES THAT EVERYONE SUBMIT TO THE RULE OF LAW....A DEMOCRACY CANNOT ACCEPT THE IMPRISONMENT OF INNOCENT PEOPLE OR THE CONSECRATION OF IMPUNITY...."

9. (U) THE COORDINADORA'S STATEMENT ALSO QUESTIONED THE WAY THE LAW WAS PASSED. "IN ORDER TO DEAL WITH THIS MATTER," IT SAYS, "IT IS NECESSARY TO CONVOKE THE NATION'S CITIZENS AND FOMENT A NATIONAL DEBATE ON RECONCILIATION AND PEACE."

LA CANTUTA/BARRIOS ALTOS FAMILY MEMBERS, PROSECUTOR UPSET

10. (U) RELATIVES OF THOSE KILLED IN THE LA CANTUTA AND BARRIOS ALTOS INCIDENTS READ A STATEMENT TO THE MEDIA JUNE 14 IN WHICH THEY EXPRESSED THEIR "INDIGNATION," AND NOTED THAT WHAT JUSTICE THEY HAD ACHIEVED WITH "THE SENTENCES IMPOSED BY THE MILITARY COURT SYSTEM ON THE KILLERS OF OUR FAMILY MEMBERS HAS COME TO NAUGHT."

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	FBIE-00	INLB-01	H-01	IMMC-01	TEDE-00	INR-00	INSE-00
	IO-08	L-01	ADS-00	M-00	NRCE-00	NSAE-00	OCS-06
	OIC-02	OIS-01	OMB-01	PA-01	PM-00	PRS-01	P-01
	SCT-00	SP-00	SSO-00	SS-00	STR-01	TRSE-00	T-00
	USSS-00	ASDS-01	PMB-00	DSCC-00	PRME-01	DRL-09	G-00
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O 152214Z JUN 95
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 5379
INFO NSC WASHDC IMMEDIATE
JOINT STAFF WASHDC
AMEMBASSY SANTIAGO
DIA WASHDC
AMEMBASSY BRASILIA
USIA WASHDC 1626
AMEMBASSY BUENOS AIRES
USMISSION GENEVA
USCINCSO QUARRY HEIGHTS PM

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AMEMBASSY MEXICO
 AMEMBASSY CARACAS
 AMEMBASSY BOGOTA
 AMEMBASSY LA PAZ
 AMEMBASSY QUITO

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NSC FOR FEINBERG;
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11. (C) BARRIOS ALTOS PROSECUTOR ANA CECILIA MAGALLANES WAS VISIBLY UPSET WHEN DISCUSSING THE AMNESTY LAW WITH POLOFFS JUNE 14. SHE SAID SHE WOULD NOW HAVE TO CLOSE THE BARRIOS ALTOS CASE AND CALLED THE LAW AN ATTACK ON JUSTICE THAT STRIPPED THE PUBLIC MINISTRY OF ITS AUTHORITY.

NUMEROUS OTHER HUMAN RIGHTS CASES AFFECTED

12. (U) THE MILITARY JUSTICE SYSTEM CURRENTLY HAS AT LEAST 78 CASES PENDING FOR ABUSES COMMITTED BY MILITARY OFFICERS, ACCORDING TO PRESS REPORTS, ALTHOUGH ALMOST ALL OF THESE HAVE SHOWN LITTLE OR NO PROGRESS IN RECENT YEARS. OTHER THAN LA CANTUTA AND BARRIOS ALTOS, OTHER HUMAN RIGHTS CONVICTIONS AFFECTED BY THE AMNESTY INCLUDE THOSE RESPONSIBLE FOR THE MASSACRES AT ACCOMARCA, AYACUCHO IN 1985 (BETWEEN 60 AND 70 VILLAGERS KILLED BY AN ARMY PATROL, WHO WERE GIVEN SEVEN YEARS SENTENCES) AND THREE OF THE NINE HUMAN RIGHTS CASES SINGLED OUT BY THE U.S. CONGRESS IN 1991.

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PRINT MEDIA UNIVERSALLY CONDEMNS AMNESTY

13. (U) LIMA'S MAINSTREAM PRESS, INCLUDING PRO-GOP RIGHT-OF-CENTER "EXPRESO" AND ESTABLISHMENT DAILIES "EL COMERCIO" AND "GESTION" REJECTED THE SWEEPING NATURE OF THE BILL FOR INCLUDING MURDERERS WITH OTHERS UNJUSTLY DETAINED. "EXPRESO" CALLED THE INCLUSION OF THE OFFICIALS WHO PARTICIPATED IN THE LA CANTUTA MASSACRE AS DEFYING "MORAL SENSIBILITIES," AND TERMED THEIR INCLUSION IN THE LAW AS EVIDENCE OF THE POWER THE MILITARY NOW HAS. ESTABLISHMENT DAILY "GESTION" IN ITS EDITORIAL NOTED THAT THE WAR ON TERRORISM HAD NOT YET ENDED AND WONDERED WHAT WOULD HAPPEN IF FUTURE CRIMES WERE COMMITTED BY THE MILITARY.

COMMENT

14. (C) COMMENT: THE AMNESTY WILL LIKELY CONTINUE TO GENERATE CONSIDERABLE DEBATE AMONG PERU'S GOVERNING CLASS FOR SOME TIME TO COME, AS IT REPRESENTS AN EFFORT BY FUJIMORI TO RAPIDLY CLEAR THE SLATE ON THE PAST, WITHOUT ADEQUATE PUBLIC DEBATE AND CONSIDERATION. THE AMNESTY NOT ONLY CLEARS THE RECORDS OF PAST HUMAN RIGHTS ABUSERS, IT ALSO RISKS SENDING A MESSAGE TO ACTIVE MEMBERS OF THE SECURITY FORCES THAT HUMAN RIGHTS ABUSES WILL BE TOLERATED, CONTRADICTING WHAT WE BELIEVE IS THE GOP'S POST-1992 POLICY OF REDUCING EXECUTIONS AND DISAPPEARANCES (AS WE HAVE REPORTED RECENTLY, ALTHOUGH EXECUTIONS AND

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DISAPPEARANCES ARE DOWN SHARPLY SINCE 1992, TORTURE AND
ARBITRARY ARREST CONTINUE TO BE MAJOR HUMAN RIGHTS
CONCERNS IN PERU).

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