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RELEASED IN FULL

Case Number: 200102877

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PTO9174

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ACTION WHA-00

INFO	LOG-00	NP-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00
	DOEE-00	SRPP-00	DS-00	EB-00	UTED-00	VC-00	H-01
	TEDE-00	INR-00	INSE-00	IO-00	LAB-01	L-00	VCE-00
	AC-01	NSAE-00	NSCE-00	OIC-02	OMB-01	OPIC-01	PA-00
	PM-00	PRS-00	ACE-00	P-00	SP-00	IRM-00	SSO-00
	STR-00	TRSE-00	USIE-00	R-00	PMB-00	DSCC-00	PRM-01
	DRL-02	G-00	NFAT-00	SAS-00	/010W		
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P 311832Z OCT 00
FM AMEMBASSY LIMA
TO SECSTATE WASHDC PRIORITY 7151
AMEMBASSY QUITO
AMEMBASSY SANTIAGO
AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
AMEMBASSY BRASILIA
AMEMBASSY BOGOTA
AMEMBASSY LA PAZ
USCINCSO MIAMI FL

UNCLAS LIMA 006483

E.O. 12958: DECL N/A
TAGS: PGOV, PREL, PHUM, OAS, PE
SUBJECT: PROGRESS ON CASE OF BARUCH IVCHER AND MAGISTRATES
COUNCIL AND MONTESINOS' INVESTIGATION BY TENURED
PROSECUTORS

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1. (U) SUMMARY: ON OCTOBER 27 THE OAS DIALOGUE PARTICIPANTS AGREED TO RETURN CITIZENSHIP RIGHTS TO TV BUSINESSMAN BARUCH IVCHER. A FIRST STEP FOR THE RETURN OF CONTROL OF TV CHANNELS 2 AND 13 TO THEIR RIGHTFUL OWNERS, THE MOVE BEGINS THE OAS DIALOGUE'S TACKLING OF PRESS FREEDOM ISSUES. PARTICIPANTS ALSO AGREED TO RESTORE FULL POWERS TO THE NATIONAL MAGISTRATES' COUNCIL. SEPARATELY, AG BLANCA COLAN APPOINTED THREE TENURED PROSECUTORS TO INVESTIGATE CHARGES AGAINST EX-INTELLIGENCE CHIEF

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MONTESINOS. END SUMMARY.

2. (U) THREE YEARS AFTER THE GOP REMOVED HIS PERUVIAN CITIZENSHIP TO SEIZE CONTROL OF TV CHANNEL 2, TV ENTREPRENEUR BARUCH IVCHER, WILL SOON REGAIN HIS PERUVIAN NATIONALITY, AS AGREED TO BY OAS PARTICIPANTS ON OCTOBER 27. PER THE AGREEMENT, THE GOP WILL RESTORE IVCHER'S CITIZENSHIP BY DECREE RATHER THAN BY LEGISLATION PREVIOUSLY INTRODUCED. THE GOVERNMENT RESOLUTION ACCEPTS THE INTER AMERICAN HUMAN RIGHTS COMMISSION'S 1998 FINDINGS IN IVCHER'S FAVOR. WITH HIS PERUVIAN CITIZENSHIP RESTORED, IVCHER WILL MOVE CLOSER TO SETTLING THE DISPUTE OVER CHANNEL 2. NEXT ON THE OAS DIALOGUE'S AGENDA IS THE RESTITUTION OF OWNERSHIP RIGHTS TO CHANNEL 13'S MAJORITY SHAREHOLDER, GENARO DELGADO PARKER. WITH THESE STEPS, THE OAS DIALOGUE JUMPS INTO LARGER PRESS FREEDOM ISSUES, ALTHOUGH THERE HAVE ALREADY BEEN SOME DE FACTO SHIFTS TOWARD GRRATER PRESS OPENNESS SINCE VLADIMIRO MONTESINOS OUSTER A MONTH AGO (REFTEL).

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3. (U) THE SAME DAY, AT THE OAS DIALOGUE TALKS, JUDICIAL REFORM TOOK A DEFINITIVE STEP FORWARD WHEN THE PARTICIPANTS AGREED ON THE DRAFT BILL TO RESTORE FULL POWERS TO THE NATIONAL MAGISTRATES' COUNCIL. THE COUNCIL WILL AGAIN BE EMPOWERED TO INVESTIGATE JUDGES AND PROSECUTORS, SOMETHING IT HAS NOT DONE SINCE DECEMBER 1997. THE AGREEMENT MAKES TRAINING AT THE JUDICIAL ACADEMY MANDATORY FOR ASPIRING JUDGES AND CREATES A COMPETITIVE PROCESS FOR FILLING JUDICIAL VACANCIES.

4. (U) SEPARATELY, ON OCTOBER 27, THE PROSECUTORS' EXECUTIVE COMMISSION HEADED BY PERU'S ATTORNEY GENERAL BLANCA COLAN, PICKED THREE TENURED PROSECUTORS TO INVESTIGATE CHARGES LEVELED AGAINST FORMER INTELLIGENCE CHIEF VLADIMIRO MONTESINOS. TONY GARCIA CANO, SPECIAL DRUG COURT PROSECUTOR, WILL INVESTIGATE MONEY LAUNDERING CHARGES BROUGHT BY FOUR OPPOSITION SOMOS PERU CONGRESSMEN. MAGDA ATTO MENDIVES, WILL INVESTIGATE THE CHARGES OF TORTURE AND HOMICIDE PUT FORWARD BY THE NATIONAL HUMAN RIGHTS COORDINATOR. ALLEGATIONS OF CORRUPTION WILL BE INVESTIGATED BY RE-INSTATED PROSECUTOR JACKELINE DEL POZO. ATTO REPLACES AN UNTENURED (OR PROVISIONAL) PROSECUTOR APPOINTED TO THE CASE JUST 24 HOURS BEFORE WHILE DEL POZO TAKES THE PLACE OF ONE WHO HAD SET ASIDE AN INVESTIGATION

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AGAINST MONTESINOS.

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