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ACTION ARA-01

INFO	LOG-00	ACDA-10	ACDE-00	INLB-01	AID-00	ACQ-01	CG-00
	CTME-00	INL-01	OASY-00	DINT-00	DODE-00	SRPP-00	DS-00
	OIGO-01	FBIE-00	H-01	TEDE-00	INR-00	IO-00	JUSE-00
	L-01	ADS-00	M-00	NSAE-00	OIC-02	OMB-01	PA-00
	PM-00	PRS-00	P-00	CIO-00	SP-00	TRSE-00	USIE-00
	FMP-00	PMB-00	DSCC-00	DRL-09	G-00	/029W	

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P 182258Z OCT 96
FM AMEMBASSY LIMA
TO SECSTATE WASHDC PRIORITY 3968
INFO USCINCSO QUARRY HEIGHTS PM
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DEAHQS WASHDC
CIA WASHDC
AMEMBASSY BOGOTA
DIA WASHDC

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SOUTHCOM ALSO FOR POLAD

E.O. 12958: N/A
TAGS: SNAR, PGOV, PINR, PE
SUBJECT: DRUG TRAFFICKER "VATICANO" AND RETIRED ARMY GENERAL
CONVICTED ON DRUG TRAFFICKING CHARGES

REF: LIMA 7710

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1. CLASSIFIED BY DCM JAMES MACK. REASON 1.5 (D).
2. (C) SUMMARY: THE CONVICTION OF DEMETRIO CHAVEZ PENAHERRERA (AKA "VATICANO") ON DRUG TRAFFICKING CHARGES CLOSES PERU'S POLEMICAL PUBLIC TRIAL OF THE FORMER LINEAR TARGET. WHILE THE CONDUCT OF THE TRIAL OF "VATICANO" AND 47 CO-DEFENDANTS LEFT A LOT TO BE DESIRED IN TERMS OF PERUVIAN JURISPRUDENCE, THE CONCURRENT CONVICTION OF RETIRED ARMY GENERAL JAIME RIOS ARAICO AND OTHER

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: JOHN L. MILLS
DATE/CASE ID: 6 MAY 2002 199700716

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MILITARY OFFICIALS ON NARCOTRAFFICKING CHARGES DOES SEND A STRONG MESSAGE THAT THE GOP WILL CONTINUE TO PUNISH SUCH CORRUPTION.
END SUMMARY.

3. (U) A LIMA CIVIL COURT CONVICTED "VATICANO" ON OCTOBER 11 OF DRUG TRAFFICKING AND FORGERY AND SENTENCED HIM TO 25 YEARS IN JAIL. "VATICANO" CREATED A MEDIA FEEDING FRENZY AND A POLITICAL WHIRLWIND DURING HIS FIVE-MONTH LONG TRIAL BY ALLEGING THAT HE PAID DE FACTO HEAD OF THE PERUVIAN NATIONAL INTELLIGENCE SERVICE (SIN) VLADIMIRO MONTESINOS FOR PROTECTION (REFTEL). "VATICANO" LATER RETRACTED THOSE CHARGES, BUT HIS VISIBLY DAZED STATE AT THE TIME ONLY FUELED PRESS SPECULATION THAT HE HAD BEEN COERCED TO ALTR HIS TESTIMONY. THE CIVIL COURT SUBSEQUENTLY ASED THAT THE ACCUSED RECEIVE A NEUROLOGICAL EXAMIATION AT A MEDICAL FACILITY OUTSIDE OF THE MILITAY PRISON. THE MILITARY COURT REFUSED TO ALLOW THA EXAM AND REPORTEDLY HAD A MILITARY DOCTOR CONDUT A MEDICAL EXAM AT THE JAIL.

4. (U) "VATICNO" IS ALREADY SERVING A 30-YEAR SENTENCE FOR TRASON. IN 1994, A MILITARY COURT CONVICTED HIM OF CLLABORATING WITH THE SHINING PATH TERRORIST ORGAIZATION IN THE COCA-GROWING REGIONS OF THE UPPER HUALLAGA VALLEY. IN A BID TO LESSEN HIS
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TREATMENT AS A CONVICTED TERRORIST, "VATICANO" ADMITTED TO BEING A DRUG TRAFFICKER. THE CIVIL COURT FOUND "VATICANO" INNOCENT ON MONEY LAUNDERING CHARGES. HIS SIBLINGS, JOSE HUMBERTO CHAVEZ AND BERTHA CHAVEZ, WERE ALSO CONVICTED BY THE CIVIL COURT ON OCTOBER 11 AND SENTENCED TO 20 AND 18 YEARS IN PRISON, RESPECTIVELY. "VATICANO" AND HIS SIBLINGS ARE APPEALING THEIR SENTENCES TO THE PERUVIAN SUPREME COURT.

5. (U) THE CIVIL COURT ALSO CONVICTED RETIRED ARMY GENERAL JAIME RIOS ARAICO ON DRUG TRAFFICKING AND CORRUPTION CHARGES AND SENTENCED HIM TO 15 YEARS' IMPRISONMENT. GENERAL RIOS HEADED THE UPPER HUALLAGA FRONT IN 1991 AND WAS ACCUSED OF ALLOWING "VATICANO" TO OPERATE HIS DRUG TRAFFICKING FIRM IN THE UPPER HUALLAGA VALLEY IN EXCHANGE FOR PAYMENTS TO ARMY OFFICIALS IN THE AREA. INTERRUPTING THE READING OF HIS SENTENCE, GENERAL RIOS SHOUTED, "THIS IS AN INJUSTICE." GENERAL RIOS' ATTORNEY IS BOTH APPEALING THE VERDICT AND MOVING A HABEUS CORPUS PETITION IN AN EFFORT TO RETURN HIS CLIENT TO THE MILITARY PRISON WHERE HE WAS ORIGINALLY INCARCERATED. IN THE SAME TRIAL, TWO ARMY COMMANDERS WERE SENTENCED TO TEN AND FIVE YEARS' IMPRISONMENT ON THE SAME CHARGES WHILE SIX OTHER MILITARY OFFICIALS WERE CLEARED OF DRUG TRAFFICKING

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CHARGES. THE COURT ALSO ORDERED THE ARREST OF 21 PERSONS WHO
ABSCONDED, INCLUDING TWO MILITARY OFFICERS.

6. (C) COMMENT. GOP OFFICIALS MUST BE RELIEVED THAT THE CIVIL
TRIAL OF "VATICANO" AND HIS CO-DEFENDANTS ON DRUG TRAFFICKING
CHARGES HAS FINALLY CONCLUDED. WHILE WE EXPECT THE INTENSE
NATIONAL DEBATE REGARDING DE FACTO SIN CHIEF MONTESINOS' ROLE IN
GOVERNMENT USHERED IN BY "VATICANO'S" AS YET UNSUBSTANTIATED
ALLEGATIONS TO LINGER, "VATICANO'S" CONVICTION IN A CIVIL COURT
REMOVES THE MOST VISIBLE VENUE ON WHICH THIS POLEMIC WAS PLAYED

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OUT. IN THE TRIAL, AT LEAST, THE GOP HAD THE FINAL WORD; CONTRARY
TO PERUVIAN CIVIL TRIAL CUSTOM, NEITHER "VATICANO" NOR HIS ATTORNEY
WAS AFFORDED THE CHANCE TO ADDRESS THE COURT PRIOR TO SENTENCING.
END COMMENT.

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