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 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC IMMEDIATE 4628
 INFO USCINCSO QUARRY HEIGHTS PM
 AMEMBASSY MEXICO
 AMEMBASSY CARACAS
 AMEMBASSY BUENOS AIRES
 AMEMBASSY LA PAZ
 AMEMBASSY BOGOTA
 AMEMBASSY QUITO

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E.O. 12958: DECL: 12/2/2006
 TAGS: PHUM PINR PTER PE
 SUBJECT: GENERAL ROBLES DETENTION UPDATE

REF: LIMA 10178

1. CLASSIFIED BY AMBASSADOR JETT. REASON 1.5(D).

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2. (C) SUMMARY: POLOFF MET NOVEMBER 29 WITH THE WIFE OF DETAINED GENERAL ROBLES (REFTEL). MRS. ROBLES EXPRESSED CONCERN ABOUT TELEPHONIC DEATH THREATS SHE RECEIVED SINCE HER HUSBAND'S DETENTION FROM INDIVIDUALS DESCRIBING THEMSELVES BELONGING TO THE "COLINA" GROUP. SHE BELIEVED THAT QUICK ACTION BY HUMAN RIGHTS GROUPS FORCED THE PERUVIAN GOVERNMENT TO ANNOUNCE THE ARREST OF ROBLES. WHILE CAREFULLY PRAISING THE PERUVIAN MILITARY'S WORK IN COMBATTING TERRORISM, PRESIDENT FUJIMORI HAS CRITICIZED THE MANNER IN WHICH GENERAL ROBLES WAS DETAINED. FUJIMORI STATED THAT IF ROBLES IS

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UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: MELVIN E. SINN
 DATE/CASE ID: 12 SEP 2002 200102969

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CONVICTED, HE WOULD PARDON HIM. MRS. ROBLES HAS SAID HER HUSBAND SHOULD NOT BE PARDONED SINCE HE IS NOT GUILTY, BUT RATHER THE PRESIDENT, AS COMMANDER OF THE ARMED FORCES, SHOULD ORDER HIS RELEASE. THIS IS UNLIKELY, AND ROBLES WILL PROBABLY REMAIN IN PRISON FOR AT LEAST A FEW MONTHS. END SUMMARY.

MEETING WITH MRS. ROBLES

3. (C) POLOFF MET NOVEMBER 29 WITH NELLY MONTOYA DE ROBLES, WIFE OF DETAINED GENERAL RODOLFO ROBLES, AT THE OFFICES OF THE PRO-HUMAN RIGHTS ASSOCIATION (APRODEH). MRS. ROBLES LEARNED OF HER HUSBAND'S NOVEMBER 26 "ABDUCTION" FROM THE STREET VENDORS NEAR HER HOME MOMENTS AFTER IT TOOK PLACE. THE VENDORS KNEW HER HUSBAND AND IMMEDIATELY WENT TO THE ROBLES HOME TO TELL HER WHAT HAPPENED. BASED ON THE VIOLENT NATURE OF ROBLES'S ARREST, MRS. ROBLES INITIALLY BELIEVED SHE WOULD NEVER SEE HER HUSBAND AGAIN. SHE IMMEDIATELY CONTACTED APRODEH, WHO INFORMED HUMAN RIGHTS ORGANIZATIONS IN WASHINGTON AS WELL AS AMNESTY INTERNATIONAL IN LONDON. SHE ALSO BELIEVES THAT HAD THERE NOT BEEN AN IMMEDIATE OUTCRY, HER HUSBAND'S DETENTION MIGHT NOT HAVE BEEN ACKNOWLEDGED

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PUBLICLY. MRS. ROBLES SPECULATED THAT THOSE RESPONSIBLE FOR HER HUSBAND'S ABDUCTION DID NOT COUNT ON WITNESSES RECOGNIZING ROBLES AND WRITING DOWN THE LICENSE PLATE NUMBERS OF HIS ABDUCTORS' VEHICLES.

4. (C) WHEN MRS. ROBLES WAS FINALLY ABLE TO SEE HER HUSBAND AT THE "REAL FELIPE" NAVAL BASE PRISON AT 3:30 PM ON THE DAY OF THE ARREST, ROBLES'S FACE WAS WRAPPED UP WITH TOWELS TO SOOTH THE AFFECTS OF THE KNOCKOUT SPRAY APPLIED TO HIS FACE. THE SPRAY ALSO AFFECTED HIS THROAT, WHICH WAS STILL PARTIALLY NUMB. ON THE DAY OF ROBLES'S ARREST, HIS ATTORNEY, HERIBERTO BENITEZ, TWICE VISITED THE SUPREME COUNCIL OF MILITARY JUSTICE HEADQUARTERS IN AN ATTEMPT TO READ THE CASE FILE AGAINST ROBLES, BUT WAS TOLD BOTH TIMES THAT THE CASE AGAINST ROBLES HAD NOT YET BEEN FILED. ACCORDING TO APRODEH DIRECTOR FRANCISCO SOBERON, THIS WAS VERY IRREGULAR.

5. (C) SHORTLY AFTER SIX P.M. ON THE DAY OF THE ARREST, MRS. ROBLES SAID SHE RECEIVED TWO TELEPHONIC DEATH THREATS FROM INDIVIDUALS SAYING THEY WERE WITH THE "COLINA" GROUP AND THREATENING TO KILL HER IF SHE SAID THE THINGS SHE KNEW. THE CALLERS ALSO MADE THREATS AGAINST HER SONS AND GRANDCHILDREN, SPECIFICALLY MENTIONING HER EIGHT-YEAR OLD GRANDDAUGHTER. ON THE PHONE BEFORE THE MEETING SOBERON HAD SAID THAT ROBLES WAS PLANNING

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TO REVEAL EMBARRASSING INFORMATION REGARDING THE MILITARY. HOWEVER, DURING THE MEETING WITH MRS. ROBLES, SOBERON SAID THAT THE INFORMATION HE HAD ONLY RELATED TO MORE INFORMATION TO SUPPORT ROBLES'S CHARGE OF COLINA GROUP INVOLVEMENT IN THE OCTOBER 17 BOMBING OF THE GLOBAL TELEVISION STATION IN PUNO. SOBERON SAID THAT APRODEH AND THE ROBLES FAMILY WERE STILL CONSIDERING HOW TO MAKE THIS INFORMATION PUBLIC. MRS. ROBLES SAID SHE WAS NOT AWARE OF ALL THE INFORMATION HER HUSBAND POSSESSED SINCE MANY DISGRUNTLED

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RETIRED AND ACTIVE DUTY OFFICERS MET WITH HER HUSBAND AND TOLD HIM MANY DIFFERENT THINGS.

6. (C) IN RESPONSE TO POLOFF'S QUESTION, MRS. ROBLES ACKNOWLEDGED RECEIVING PHONE CALLS IN SUPPORT OF HER HUSBAND FROM ACTIVE DUTY OFFICERS WHO DID NOT IDENTIFY THEMSELVES BUT WHOSE VOICES SHE RECOGNIZED AS FORMER FRIENDS AND COLLEAGUES OF HER HUSBAND, SOME OF WHOM HAD BEEN IN THE SAME "PROMOCION" OR MILITARY ENTRY CLASS. SHE ALSO NOTED THAT INTERIOR MINISTER JUAN BRIONES AND DEFENSE MINISTER TOMAS CASTILLO MEZA HAD BEEN IN HER HUSBAND'S "PROMOCION" GROUP BUT THAT THESE TWO HAD LED THE EFFORT A FEW YEARS AGO TO HAVE HER HUSBAND DISMISSED FROM BEING OFFICIALLY CONSIDERED A MEMBER OF THIS "PROMOCION."

7. (C) POLOFF ASSURED MRS. ROBLES THAT THE USG WAS INTERESTED IN HER HUSBAND'S CASE AND WOULD BE FOLLOWING IT CLOSELY. SHE AND HER HUSBAND HAD NO DESIRE TO LEAVE PERU AT THIS TIME, UNLIKE THREE YEARS AGO WHEN THEY TOOK REFUGE FOR TWO DAYS IN THE U.S. EMBASSY. SOBERON ASKED THAT THE ROBLES ARREST AND DETENTION BE INCLUDED IN THE ANNUAL STATE DEPARTMENT HUMAN RIGHTS REPORT.

8. (U) POLOFF'S MEETING WITH MRS. ROBLES WAS REPORTED BRIEFLY IN TWO NEWSPAPERS THE FOLLOWING DAY. POLOFF'S NAME WAS NOT USED IN

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EITHER REPORT, BUT RATHER IDENTIFIED AS A SENIOR EMBASSY OFFICIAL OR POLITICAL OFFICER. "EMBASSY IS WORRIED" WAS THE TITLE OF THE ITEM IN OPPOSITION "LA REPUBLICA." CONSERVATIVE "EL COMERCIO"

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 TITLED ITS PIECE "U.S. DIPLOMAT HAS INTEREST IN THE CASE OF GENERAL ROBLES." BOTH REPORTS REFERRED TO ROBLES'S TAKING REFUGE IN THE U.S. EMBASSY IN 1993.

PRESIDENT FUJIMORI ON ROBLES

9. (C) ON NOVEMBER 29, PRESIDENT FUJIMORI PUBLICLY CRITICIZED THE MANNER IN WHICH ROBLES HAD BEEN DETAINED, SAYING THE SUPREME COUNCIL OF MILITARY JUSTICE HAD MADE A MISTAKE IN THE WAY IT DETAINED ROBLES. HE SAID HE HAD HEARD ABOUT IT FROM MEDIA REPORTS. FUJIMORI ADDED THAT ROBLES SHOULD HAVE BEEN CITED BEFORE BEING DETAINED. (FUJIMORI'S REMARKS CONTRASTED WITH AN EARLIER STATEMENT BY GENERAL HERMOZA AND A COMMUNIQUE FROM THE SUPREME COUNCIL OF MILITARY JUSTICE, WHICH STATED THAT THERE HAD BEEN NOTHING IRREGULAR IN ROBLES'S DETENTION.) AT THE SAME TIME, FUJIMORI WAS CAREFUL TO PRAISE THE EFFORTS BY THE MILITARY IN COMBATTING TERRORISM.

10. (U) IN A TELEVISION INTERVIEW DECEMBER 1, FUJIMORI WENT

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FURTHER AND ANNOUNCED THAT IF THE SUPREME COUNCIL OF MILITARY JUSTICE CONVICTED ROBLES, THEN HE WOULD GRANT HIM A PARDON OR AMNESTY. FUJIMORI THEN AGAIN PRAISED THE WORK OF THE MILITARY AND NATIONAL INTELLIGENCE SERVICE IN COMBATTING TERRORISM.

MRS. ROBLES RESPONDS TO FUJIMORI

11. (U) SHORTLY AFTERWARDS, MRS. ROBLES RESPONDED PUBLICLY TO THE PRESIDENT'S PARDON STATEMENT WHILE STANDING NEXT TO FORMER FIRST LADY SUSANA HIGUCHI (THE DIVORCED WIFE OF PRESIDENT FUJIMORI).

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 AFTER COMMENTING "I HOPE HIS WORDS ARE TRUE," SHE ADDED THAT SINCE FUJIMORI IS THE COMMANDER IN CHIEF OF THE ARMED FORCES HE SHOULD ORDER HER HUSBAND FREED. SHE SAID THAT HER HUSBAND WOULD NOT ACCEPT A PARDON BECAUSE HE HAD NOT COMMITTED ANY CRIME. MS. HIGUCHI EXPRESSED SOLIDARITY WITH MRS. ROBLES AND STATED THAT THE COMMON FEELING AMONG PERUVIANS WAS THAT THE RETIRED GENERAL SHOULD BE FREED SINCE FREEDOM OF SPEECH IS PERMITTED IN PERU.

FOREIGN MINISTER TUDELA CONCERNED ABOUT PERU'S IMAGE

12. (U) IN A DECEMBER 1 STATEMENT TO THE PRESS, FOREIGN MINISTER TUDELA EXPRESSED THE VIEW THAT THE ROBLES CASE WAS A FOREIGN POLICY PROBLEM BECAUSE IT AFFECTED PERU'S IMAGE ABROAD. NOTING THAT A CIVILIAN COURT HAD AGREED TO THE ROBLES FAMILY'S HABEAS CORPUS REQUEST AND THE MILITARY COURT'S REFUSAL TO RECOGNIZE THIS, TUDELA SAID THAT THIS NEEDED TO BE RESOLVED. TUDELA NOTED THAT PRESIDENT FUJIMORI HAD MADE A STATEMENT AFFIRMING THAT ERRORS HAD BEEN COMMITTED IN DETAINING ROBLES. TUDELA ASSERTED THAT THIS DEMONSTRATED THE PERUVIAN GOVERNMENT'S DESIRE THAT IRREGULARITIES IN CASES SUCH AS THIS NOT TAKE PLACE.

MILITARY JUSTICE SUSPENDS LAWYER AND CRITICIZES OMBUDSMAN

13. (U) ON NOVEMBER 28, ROBLES'S LAWYER, HERIBERTO BENITEZ WAS SUSPENDED FROM APPEARING BEFORE MILITARY COURTS FOR FIVE MONTHS AFTER HE QUESTIONED THE LEGAL QUALIFICATION OF MILITARY JUDGES IN A NOVEMBER 26 TELEVISION INTERVIEW. THE SUPREME COUNCIL OF MILITARY JUSTICE HAS BROUGHT CONTEMPT OF COURT CHARGES AGAINST BENITEZ IN CIVILIAN COURTS, FOR WHICH BENITEZ MIGHT BE DETAINED.

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ROBLES NOW HAS A NEW ATTORNEY. IN ADDITION, A MILITARY COURT HAS
"CONFIRMED" ROBLES'S DETENTION AND THE CHARGES AGAINST HIM.

14. (U) IN A NOVEMBER 27 COMMUNIQUE, THE SUPREME COUNCIL OF
MILITARY JUSTICE CRITICIZED THE HUMAN RIGHTS OMBUDSMAN FOR ISSUING
A STATEMENT THE PREVIOUS DAY EXPRESSING CONCERN ABOUT THE MANNER IN
WHICH ROBLES WAS DETAINED. HUMAN RIGHTS OMBUDSMAN, JORGE
SANTISTEVAN, DEFENDED HIMSELF PUBLICLY NOVEMBER 29 POINTING OUT
THAT HE HAD ACTED IN ACCORDANCE WITH THE CONSTITUTION. THE
OMBUDSMAN NOTED THAT PRESIDENT FUJIMORI HAD BACKED HIM UP BY ALSO
EXPRESSING CONCERN WITH THE MANNER IN WHICH ROBLES WAS DETAINED.
SANTISTEVAN INDICATED THAT SHOULD ANOTHER CASE SIMILAR TO ROBLES'S
TAKE PLACE, HE WOULD ACT IN A SIMILAR FASHION. HE SAID GOVERNMENT
OFFICES HAD TO GET USED TO THE OMBUDSMAN'S ROLE IN MAKING PUBLIC
STATEMENTS, ADDING THAT PERU HAD TO BEGIN HAVING DEMOCRACY. WHEN
ASKED ABOUT THE COLINA DEATH SQUAD, SANTISTEVAN SAID HE COULD NOT
COMMENT ON THAT SINCE HE DID NOT HAVE ANY INFORMATION RELATING TO
IT, THOUGH HE WISHED HE HAD.

COMMENT

15. (C) PRESIDENT FUJIMORI'S STATEMENTS APPEARS IN DIRECT RESPONSE

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TO THE HEAVY CRITICISM ROBLES'S DETENTION HAS RECEIVED IN PERU.
 (THE MEDIA HAS BEEN ALMOST UNIVERSALLY OPPOSED TO ROBLES'S
 DETENTION.) FUJIMORI'S REMARKS PRAISING THE MILITARY WHILE AT THE

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 SAME TIME CRITICIZING THE MANNER IN WHICH ROBLES WAS DETAINED
 APPEAR CAREFULLY CRAFTED TO SATISFY BOTH THE MILITARY AND THOSE
 UPSET WITH ROBLES'S DETENTION. IT REMAINS TO BE SEEN IF HE IS
 SUCCESSFUL IN MOLLIFYING EITHER GROUP. BASED ON THE PRESIDENT'S
 STATEMENT, IT APPEARS LIKELY ROBLES WILL REMAIN IN PRISON UNTIL
 CONVICTED BY A MILITARY COURT, AND THEN BE RELEASED AS A RESULT OF
 A PRESIDENTIAL PARDON, PROBABLY IN A FEW MONTHS. HOWEVER, THIS IS
 UNLIKELY TO STOP THE OPPOSITION FROM UTILIZING ROBLES'S DETENTION
 TO THE MAXIMUM BENEFIT POSSIBLE IN AN EFFORT TO EMBARRASS THE
 GOVERNMENT. IF ROBLES HAS FURTHER DAMAGING REVELATIONS TO MAKE, IT
 APPEARS, FOR THE TIME BEING, HE HAS DECIDED NOT TO REVEAL THEM,
 POSSIBLY DUE TO CONCERNS FOR HIS FAMILY'S SAFETY.
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