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Current Class: CONFIDENTIAL  
 Current Handling: n/a  
 Document Number: 1996LIMA10512

Page: 1

Channel: n/a

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CONFIDENTIAL PTQ1855

PAGE 01 LIMA 10512 01 OF 03 102219Z  
 ACTION ARA-01

INFO	LOG-00	ACDA-10	ACDE-00	INLB-01	AID-00	AMAD-01	A-00
	ACQ-01	CA-02	CCO-00	CG-00	CIAE-00	COME-00	CTME-00
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	ASDS-01	PMB-00	DSCC-00	PRM-10	PRME-01	DRL-09	G-00

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O 102212Z DEC 96  
 FM AMEMBASSY LIMA  
 TO SECSTATE WASHDC IMMEDIATE 4786  
 INFO DIA WASHDC  
 USIA WASHDC 3182  
 AMEMBASSY BOGOTA  
 AMEMBASSY CARACAS  
 AMEMBASSY LA PAZ  
 AMEMBASSY BUENOS AIRES  
 AMEMBASSY QUITO  
 USCINCSO QUARRY HEIGHTS PM  
 AMEMBASSY MEXICO

RELEASED IN PART

B1, 1.5(D)

CONFIDENTIAL SECTION 01 OF 03 LIMA 010512

SOUTHCOR ALSO FOR POLAD

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 LIMA 10512 01 OF 03 102219Z

E.O. 12958: DECL: 12/6/2006  
 TAGS: PHUM PINR PREL PTER PE  
 SUBJECT: GENERAL ROBLES AMNESTIED AND RELEASED

REF: A) LIMA 10178; B) LIMA 10249

1. CLASSIFIED BY CHARGE JAMES MACK. REASON 1.5 (D).

Current Class: CONFIDENTIAL

UNITED STATES DEPARTMENT OF STATE  
 REVIEW AUTHORITY: SAM A. MOSKOWITZ  
 DATE/CASE ID: 15 JUN 2001 200101053

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DEPT. OF STATE APPEALS REVIEW PANEL Page: 1

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Current Class: CONFIDENTIAL  
Current Handling: n/a  
Document Number: 1996LIMA10512

UNCLASSIFIED

Page: 2

Channel: n/a

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2. (C) SUMMARY: RETIRED GENERAL RODOLFO ROBLES, WHO WAS DETAINED IN A MILITARY PRISON ON CHARGES RELATING TO HIS REVELATION THAT A MILITARY DEATH SQUAD WAS INVOLVED IN THE OCTOBER BOMBING OF A TELEVISION STATION, WAS RELEASED FROM PRISON DECEMBER 7 AFTER THE PERUVIAN CONGRESS PASSED A LAW PROPOSED BY PRESIDENT FUJIMORI GRANTING HIM AMNESTY. THE ROBLES ARREST SAW PUBLIC OPINION AND THE PERUVIAN MEDIA ALMOST UNIVERSALLY REJECT THE HEAVY-HANDED METHODS USED AGAINST THE RETIRED GENERAL. THE LONGER TERM CONSEQUENCES OF THE ROBLES CASE COULD BE INCREASED TENSION BETWEEN FUJIMORI AND THE MILITARY-INTELLIGENCE HIERARCHY. ONE REPUTABLE POLL TAKEN AFTER THE ROBLES ARREST SHOWS MORE DISAPPROVAL THAN APPROVAL FOR FUJIMORI'S PERFORMANCE. WHETHER FUJIMORI CAN REGAIN HIS LOST POPULARITY REMAINS TO BE SEEN. END SUMMARY.

CONGRESS PASSES ROBLES AMNESTY LAW  
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3. (U) ON DECEMBER 5, THE PERUVIAN CONGRESS PASSED LEGISLATION PROPOSED BY PRESIDENT FUJIMORI GRANTING AMNESTY TO RETIRED GENERAL RODOLFO ROBLES, WHO WAS ARRESTED IN A VIOLENT MANNER NOVEMBER 26 AND CHARGED WITH OFFENDING THE ARMED FORCES, INSULTING A SUPERIOR,  
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 LIMA 10512 01 OF 03 102219Z  
DISOBEDIENCE, AND MAKING FALSE STATEMENTS (REFTELS). CONGRESS ALSO APPROVED A SECOND AMNESTY BILL CLEARING THE RECORDS OF CIVILIAN AND MILITARY LEGAL PERSONNEL WHO WERE FACING CHARGES BASED ON THEIR ROLES IN THE ROBLES CASE. ONE WAS A CIVILIAN JUDGE WHO GRANTED A HABEAS CORPUS DECREE ORDERING ROBLES'S RELEASE, AND THE OTHERS WERE THE MILITARY COURT JUDGE AND PROSECUTOR WHO REFUSED TO ACCEPT THE HABEAS CORPUS ORDER. ROBLES'S LAWYER, HERIBERTO BENITEZ, WHO WAS CHARGED WITH CONTEMPT OF COURT AND SUSPENDED FROM APPEARING BEFORE MILITARY COURTS FOR FIVE MONTHS, SHOULD ALSO BENEFIT FROM THE AMNESTY LAW.

ROBLES RELEASED  
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4. (U) ROBLES WAS RELEASED FROM "REAL FELIPE" MILITARY PRISON DECEMBER 7 AND GREETED BY HIS FAMILY AND DOZENS OF SUPPORTERS. (POLCOUNS AND POLOFF MET WITH ROBLES DECEMBER 10, SEPTTEL.) HIS RELEASE FROM PRISON WAS HEADLINE NEWS IN ALL OF THE LIMA MEDIA. AT A PRESS CONFERENCE, ROBLES BLAMED ARMED FORCES CHIEF GENERAL NICOLAS HERMOZA RIOS AND THE HEAD OF THE SUPREME COUNCIL OF MILITARY JUSTICE, GENERAL GUIDO GUEVARA, FOR HIS ABDUCTION. ROBLES EXPRESSED THE VIEW THAT THOSE WHO DETAINED HIM WERE MEMBERS OF THE "COLINA" MILITARY DEATH SQUAD, WHO HAD PLANNED TO KILL HIM AND LAY

Current Class: CONFIDENTIAL

Page: 2

UNCLASSIFIED

Current Class: CONFIDENTIAL  
Current Handling: n/a  
Document Number: 1996LIMA10512

UNCLASSIFIED

Page: 3  
Channel: n/a

THE BLAME ON SENDERO LUMINOSO TERRORISTS. ROBLES CREDITED THE FACT THAT HE YELLED TO BYSTANDERS THAT THOSE WHO ABDUCTED HIM BELONGED TO THE NATIONAL INTELLIGENCE SERVICE (SIN) WITH SAVING HIS LIFE, AND NOTED THAT HIS CAPTORS HAD TO CALL FOR INSTRUCTIONS IN LIGHT OF HIS STATEMENT TO BYSTANDERS. ROBLES ALSO SPOKE ABOUT BEING PUNCHED AND SPRAYED IN THE FACE DURING HIS ARREST. HE REVEALED THAT THE SPRAY HAD IRRITATED HIS EYES.

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 LIMA 10512 01 OF 03 102219Z  
THE ROBLES AMNESTY LAW  
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5. (U) THE ROBLES AMNESTY PROPOSAL WAS FIRST OFFICIALLY ANNOUNCED BY PRESIDENT FUJIMORI DECEMBER 3 AFTER A COUNCIL OF MINISTERS MEETING. FUJIMORI HAD STATED NOVEMBER 28 THAT HE WAS CONSIDERING A PARDON FOR ROBLES, BUT ROBLES, THROUGH A STATEMENT BY HIS WIFE, REJECTED THE PARDON SUGGESTION, SAYING HE HAD DONE NOTHING WRONG. THE ROBLES FAMILY HAS EXPRESSED PLEASURE WITH THE AMNESTY PROPOSAL AS A QUICK WAY OF RESOLVING THIS CASE. ROBLES PREVIOUSLY BENEFITTED FROM THE JUNE 1995 AMNESTY OF MILITARY OFFICERS WHO OPPOSED FUJIMORI.

6. (U) THE ROBLES AMNESTY LAW, WHICH WAS PRESENTED TO CONGRESS BY THE EXECUTIVE BRANCH, WAS APPROVED BY THE CONGRESSIONAL JUSTICE COMMITTEE DECEMBER 4, AND THEN BY THE FULL CONGRESS DECEMBER 5. IT DOES NOT MENTION ROBLES BY NAME, BUT RATHER GRANTS AMNESTY TO ALL RETIRED MILITARY OFFICERS CURRENTLY CHARGED WITH OFFENDING THE ARMED FORCES, INSULTING A SUPERIOR, DISOBEDIENCE, AND MAKING FALSE STATEMENTS. (COMMENT: THIS SHOULD ONLY APPLY TO ROBLES. END COMMENT.)

7. (U) PASSAGE OF THE ROBLES'S AMNESTY WAS NEVER IN DOUBT; THE BILL RECEIVED 89 VOTES IN FAVOR AND NONE AGAINST. SEVEN OPPOSITION CONGRESSMEN ABSTAINED BECAUSE THEY FELT THERE WAS NOT SUFFICIENT TIME TO DEBATE THE LAW. THE AMNESTY LAW WAS PUBLISHED IN THE GOVERNMENT DAILY "EL PERUANO" DECEMBER 6 AND TOOK EFFECT THE

CONFIDENTIAL

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CONFIDENTIAL PTQ1856

PAGE 01 LIMA 10512 02 OF 03 102219Z  
ACTION ARA-01

Current Class: CONFIDENTIAL

Page: 3

UNCLASSIFIED

UNCLASSIFIED

Current Class: CONFIDENTIAL  
 Current Handling: n/a  
 Document Number: 1996LIMA10512

Page: 4

Channel: n/a

INFO	LOG-00	ACDA-10	ACDE-00	INLB-01	AID-00	AMAD-01	A-00
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	ASDS-01	PMB-00	DSCC-00	PRM-10	PRME-01	DRL-09	G-00

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 FM AMEMBASSY LIMA  
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 AMEMBASSY LA PAZ  
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 AMEMBASSY MEXICO

C O N F I D E N T I A L SECTION 02 OF 03 LIMA 010512

SOUTHCOM ALSO FOR POLAD

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 LIMA 10512 02 OF 03 102219Z

E.O. 12958: DECL: 12/6/2006  
 TAGS: PHUM PINR PREL PTER PE  
 SUBJECT: GENERAL ROBLES AMNESTIED AND RELEASED

FOLLOWING DAY.

AMNESTY FOR OTHERS INVOLVED IN THE ROBLES CASE

8. (U) THE SECOND AMNESTY BILL, PROPOSED BY THE OPPOSITION, WAS MORE CONTROVERSIAL. IT WAS INITIALLY INTENDED TO BENEFIT CIVILIAN JUDGE GRETA MINAYA AND ROBLES'S ATTORNEY HERIBERTO BENITEZ. ON NOVEMBER 29, MINAYA HAD GRANTED THE HABEAS CORPUS DECREE ORDERING THE IMMEDIATE RELEASE OF GENERAL ROBLES, AND WAS THEN TRANSFERRED FROM HER POST AND CHARGED WITH PREVARICATION (I.E., MAKING A JUDICIAL MISTAKE). MINAYA, WHO WAS TRANSFERRED FROM HER POST

Current Class: CONFIDENTIAL

Page: 4

UNCLASSIFIED

Current Class: CONFIDENTIAL  
Current Handling: n/a  
Document Number: 1996LIMA10512

UNCLASSIFIED

Page: 5  
Channel: n/a

DECEMBER 2, WAS REINSTATED DECEMBER 3, BY THE PRESIDENT OF LIMA'S SUPERIOR COURT. BENITEZ HAD BEEN CHARGED WITH CONTEMPT OF COURT FOR PUBLICLY QUESTIONING THE QUALIFICATIONS OF MILITARY JUDGES. HOWEVER, THE RULING PARTY MODIFIED THIS LEGISLATION TO ALSO GRANT AMNESTY TO MILITARY JUDGE HUGO POW SANG SOTELO AND MILITARY PROSECUTOR RAUL TALLEDO VALDIVIESO, WHO HAD REFUSED TO ACCEPT THE HABEAS CORPUS ORDER, AND AS A RESULT WERE BEING CHARGED WITH RESISTING AUTHORITY BY ROBLES'S FAMILY AND JUDGE MINAYA.

9. (U) THIS SECOND AMNESTY LAW STATES THAT IT APPLIES TO THOSE INVESTIGATED, DENOUNCED, CHARGED, OR PROSECUTED IN EITHER THE MILITARY OR CIVILIAN COURTS AS A RESULT OF THEIR INVOLVEMENT IN ACTIONS CONNECTED TO THE ROBLES CASE (WITHOUT EXPLICITLY MENTIONING ROBLES). IN ORDER TO PREVENT THOSE BEING CHARGED WITH THE OCTOBER  
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 LIMA 10512 02 OF 03 102219Z  
17 PUNO TELEVISION STATION BOMBING CASE FROM BENEFITING FROM THIS AMNESTY (SINCE THE CHARGES AGAINST ROBLES WERE BASED ON HIS PUBLIC ASSERTION THAT THE COLINA MILITARY DEATH SQUAD WAS INVOLVED IN THAT ATTACK), A SENTENCE WAS INCLUDED IN THE LAW EXPLICITLY STATING THIS LIMITATION.

10. (U) THE SECOND AMNESTY LAW PASSED WITH 72 IN FAVOR, 21 AGAINST, AND FIVE ABSTENTIONS. THE OPPOSITION VOTED AGAINST THE LAW BECAUSE OF THE INCLUSION OF THE MILITARY JUDGE AND PROSECUTOR WHO HAD REFUSED TO ACCEPT THE HABEAS CORPUS DECREE.

ROBLES CASE LEADS TO FURTHER DECLINE IN SUPPORT FOR FUJIMORI  
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11. (SBU) FUJIMORI'S QUICK ACTION IN HAVING ROBLES RELEASED REFLECTED IN LARGE PART THE PERUVIAN PUBLIC'S COMPLETE REJECTION OF THE VIOLENT NATURE OF ROBLES'S ARREST AND THE APPEARANCE THAT ROBLES WAS BEING HELD FOR EXPRESSING HIS OPINION. FUJIMORI OBVIOUSLY HOPES TO FURTHER STEM THE EROSION IN HIS SUPPORT. UNLIKE IN THE PAST, WHEN FUJIMORI HAD THE WAR ON TERRORISM TO JUSTIFY THE MILITARY'S AUTHORITARIAN ACTIONS, ROBLES WAS DETAINED AFTER ASSERTING A MILITARY DEATH SQUAD'S INVOLVEMENT IN AN ATTACK ON A TELEVISION STATION, SOMETHING WHICH NEITHER THE PERUVIAN MEDIA NOR PUBLIC WERE WILLING TO SUPPORT.

12. (U) THE FIRST PUBLIC OPINION POLL ON THE ROBLES CASE SHOWS THAT 77.5 PERCENT OF THOSE SURVEYED IN LIMA CONSIDERED HIS ARREST AN EFFORT TO LIMIT FREEDOM OF EXPRESSION. 14.3 PERCENT BELIEVED THE MILITARY LEADERSHIP TO BE PRIMARILY RESPONSIBLE FOR THE ARREST; 13.8 BLAMED FUJIMORI, 13.5 PRESIDENTIAL INTEL ADVISOR VLADIMIRO

Current Class: CONFIDENTIAL

Page: 5

UNCLASSIFIED

Current Class: CONFIDENTIAL  
Current Handling: n/a  
Document Number: 1996LIMA10512

UNCLASSIFIED

Page: 6  
Channel: n/a

MONTESINOS, AND 11.2 THE HEAD OF THE ARMED FORCES, GENERAL NICOLAS  
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 LIMA 10512 02 OF 03 102219Z  
HERMOZA RIOS. THE MILITARY COURTS, THE NATIONAL INTELLIGENCE  
SERVICE AND THE "GOVERNMENT" RECEIVED SMALLER PERCENTAGES. 42.9  
PERCENT OF THOSE SURVEYED IN LIMA RESPONDED THAT THE ARMED FORCES  
HAVE THE MOST POWER IN PERU AT THE MOMENT AS AGAINST 39.3 PERCENT  
WHO BELIEVE FUJIMORI IS THE MOST POWERFUL PLAYER.

13. (U) IN THE SAME POLL, FUJIMORI'S APPROVAL RATING, WHICH IN  
AUGUST WAS 61.8 PERCENT AND 48.1 PERCENT EARLIER IN NOVEMBER, HAD  
FALLEN AFTER THE ROBLES DETENTION TO 41.3 PERCENT. IN ADDITION,  
FUJIMORI'S DISAPPROVAL RATING HAS JUMPED UP TO 48.1 NOW FROM 44.7  
EARLIER IN NOVEMBER AND 29.5 IN AUGUST.

LIMA PRESS UNIVERSALLY OPPOSED TO ROBLES ARREST  
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14. (SBU) THE NON-GOVERNMENT LIMA PRESS HAS BEEN UNIVERSALLY  
OPPOSED TO ROBLES'S ARREST. THIS IS DUE IN LARGE PART TO THE  
PERCEIVED ATTACK ON FREEDOM OF SPEECH AND ROBLES'S ROLE IN  
DENOUNCING A MILITARY DEATH SQUAD'S ROLE IN THE BOMBING OF A  
TELEVISION AND RADIO STATION IN PUNO IN OCTOBER. THE CONSERVATIVE  
AND GENERALLY PRO-GOVERNMENT NEWSPAPERS "EL COMERCIO" AND "EXPRESO"  
AND BUSINESS DAILY "GESTION," IN ADDITION TO THE OPPOSITION MEDIA,  
GAVE EXTENSIVE COVERAGE TO THE ROBLES CASE AND RAN EDITORIALS AND  
COLUMNS DENOUNCING THE ARREST AND PRAISING THE AMNESTY. THIS NEAR-  
UNIVERSAL REJECTION OF ROBLES'S ARREST GREATLY AFFECTED PUBLIC  
OPINION.

CONFIDENTIAL

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CONFIDENTIAL PTQ1858

PAGE 01 LIMA 10512 03 OF 03 102219Z  
ACTION ARA-01

INFO	LOG-00	ACDA-10	ACDE-00	INLB-01	AID-00	AMAD-01	A-00
	ACQ-01	CA-02	CCO-00	CG-00	CIAE-00	COME-00	CTME-00
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Current Class: CONFIDENTIAL

Page: 6

UNCLASSIFIED

Current Class: CONFIDENTIAL  
Current Handling: n/a  
Document Number: 1996LIMA10512

UNCLASSIFIED

Page: 7  
Channel: n/a

SCT-00 SP-00 SSO-00 SS-00 STR-00 TRSE-00 USSS-00  
ASDS-01 PMB-00 DSCC-00 PRM-10 PRME-01 DRL-09 G-00  
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-----85054D 102219Z /38

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C O N F I D E N T I A L SECTION 03 OF 03 LIMA 010512

SOUTHCOS ALSO FOR POLAD

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 LIMA 10512 03 OF 03 102219Z

E.O. 12958: DECL: 12/6/2006  
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15. (SBU) THERE HAS BEEN AMBIGUITY IN THE PERUVIAN MEDIA REGARDING THE ROLE OF THE USG. TWO COLUMNISTS MADE REFERENCE TO THE USG IN DISCUSSING THE ROBLES CASE. A DECEMBER 5 COLUMN IN OPPOSITION "LA REPUBLICA" CREDITED THE USG FOR GIVING FUJIMORI "THE FLASK OF TONIC" HE NEEDED TO RELEASE ROBLES. A WEEK EARLIER "CARETAS," LIMA'S MOST WIDELY READ NEWSMAGAZINE, RAN A COLUMN ASSERTING THAT DRUG CZAR MCCAFFREY'S "ENDORSEMENT" OF MONTESINOS A MONTH EARLIER HAD PROVIDED NEW ENERGY TO THE COLINA GROUP. TWO MAJOR NEWSDAILIES ALSO REPORTED POLOFFS NOVEMBER 29 MEETING WITH MRS. ROBLES.

COMMENT

BI, 1.5(D)

16. (C) IT IS EXTREMELY RARE FOR PRESIDENT FUJIMORI AND THE MILITARY LEADERSHIP TO CROSS SWORDS PUBLICLY. WHILE IT IS PROBABLE THAT FUJIMORI HAD KNOWLEDGE OF THE PLAN (BUT NOT THE METHODS USED) TO ARREST ROBLES, FUJIMORI QUICKLY RECOGNIZED THAT FOR THE ROBLES CASE TO RUN ITS COURSE IN THE MILITARY COURTS WOULD LEAD TO FURTHER

Current Class: CONFIDENTIAL

Page: 7

UNCLASSIFIED

Current Class: CONFIDENTIAL  
Current Handling: n/a  
Document Number: 1996LIMA10512

Page: 8

Channel: n/a

UNCLASSIFIED

EROSION IN PUBLIC SUPPORT FOR HIS REGIME. BY CHAMPIONING ROBLES'S AMNESTY, FUJIMORI CERTAINLY HOPES TO COME OUT OF THIS LOOKING LIKE THE GOOD GUY AND TO REVERSE THE SLIDE IN HIS POPULARITY. THE ROBLES ARREST HAS STRENGTHENED THE PERUVIAN PUBLIC'S VIEW THAT THE MILITARY EXERCISES STRONG INFLUENCE IN PERU'S GOVERNANCE AND RAISES QUESTIONS IN THEIR MINDS ABOUT THE NATURE OF FUJIMORI'S RELATIONSHIP WITH THE MILITARY. THE LONGER-TERM CONSEQUENCES OF

~~SI, 15(D)~~

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PAGE 03 LIMA 10512 03 OF 03 102219Z  
THE ROBLES ARREST COULD BE INCREASED TENSION BETWEEN FUJIMORI AND THE MILITARY/INTELLIGENCE HIERARCHY.  
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CONFIDENTIAL

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Current Class: CONFIDENTIAL

Page: 8

UNCLASSIFIED