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INFO	LOG-00	ACDA-08	ACDE-00	INLB-01	AID-00	AMAD-01	ACQ-01
	CIAE-00	INL-01	OASY-00	DODE-00	DOEE-00	SRPP-00	DS-00
	EB-00	FBIE-00	H-01	TEDE-00	INR-00	IO-00	L-01
	ADS-00	M-00	NSAE-00	NSCE-00	OIC-02	OMB-01	OPIC-01
	PA-00	PM-00	PRS-00	P-00	CIO-00	SP-00	STR-00
	TRSE-00	USIE-00	PMB-00	DSCC-00	PRM-10	PRME-01	DRL-09
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P 161633Z MAY 97
 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC PRIORITY 7523
 INFO DIA WASHINGTON DC//NMJIC-J2//
 AMEMBASSY BOGOTA
 AMEMBASSY LA PAZ
 AMEMBASSY QUITO
 AMEMBASSY CARACAS
 USCINCSO QUARRY HEIGHTS PM

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SOUTHCOM ALSO FOR POLAD

E.O. 12958: 5/15/97
 TAGS: PHUM PGOV PINR PE
 SUBJECT: OFFICERS SENTENCED FOR TORTURING INTEL AGENT LA ROSA;
 MURDER OF AGENT BARRETO REMAINS UNSOLVED

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 REF: A) LIMA 3283; B) LIMA 3392

1. CLASSIFIED BY POLITICAL COUNSELOR JIM WAGNER. REASON 1.5 (D).
2. (C) SUMMARY: ON MAY 9, A MILITARY COURT SENTENCED FOUR ARMY INTELLIGENCE (SIE) OFFICERS TO EIGHT YEARS IN PRISON FOR ABUSE OF AUTHORITY AND NEGLIGENCE DUE TO THE TORTURE OF SIE INTEL AGENT LEONOR LA ROSA. ONCE LA ROSA RECOVERS FROM HER INJURIES SHE WILL BE TRIED FOR DISOBEDIENCE AND DISLOYALTY FOR ALLEGEDLY REVEALING CONFIDENTIAL INFORMATION TO THE PRESS. THE MILITARY COURT ALSO ORDERED THAT THE HEAD OF ARMY INTELLIGENCE BE INVESTIGATED FOR PERMITTING LA ROSA TO BE TORTURED. THE CASE OF MURDERED SIE AGENT MARIELA BARRETO REMAINS UNSOLVED AND CIVILIAN HOMICIDE DETECTIVES HAVE BEGUN QUESTIONING THE FOUR INTEL OFFICERS WHO WERE SENTENCED IN THE LA ROSA CASE ABOUT BARRETO. WHILE THE CONVICTIONS IN THE LA ROSA CASE ARE A POSITIVE DEVELOPMENT, THEY DO NOT REPRESENT AN END

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UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: JOHN L. MILLS
 DATE/CASE ID: 30 JAN 2002 200102973

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TO THE CULTURE OF TORTURE IN THE SECURITY FORCES WHICH PERMITTED SUCH ABUSES. END SUMMARY.

 AGENT LA ROSA FAINTS AT TRIAL'S START

3. (U) THE MILITARY TRIAL OF THE FOUR ARMY INTELLIGENCE (SIE) OFFICERS CHARGED WITH ABUSE OF AUTHORITY AND NEGLIGENCE FOR TORTURING SIE AGENT LEONOR LA ROSA (REF A) TOOK PLACE MAY 8 AND 9. ON THE FIRST DAY, LA ROSA, WHO WAS SIMULTANEOUSLY BEING TRIED FOR DISOBEDIENCE AND DISLOYALTY FOR ALLEGEDLY REVEALING CONFIDENTIAL INFORMATION TO THE PRESS, FAINTED AFTER TWENTY MINUTES AND WAS RUSHED BACK TO THE MILITARY HOSPITAL, WHERE SHE HAS BEEN SINCE FEBRUARY. IN COURT, LA ROSA, WHO WAS IN A WHEELCHAIR, WAS PLACED
 CONFIDENTIAL

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 NEAR THE FOUR MEN CHARGED WITH TORTURING HER. LA ROSA DID NOT RETURN TO COURT THE FOLLOWING DAY, AND THE TRIAL AGAINST HER WAS SUSPENDED UNTIL HER HEALTH IMPROVES. THE MILITARY PROSECUTOR HAS ASKED THAT LA ROSA BE GIVEN AN 18-MONTH PRISON SENTENCE.

 TORTURERS SENTENCED TO EIGHT YEARS

4. (U) ON MAY 9, THE MILITARY COURT SENTENCED THE FOUR SIE OFFICERS TO EIGHT YEARS IN PRISON AND A FINE OF TEN THOUSAND SOLES FINE (EQUIVALENT TO ABOUT USD 3,700), OF WHICH 5,000 WOULD GO TO LA ROSA IN THE FORM OF DAMAGES. THE MILITARY PROSECUTOR HAD REQUESTED SENTENCES FROM TWO TO FOUR YEARS. THE OFFICERS ARE APPEALING THE SENTENCE. IN ADDITION, THE MILITARY COURT ORDERED THAT AN INVESTIGATION BE OPENED AGAINST GENERAL JUAN YANQUI, HEAD OF THE ARMY INTELLIGENCE DIRECTORATE (DINTE) ON NEGLIGENCE CHARGES AS WELL AS AGAINST COLONEL WILSON AGUILAR ON ABUSE OF AUTHORITY AND DISOBEDIENCE FOR SEXUALLY HARASSING LA ROSA AND FOR ORDERING SURVEILLANCE AGAINST THE DEPUTY MAYOR OF COMAS, AN OPERATION IN WHICH LA ROSA WAS INVOLVED.

 LA ROSA SPEAKS OUT

5. (U) IN AN TELEVISION INTERVIEW FROM HER HOSPITAL BED BROADCAST MAY 11, LA ROSA SAID SHE MADE HER PUBLIC ACCUSATIONS AFTER LEARNING THAT FELLOW AGENT MARIELA BARRETO HAD BEEN TORTURED AND KILLED, AND THAT THE SIE AND MAJOR SANTIAGO MARTIN RIVAS WERE POSSIBLY RESPONSIBLE (NO CHARGES HAVE YET BEEN MADE IN THE BARRETO CASE).

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LA ROSA CREDITED THE PUBLICITY ABOUT HER CASE FOR KEEPING HER ALIVE AND SAID SHE WANTED TO LEAVE THE MILITARY HOSPITAL BECAUSE SHE FEARED FOR HER SAFETY. LA ROSA CLAIMED THAT THERE HAD BEEN ATTEMPTS TO HAVE HER SIGN WRITTEN STATEMENTS SHE NEVER MADE AND THAT SHE HAD BEEN OFFERED A DEAL IF SHE RETRACTED HER TORTURE ALLEGATION. LA ROSA SAID THAT CONGRESSMAN DANIEL ESPICHAN, HEAD OF THE CONGRESSIONAL HUMAN RIGHTS COMMITTEE, MET WITH HER MAY 6 AND SAID HE WOULD DISCUSS HER CASE WITH PRESIDENT FUJIMORI. AND ASK THAT THE CHARGES AGAINST HER BE DROPPED. IN A LETTER TO THE PRESS MAY 14, LA ROSA ASSERTED THAT MILITARY COURT PERSONNEL ATTEMPTED TO FORCIBLY TAKE HER TO COURT ON MAY 13, BUT THAT HER DOCTOR PREVENTED THEM FROM DOING SO.

CIVIL TRIAL AGAINST TORTURERS CONTINUES

6. (U) SINCE THE SUPREME COURT HAS NOT YET MADE A FINAL RULING AS TO WHETHER MILITARY OR CIVILIAN COURTS HAVE JURISDICTION IN THE LA ROSA TORTURE CASE, THE CIVILIAN PROSECUTION AGAINST THE FOUR SIE OFFICERS CONTINUES. ON MAY 14, LA ROSA FROM HER HOSPITAL BED TESTIFIED BEFORE A LOWER COURT CIVILIAN JUDGE.

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AMEMBASSY QUITO
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 BARRETO UPDATE

7. (U) THERE HAVE BEEN FEW NEW DEVELOPMENTS IN THE CASE OF MURDERED SIE AGENT MARIELA BARRETO (REF B). ACCORDING TO A MAY 15 PRESS REPORT, CIVILIAN POLICE DETECTIVES HAVE STARTED QUESTIONING THE FOUR OFFICERS CONVICTED IN THE LA ROSA CASE.

 COMMENT

8. (C) THE END OF HOSTAGE CRISIS AND OTHER PRESSING DOMESTIC ISSUES HAD DIVERTED PUBLIC ATTENTION FROM THE LA ROSA AND BARRETO CASES; THE CONVICTIONS IN THE LA ROSA CASE WERE BACK AS FRONT PAGE NEWS. THESE CONVICTIONS ARE A POSITIVE DEVELOPMENT. MANY OBSERVERS DOUBT THAT BARRETO'S MURDER WILL EVER BE SOLVED, IN PART DUE TO THE HIGH-LEVEL CONNECTIONS OF BARRETO'S FORMER LOVER AND PRIME SUSPECT, COLINA DEATH SQUAD LEADER SANTIAGO MARTIN RIVAS. THE PUBLIC OUTRAGE SURROUNDING THESE CASES NECESSITATED SOME ACTION BY THE PERUVIAN MILITARY. THE PUBLIC TRIAL OF MILITARY OFFICERS FOR ABUSE OF AUTHORITY FOR COMMITTING TORTURE IS AN EXTREMELY RARE OCCURRENCE IN PERU. INDEED, TWICE IN THE PAST TWO MONTHS, THE GOP HAS ADMITTED THAT AGENTS OF THE STATE HAVE COMMITTED TORTURE: THE FIRST ON APRIL 6 WHEN PRESIDENT FUJIMORI TOLD A TELEVISION INTERVIEWER THAT SOME TERRORISM SUSPECTS HAD BEEN TORTURED (LIMA 3578) AND NOW THE MILITARY COURT FINDING AGAINST THE SIE AGENTS. PERU STILL HAS A LONG WAY TO GO, HOWEVER, IN COMBATING THE CULTURE OF TORTURE WITHIN THE SECURITY FORCES AND NOT JUST THE PERPETRATORS WHO WERE CAUGHT.
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