

UNCLASSIFIED

CONFIDENTIAL

Page: 1

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Case Number: 200102972

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CONFIDENTIAL

PTQ1523

RELEASED IN PART
B1, 1.5(D)

PAGE 01 LIMA 06032 01 OF 02 142302Z
ACTION ARA-01

INFO	LOG-00	ACDA-08	ACDE-00	INLB-01	AID-00	AMAD-01	ACQ-01
	CIAE-00	SMEC-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
	JUSE-00	L-01	ADS-00	M-00	NEA-01	NSAE-00	NSCE-00
	OIC-02	OMB-01	OPIC-01	PA-00	PM-00	PRS-00	P-00
	CIO-00	SP-00	SSO-00	STR-00	TRSE-00	T-00	PMB-00
	DSCC-00	PRM-10	PRME-01	DRL-09	G-00	/040W	

-----CFDE05 142303Z /38

O 142303Z JUL 97
 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC IMMEDIATE 8506
 INFO AMEMBASSY BRASILIA
 AMEMBASSY BOGOTA
 AMEMBASSY QUITO
 USIA WASHDC 3661
 DIA WASHDC
 USCINCSO QUARRY HEIGHTS PM
 AMEMBASSY CARACAS
 AMEMBASSY TEL AVIV
 AMEMBASSY SANTIAGO
 AMEMBASSY LA PAZ
 AMEMBASSY BUENOS AIRES

C O N F I D E N T I A L SECTION 01 OF 02 LIMA 006032

E.O. 12958: DECL: 07/14/2007
TAGS: PGOV PHUM KDEM PINR PE

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 LIMA 06032 01 OF 02 142302Z
SUBJECT: GOP STRIPS TV STATION OWNER OF PERUVIAN CITIZENSHIP

REF: LIMA 4695

1. CLASSIFIED BY A/DCM JIM WAGNER, EMBASSY LIMA. REASON: 1.5 (D).
2. (U) THE FUJIMORI GOVERNMENT ON JULY 13 DECREED INVALID THE

n/a

CONFIDENTIAL

Page: 1

DEPT OF STATE APPEALS REVIEW PANEL (ARP)

FOIA/PA

- () Release
- () Excise
- () Deny

Mandatory Review

- () Declassify
- () Declassify in Part
- () Class. Ret/Renew

UNCLASSIFIED

Exemptions B1

ARP Action Cert. [Signature]

Date 11/22/02

UNCLASSIFIED

CONFIDENTIAL

Page: 2

n/a

Case Number: 200102972

NATURALIZATION AS A PERUVIAN CITIZEN OF BARUCH IVCHER, THE EMBATTLED MAJORITY OWNER OF CHANNEL 2 ("FRECUENCIA LATINA") TELEVISION STATION. THE ACTION WAS TAKEN BY NATIONAL POLICE COLONEL VICTOR HUGO HUAMAN DEL SOLAR, DIRECTOR GENERAL OF THE IMMIGRATION AND NATURALIZATION OFFICE AT THE INTERIOR MINISTRY. THE PRECIPITATE DECISION FOLLOWED THE PUBLIC ANNOUNCEMENT ON JULY 10 BY NATIONAL POLICE CHIEF FERNANDO DINADERAS THAT AN INVESTIGATION REVEALED "IRREGULARITIES" IN IVCHER'S FILE AND, THEREFORE, THE IMPRESARIO MIGHT HAVE OBTAINED FRAUDULENTLY HIS PERUVIAN CITIZENSHIP. ACCORDING TO SOME SOURCES, IVCHER DID NOT RENOUNCE HIS ISRAELI CITIZENSHIP UNTIL 1990 ALTHOUGH PERUVIAN LAW REQUIRES RENUNCIATION OF FORMER CITIZENSHIP AT THE TIME ONE IS NATURALIZED. BOTH IVCHER'S LAWYER AND FORMER FOREIGN MINISTER LUIS PERCOVICH (WHO WAS MINISTER IN 1984 AND WHO AUTHORIZED THE NATURALIZATION) IMMEDIATELY TOOK TO THE AIR WITH COPIES OF ORIGINAL DOCUMENTS SHOWING THAT THE RENUNCIATION WAS MADE IN 1984, AS PRESCRIBED BY LAW, AND TO DENOUNCE THE INTERIOR MINISTRY'S IMMIGRATION OFFICE FOR "LOSING" DOCUMENTS FROM THE FILE.

3. (U) AS REPORTED IN REFTTEL, IVCHER'S PROBLEMS WITH THE GOVERNMENT DATE BACK TO REVELATIONS BY CHANNEL 2 REPORTERS OF THE TORTURE CASE OF FORMER INTELLIGENCE AGENT LEONOR LA ROSA AND OF THE TAX RETURN OF DE FACTO INTELLIGENCE CHIEF VLADIMIRO MONTESINOS

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 LIMA 06032 01 OF 02 142302Z
SHOWING AN EXCESS OF USD 600,000 IN ANNUAL INCOME. IN MAY, THE UNRELIABLE NEWSWEEKLY "SI" PUBLISHED A STORY THAT IVCHER, THROUGH ANOTHER BUSINESS INTEREST, HAD BEEN A PROVISIONER OF BEDDING AND OTHER MATERIALS TO THE ECUADORIAN ARMED FORCES, CHARGES WHICH BOTH IVCHER AND THE ECUADORIAN ARMY HAVE DENIED. SUBSEQUENTLY, THE WEEKLY SOCIETY/ENTERTAINMENT MAGAZINE "GENTE" BROKE THE STORY OF IVCHER'S "QUESTIONABLE" CITIZENSHIP.

4. (U) REACTION TO THE NEWS OF IVCHER'S LOSS OF CITIZENSHIP-- PUBLISHED IN A DELAYED EDITION OF THE OFFICIAL GOVERNMENT GAZETTE-- WAS QUICK AND WIDESPREAD IN PRESS AND POLITICAL CIRCLES. THE LATE APPEARANCE OF THE GAZETTE FOLLOWED CHANNEL 2'S SUNDAY MORNING PROGRAM "COUNTERPOINT" WHICH ALLEGED THAT THE GOP'S INTELLIGENCE SERVICES HAD ILLEGALLY WIRETAPPED THE TELEPHONES OF 172 INDIVIDUALS, FROM THE FOREIGN MINISTER TO THE NEW YORK TIMES STRINGER AND A USIS FSN (SEPTTEL). IN A 3-1/2 HOUR SPECIAL BROADCAST ON THE EVENING OF JULY 13, JOURNALISTS, POLITICIANS, AND LEGAL EXPERTS COMPETED FOR AIRSPACE TO DENOUNCE THE LATEST EFFORT BY THE FUJIMORI ADMINISTRATION TO QUIET AN OPPONENT. JOINING THE

n/a

CONFIDENTIAL

Page: 2

UNCLASSIFIED

CONFIDENTIAL

UNCLASSIFIED

Page: 3

n/a

Case Number: 200102972

USUAL CAST OF OPPOSITION CONGRESSMEN AND NEWSMEN WERE JORGE SANTISTEVAN, PERU'S HUMAN RIGHTS OMBUDSMAN, LIMA MAYOR ALBERTO ANDRADE, AND FORMER PRESIDENTIAL CANDIDATES JAVIER PEREZ DE CUELLAR AND ALEJANDRO TOLEDO. CRITICISM WAS HARSH AND UNRELENTING WITH SPEAKER AFTER SPEAKER PLACING THE BLAME NOT ON THE INTERIOR MINISTRY OFFICIALS, BUT DIRECTLY ON THE PRESIDENT OR MONTESINOS.

5. (C) AMBASSADOR JETT HAS PRIVATELY RAISED THE IVCHER CASE WITH GOP OFFICIALS, AS RECENTLY AS A JULY 8, 1997 MEETING WITH THE CHIEF OF THE ARMED FORCES, GENERAL NICOLAS DE BARI HERMOZA RIOS. IT WAS THE ARMED FORCES WHICH LAUNCHED A DEFAMATION CAMPAIGN AGAINST CHANNEL 2 AND IVCHER FOR "ATTACKS" ON THE INTEGRITY OF THE ARMED

CONFIDENTIAL

CONFIDENTIAL

PAGE 04
FORCES.

LIMA 06032 01 OF 02 142302Z

B1

WHAT'S NEXT?

6. (C) IVCHER'S LAWYER WILL BE FILING FOR AN "AMPARO" (AKIN TO REQUESTING A COURT TO SET ASIDE THE ACTION ON THE BASIS OF UNCONSTITUTIONALITY) AS SOON AS THE COURTS OPEN ON JULY 14. WHETHER HE WILL SUCCEED IN FINDING A JUDGE TO ISSUE ANY FAVORABLE RULING -- EVEN IF SUBSEQUENTLY OVERTURNED BY A HIGHER COURT -- REMAINS TO BE SEEN. IF THIS PROCESS RUNS TRUE TO FORM, THESE ACTIONS IN PERUVIAN COURTS WILL BE CONFUSED, CONVOLUTED AND TIME-CONSUMING. SEPARATELY, IVCHER AND HIS ATTORNEY MUST PREPARE THE PROBABLE NEXT STEP: ATTEMPTS TO DIVEST HIM OF HIS CHANNEL 2 OWNERSHIP. BY LAW, ONLY PERUVIAN CITIZENS MAY OWN MAJORITY SHARES

B1

CONFIDENTIAL

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CONFIDENTIAL PTQ1524

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CONFIDENTIAL

Page: 3

UNCLASSIFIED

CONFIDENTIAL

Page: 4

n/a

Case Number: 200102972

UNCLASSIFIED

PAGE 01 LIMA 06032 02 OF 02 142302Z
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	OMB-01	OPIC-01	PA-00	PM-00	PRS-00	P-00	CIO-00
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C O N F I D E N T I A L SECTION 02 OF 02 LIMA 006032

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 CONFIDENTIAL

CONFIDENTIAL

PAGE 02 LIMA 06032 02 OF 02 142302Z
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OF NEWS OUTLETS AND, ALTHOUGH IVCHER IS NOT THE ONLY SHAREHOLDER IN CHANNEL 2, HE IS THE MAJOR INVESTOR (HOLDING 54 PER CENT OF THE SHARES, ACCORDING TO PRESS REPORTS). IT IS NOT CLEAR YET WHAT THE GOVERNMENT COULD OR WOULD DO TO TAKE AWAY THE STATION, BUT THE POSSIBILITIES RANGE FROM ALLOWING IVCHER TO SELL HIS SHARES TO A FORCED TAKEOVER BY THE STATE.

COMMENT

n/a
 CONFIDENTIAL

Page: 4

UNCLASSIFIED

CONFIDENTIAL

n/a

Case Number: 200102972

UNCLASSIFIED

Page: 5

7. (C) THE FUJIMORI GOVERNMENT'S HAMHANDED EFFORTS TO DISCREDIT IVCHER AND STRIP HIM OF HIS CITIZENSHIP, MAKING IT ILLEGAL FOR HIM TO OWN CHANNEL 2, HAVE INSPIRED DISGUST AND OUTRAGE IN PERU. AS ONE OF A SERIES OF EXCESSIVE GOP REACTIONS TO PERCEIVED "DISLOYALTY," IN THIS CASE FROM A THEORETICALLY INDEPENDENT TELEVISION STATION, THE RECENT GOP ACTIONS HAVE FURTHER ENCOURAGED DISPARATE OPPOSITION FORCES TO JOIN HANDS IN CONDEMNING THE GOVERNMENT. RATHER THAN MAKING GOOD ON PRESIDENT FUJIMORI'S PERIODIC PUBLIC PRONOUNCEMENTS THAT FULL PRESS FREEDOMS ARE GUARANTEED IN PERU, THE GOP'S HANDLING OF THE IVCHER CASE HAS SENT A CHILL THROUGH BOTH THE PRINT AND ELECTRONIC MEDIA--AND BEYOND. FOREIGN INVESTORS ARE BOUND TO TAKE NOTE OF THE GOP'S STYLE OF "UNDOING" LEGAL ARRANGEMENTS WHICH NO LONGER SUIT ITS NEEDS. SIMILARLY, THEORETICALLY AUTONOMOUS ELEMENTS OF PERUVIAN OFFICIALDOM, SUCH AS THE HUMAN RIGHTS OMBUDSMAN (DEFENSOR DEL PUEBLO) AND THE NATIONAL JUDICIARY COUNCIL (CONSEJO NACIONAL DE LA MAGISTRATURA) ARE FORCED TO RECONSIDER THE COSTS OF CRITICIZING OR CHALLENGING GOVERNMENT ACTIONS. THIS UNFORTUNATE TREND OF GOVERNMENT REPRESSION HAS ONLY RESULTED IN FURTHER DISTRUST OF

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 LIMA 06032 02 OF 02 142302Z
FUJIMORI'S LEADERSHIP AND INSPIRED GREATER DOUBT ABOUT THE CURRENT ADMINISTRATION'S COMMITMENT TO DEMOCRATIC NORMS.

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CONFIDENTIAL

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CONFIDENTIAL

Page: 5

UNCLASSIFIED