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Case Number: 200102972

PTQ2703

RELEASED IN PART  
B1, 1.5(D)

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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
	L-01	ADS-00	M-00	NEA-01	DCP-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	USIE-00
	PMB-00	DSCC-00	PRM-10	PRME-01	DRL-09	G-00	/041W

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O 221906Z JUL 97  
 FM AMEMBASSY LIMA  
 TO SECSTATE WASHDC IMMEDIATE 8676  
 INFO AMEMBASSY QUITO  
 USCINCSO QUARRY HEIGHTS PM  
 AMEMBASSY BOGOTA  
 AMEMBASSY BUENOS AIRES  
 AMEMBASSY CARACAS  
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C O N F I D E N T I A L SECTION 01 OF 03 LIMA 006279

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E.O. 12958: 07/21/07  
 TAGS: PGOV, PHUM, KDEM, PINR, PE  
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 SUBJECT: STRUGGLE AMONG OWNERS OF TV STATION PROVIDES GOP  
 AN OPPORTUNITY FOR "LEGAL" INTIMIDATION OF THE PRESS

REFS: LIMA 6032 AND PREVIOUS

(U) CLASSIFIED BY DENNIS JETT, AMBASSADOR, EMBASSY LIMA.  
 REASON: 1.5 (D).

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DEPT OF STATE APPEALS REVIEW PANEL (ARP)

FOIA/PA		Mandatory Review	
<input checked="" type="checkbox"/> Release		<input type="checkbox"/> Declassify	
<input type="checkbox"/> Excise		<input type="checkbox"/> Declassify in Part	
<input type="checkbox"/> Deny		<input type="checkbox"/> Class. Ret/Renew	

Exemptions B1  
 ARP Action Cert. AM Date 11/20/02

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1. (C) SUMMARY. MINORITY SHAREHOLDERS IN CHANNEL TWO ARE PUSHING AHEAD IN THE COURTS TO WREST CONTROL OF THE TELEVISION STATION AFTER THE PERUVIAN GOVERNMENT STRIPPED BARUCH IVCHER, THE MAJORITY OWNER, OF HIS PERUVIAN CITIZENSHIP. DESPITE VOCAL RESISTANCE FROM IVCHER'S LAWYERS, STAFF, AND THE POLITICAL OPPOSITION, PRESIDENT FUJIMORI SHOWS NO SIGN OF REVERSING COURSE AND APPEARS DETERMINED TO LET THE COURTS "DECIDE" IF THE MINORITY SHAREHOLDERS CAN TAKE CONTROL OF CHANNEL TWO.

IN A HIGHLY CHARGED POLITICAL BATTLE IN A COUNTRY WHERE JUDICIAL INSTITUTIONS ARE NOTORIOUSLY WEAK AND NEVER TRANSPARENT, WE EXPECT IT IS ONLY A QUESTION OF TIME BEFORE IVCHER LOSES DOMINION OVER CHANNEL TWO. EVEN IF SIMPLY OPPORTUNISTIC, THE MOVE BY IVCHER'S PARTNERS PROVIDES THE GOP A WAY TO "LEGALLY" PUNISH HIM AND SEND A MESSAGE TO THE REST OF THE MEDIA. END SUMMARY.

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COURTS TO DECIDE WHO WILL CONTROL CHANNEL TWO  
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2. (U) LAST WEEK, SAMUEL AND MANUEL WINTER, OWNERS OF 46 PERCENT OF CHANNEL TWO, PETITIONED A CIVIL COURT TO OBTAIN  
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ADMINISTRATIVE CONTROL OVER THE TELEVISION STATION. THE COURT AGREED TO HEAR THE WINTERS' ARGUMENT THAT THE GOP'S DECISION TO STRIP EMBATTLED MAJORITY OWNER BARUCH IVCHER OF HIS PERUVIAN CITIZENSHIP PUTS THE TELEVISION STATION AT RISK OF LOSING ITS LICENSE TO OPERATE. PERUVIAN LAW PROHIBITS FOREIGNERS FROM OWNING A CONTROLLING INTEREST IN MEDIA OUTLETS. IVCHER'S ATTORNEYS REPORTEDLY MUST RESPOND TO THE WINTERS' PETITION BEFORE A JUDGE THIS WEEK BEFORE THE COURT CAN ISSUE A RULING, PERHAPS BY WEEK'S END. MINISTER OF TRANSPORTATION AND COMMUNICATIONS ELSA CARRERA DID NOT HELP THE WINTERS' CASE WHEN SHE TOLD REPORTERS THAT SHE HAD NO INTENTION OF SUSPENDING CHANNEL TWO'S BROADCASTING LICENSE. ANY JUDICIAL DECISION WILL LIKELY BE APPEALED TO A HIGHER COURT, DELAYING FURTHER ANY ACTUAL CHANGE OF CONTROL OF THE TV STATION.

3. (U) THE WINTERS FELL OUT WITH IVCHER SEVERAL YEARS AGO WHEN THE LATTER PURCHASED A PARTNER'S SHARES AND OBTAINED MAJORITY CONTROL OF THE STATION. WHEN THE JOINT COMMAND OF

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THE ARMED FORCES ACCUSED IVCHER AND CHANNEL TWO IN MAY OF ORCHESTRATING A CAMPAIGN AGAINST THE MILITARY, THE BROTHERS WINTER MET WITH THE SERVICE CHIEFS AND DISTANCED THEMSELVES FROM THE EDITORIAL DIRECTION OF THEIR TV STATION. IN AN INTERVIEW BROADCAST JULY 20, SAMUEL WINTER COMPLAINED THAT IVCHER NEVER EXPLAINED THE NATURE OF HIS DISAGREEMENTS WITH THE GOP AND THE MILITARY BEFORE DEPARTING FOR THE UNITED STATES. ALTHOUGH THE WINTERS ISSUED A COMMUNIQUE STATING THAT THEY DID NOT INTEND TO CHANGE PERSONNEL, SAMUEL WINTER INDICATED THAT, SHOULD HE GAIN CONTROL OVER CHANNEL TWO, JOURNALISTS UNCOMFORTABLE WITH HIS EDITORIAL GUIDANCE WILL BE FREE TO LEAVE.

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4. (U) IVCHER'S LAWYERS MAINTAIN THE GOP COULD ADMINISTRATIVELY REVOKE THE DIRECTOR GENERAL OF THE IMMIGRATION AND NATURALIZATION'S JULY 13 DECISION TO STRIP IVCHER OF HIS PERUVIAN CITIZENSHIP (REFTEL). THE GOP, HOWEVER, SHOWS NO SIGN OF DOING SO. PRESIDENT FUJIMORI TOLD A LOCAL TV INTERVIEWER ON JULY 15 THAT HE GAVE INSTRUCTIONS THAT THE IVCHER CASE BE VETTED FULLY BY THE JUDICIARY. NEW JUSTICE MINISTER ALFREDO QUISPE CORREA USED HIS FIRST TELEVISION INTERVIEW ON JULY 20 TO PRESENT FURTHER DOCUMENTATION THAT IVCHER CONTINUED TO USE HIS ISRAELI CITIZENSHIP FOR TRAVEL AND PURCHASING PROPERTY IN ISRAEL LONG AFTER OBTAINING PERUVIAN CITIZENSHIP. ASKED WHY THE GOP DECIDED TO STRIP IVCHER OF HIS CITIZENSHIP 13 YEARS AFTER HE OBTAINED IT, QUISPE INSINUATED WITHOUT PROVIDING PROOF THAT IVCHER'S PURPORTED BUSINESS DEALINGS WITH THE ECUADORAN ARMED FORCES POSED A NATIONAL SECURITY RISK. QUISPE, TOGETHER WITH CARRERA AND PRIME MINISTER PANDOLFI, ARE SCHEDULED TO APPEAR BEFORE A SPECIAL SESSION OF CONGRESS ON JULY 22, THOUGH WE DOUBT LITTLE NEW INFORMATION WILL BE FORTHCOMING IN THEIR TESTIMONY.

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ANOTHER CHANNEL TWO PARTNER MALIGNS IVCHER

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IVCHER BATTLES ON

6. (U) EMBATTLED TV STATION OWNER IVCHER CONTINUES TO DIRECT HIS DEFENSE FROM MIAMI.. MEMBERS OF CHANNEL TWO TOLD US LAST WEEK THAT BARUCH IVCHER WOULD RETURN TO PERU ON JULY 18 IF HE HAD "SECURITY GUARANTEES," BUT HE HAS NOT DONE SO YET. IVCHER'S FOUR DAUGHTERS, HOWEVER, HAVE TRAVELED TO LIMA AND HAVE BEEN OUT ON THE STUMP CHAMPIONING THEIR FATHER'S POSITION. IVCHER'S LEGAL TEAM ARE CURRENTLY SEEKING A JUDICIAL STAY TO NULLIFY A CIVIL COURT'S DECISION TO HEAR THE WINTER'S PETITION. MEANWHILE, CHANNEL TWO'S STAFF CONTINUE TO DEVOTE CONSIDERABLE AIR TIME AND TO BUY FULL-PAGE ADVERTISEMENTS IN LIMA'S LEADING DAILIES DEFENDING IVCHER'S POSITION AND ATTACKING THE WINTERS. WE PRESUME THE

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 INCREASINGLY VOCAL CHANNEL TWO STAFF WOULD MAKE UP THE BULK OF THE PERSONNEL THE WINTERS WOULD "INVITE" TO DEPART. ALTERNATIVELY, WE UNDERSTAND THE JOURNALISTS MAY RESIGN EN MASSE IF THE WINTERS WREST CONTROL OF THE STATION FROM IVCHER.

7. (U) CHANNEL TWO ALSO CONVOKED THREE PROTEST RALLIES OVER THE LAST WEEK. A JULY 14 RALLY IN FRONT OF THE TV STATION ATTRACTED A NUMBER OF OPPOSITION LEADERS, INCLUDING JAVIER PEREZ DE CUELLAR, THE FORMER UN SECRETARY GENERAL AND RUNNER-UP IN THE 1995 PRESIDENTIAL ELECTION, AS WELL AS A FEW HUNDRED EMPLOYEES AND SYMPATHETIC JOURNALISTS. ON JULY 18 IVCHER'S DAUGHTERS AND HIS ATTORNEYS LED A SMALL GROUP OF PROTESTERS TO THE OFFICES OF THE ATTORNEY GENERAL AND HEAD OF MILITARY JUSTICE TO PROTEST THEIR "ABUSE OF AUTHORITY." A MILITARY COURT HAD REQUIRED THAT IVCHER TESTIFY IN A CASE AGAINST TWO MILITARY OFFICIALS WHO ALLEGEDLY PAID AN UNAUTHORIZED VISIT TO THE TV STATION BY JULY 18. APPROXIMATELY TWO HUNDRED COLLEGE STUDENTS MARCHED ON JULY 19 TO CHANNEL TWO OFFICES TO EXPRESS THEIR SOLIDARITY WITH THE BELEAGUERED OWNER.



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COMMENT  
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9. (C) WE BELIEVE FUJIMORI'S "INSTRUCTIONS" TO THE JUDICIARY ON THE IVCHER CASE PROBABLY WENT WELL BEYOND GIVING ALL SIDES A FULL AND FAIR HEARING. AFTER ABSORBING THE SHORT-TERM POLITICAL COST OF STRIPPING IVCHER OF HIS PERUVIAN CITIZENSHIP, FUJIMORI AND THE ARMED FORCES ARE PROBABLY EVEN MORE DETERMINED TO REAP WHAT THEY PRESUMABLY PERCEIVE TO BE LONG-TERM DIVIDENDS FROM THE MANAGEMENT COUP AT CHANNEL TWO AND TO PUNISH IVCHER FOR AIRING SOME OF THE FUJIMORI GOVERNMENT'S DIRTY LAUNDRY. GIVEN THE POLITICAL HEAT THE IVCHER CASE HAS GENERATED, WE BELIEVE THE WEAK

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JUDICIARY IS NOT LIKELY TO NEED MUCH PRODDING, IF ANY, TO  
 RULE IN THE WINTERS' (AND BY EXTENSION THE GOP'S) FAVOR.

10. (C) REGARDLESS OF THE ORIGINS OF THE DISPUTE, THE  
 IVCHER CASE HAS BECOME A TEST OF THE GOP'S COMMITMENT TO  
 PRESS FREEDOM. DESPITE FUJIMORI'S BLAND AFFIRMATIONS OF HIS  
 RESPECT FOR THE FREEDOM OF EXPRESSION, ACTIONS SPEAK LOUDER  
 THAN WORDS. IF THE GOP PERSEVERES IN STRIPPING IVCHER OF  
 HIS PERUVIAN CITIZENSHIP, AND IN CONJUNCTION WITH THE  
 WINTERS, OF CONTROL OF HIS TV STATION AS WELL, OTHER MEDIA  
 OUTLETS WILL UNDOUBTEDLY THINK TWICE BEFORE PUBLISHING OR  
 BROADCASTING HARDHITTING INVESTIGATIVE REPORTING THAT IS

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EXACTLY THE MESSAGE THE GOP MAY BE TRYING TO CONVEY TO PERU'S RELATIVELY UNFETTERED PRESS.

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