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EXCISE

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TEXT

TAGS: PHUM, KJUS, PE
COMBINE: COMPLETE

SUBJECT: FORMER INTELLIGENCE AGENT AMONG THE "INNOCENTS"

REF: LIMA 8969

1. CLASSIFIED BY POL COUNS JIM WAGNER, AMERICAN EMBASSY LIMA, FOR REASON 1.5 (D).

2. (U) SUMMARY: ON NOVEMBER 28, PRESIDENT FUJIMORI GRANTED PARDONS TO 83 MORE PRISONERS WRONGLY CONVICTED OF TERRORISM OFFENSES, BRINGING THE TOTAL NUMBER OF "INNOCENTS" RELEASED UPON THE RECOMMENDATION OF THE PARDONS COMMISSION TO 309. 2,464 REQUESTS FOR PARDONS HAVE SO FAR BEEN RECEIVED, OF WHICH ONLY 700 HAVE EITHER BEEN FAVORABLY RESOLVED OR ARE STILL UNDER INVESTIGATION. WIDESPREAD CALLS FOR EXTENDING THE COMMISSION'S

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MANDATE UNTIL AUGUST 1998 WERE HEEDED BY THE PRESIDENT AND THE CONGRESS WHO QUICKLY APPROVED THE EXTENSION.

3. (U) ONE OF THE 83 "INNOCENTS" RELEASED WAS MESMER CARLES TALLEDO, A FORMER ARMY INTELLIGENCE SERVICE OFFICER, WHO HAD BEEN CONVICTED OF COLLABORATING WITH SENDERO LUMINOSO IN THE ASSASSINATION OF LABOR LEADER PEDRO HUILLCA TECSE. HIS CASE WAS REOPENED AFTER HE WROTE THE PRESIDENT FROM HIS JAIL CELL, CHARGING THE NOTORIOUS COLINA DEATH SQUAD WITH RESPONSIBILITY FOR HUILLCA'S MURDER AS WELL AS A NUMBER OF OTHER HIGH-PROFILE ASSASSINATIONS, BOMBINGS AND MASSACRES. END SUMMARY.

4. (U) ON FRIDAY, NOVEMBER 28, PRESIDENT ALBERTO FUJIMORI GRANTED PARDONS TO AN ADDITIONAL 83 PRISONERS WHO HAD BEEN WRONGLY CONVICTED OF TERRORISM AND TREASON OFFENSES. OF THE 83, 75 HAD BEEN CONVICTED OF TERRORISM OFFENSES BY THE CIVILIAN COURTS AND 8 HAD BEEN CONVICTED OF TREASON BY THE MILITARY COURTS. THE PARDONS HAD BEEN RECOMMENDED TO FUJIMORI BY THE AD HOC PARDONS COMMISSION HE HAD CREATED ON AUGUST 17, 1996, COMPRISING HUMAN RIGHTS OMBUDSMAN JORGE SANTISTEVAN DE NORIEGA, JUSTICE MINISTER ALFREDO QUISPE CORREA AND LONG-TIME PRISON REFORMER AND FUJIMORI CONFIDANT FATHER HUBERT LANSSIERS. THIS LATEST RELEASE BRINGS THE TOTAL OF ALL "INNOCENTS" FREED THROUGH THE PARDONS PROCESS TO 309. AN ADDITIONAL 193 PRISONERS PREVIOUSLY CONVICTED OF TERRORISM OR TREASON HAVE BEEN EXONERATED AND RELEASED BY HAVING THEIR CASES RETRIED IN THE COURTS AND THEIR INNOCENCE ESTABLISHED.

5. (C) IN PRESS STATEMENTS ISSUED AT THE TIME OF THE RELEASE, ALL STATISTICS OF THE PARDONS COMMISSION PROVIDED THE FOLLOWING STATISTICS: THE COMMISSION HAS RECEIVED A TOTAL OF 2,464 REQUESTS FOR PARDONS; THE 309 "INNOCENTS" ALREADY RELEASED COMPRISE 40 PERCENT OF THE CASES STUDIED SO FAR BY THE COMMISSION'S LEGAL STAFF; AND THE COMMISSION EXPECTS TO SUBMIT 25-30 MORE NAMES FOR THE PRESIDENT'S CONSIDERATION BY CHRISTMAS, WITH A FURTHER 360 BY FEBRUARY 28, 1998. IN HIS NOVEMBER 28 ANNOUNCEMENT OF THE PARDONS, PRESIDENT FUJIMORI SPOKE OF ONE PARDON REQUEST WHICH HE HAD DENIED. HOWEVER, POLITICAL COUNSELOR HAS LEARNED []

[] THAT, SO FAR, THE NUMBER OF REQUESTS DENIED BY THE PRESIDENT IS ACTUALLY 17. [] THE COMMISSION IS NOT INTERESTED IN PUBLICIZING THE FACT THAT SOME OF ITS RECOMMENDED PARDONS WERE DENIED.

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6. (U) DURING THE DAYS FOLLOWING THE NOVEMBER 28 ANNOUNCEMENT, BOTH THE MEMBERS OF THE PARDONS COMMISSION AND SEVERAL MEMBERS OF CONGRESS EXPRESSED THE HOPE THAT THE CONGRESS AND THE EXECUTIVE COMMISSION OF THE JUDICIAL BRANCH WOULD ONCE AGAIN, AS THEY HAD ALREADY DONE TWICE BEFORE, EXTEND THE LIFE OF THE COMMISSION FOR AN ADDITIONAL SIX-MONTH PERIOD BEYOND ITS FEBRUARY 28 EXPIRATION DATE, TO ENABLE IT TO CONTINUE ITS TASK. ON MONDAY, DECEMBER 1, THE JUSTICE COMMITTEE OF THE CONGRESS EXTENDED THE LIFE OF THE PARDONS COMMISSION FOR A FURTHER SIX MONTHS. LATER THAT DAY, PRESIDENT FUJIMORI ALSO PRONOUNCED HIMSELF IN FAVOR OF THE EXTENSION. AND ON DECEMBER 3, THE FULL CONGRESS APPROVED ITS JUSTICE COMMITTEE RECOMMENDATION.

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7. (SBU) IN INTERVIEWS WITH THE PRESS, OFFICIALS OF THE ASOCIACION PRO DERECHOS HUMANOS (APRODEH), ONE OF THE PRINCIPAL HUMAN RIGHTS NGO'S IN PERU, HAVE ARGUED FOR THE LIFE OF THE COMMISSION TO BE EXTENDED FOR AS LONG AS THE ANTITERRORISM STATUTES CONTINUE TO BE IN FORCE, AND HAVE CLAIMED THAT AS MANY AS 9,000 "INNOCENTS" ARE STILL IN PRISON, A NUMBER WHICH INCLUDES MANY SO-CALLED "REQUISITORIADOS," PEASANTS WHO HAD BEEN COERCED INTO JOINING THE RANKS OF SENDERO LUMINOSO ONLY TO BE THEN CAPTURED BY THE SECURITY FORCES AND SENTENCED FOR TERRORISM. (COMMENT: THE APRODEH 9,000 FIGURE STRIKES US AS HIGH. THERE ARE A TOTAL OF SOME 3,500 TERRORISM/TREASON PRISONERS NOW IN JAILS. MOST HUMAN RIGHTS NGO'S SET THE NUMBER OF POTENTIAL "INNOCENTS" AT ANYWHERE BETWEEN 650 AND 1,000. END COMMENT.)

8. (U) IN HIS PUBLIC STATEMENT, PARDONS COMMISSION MEMBER FATHER LANSSIERS CALLED UPON THE BUSINESS COMMUNITY TO TAKE AN INTEREST IN THE POST-PRISON ECONOMIC WELL-BEING OF THE MEN AND WOMEN WHO HAD BEEN FREED, AND, MOST IMPORTANTLY, TO UNDERTAKE TO PROVIDE THEM WITH TRAINING AND WORK OPPORTUNITIES THAT WOULD HASTEN THEIR REINTEGRATION INTO PERUVIAN SOCIETY. ON DECEMBER 2, FATHER LANSSIERS SIGNED AN AGREEMENT WITH MAYOR ALEXANDER KOURI OF THE PORT CITY OF CALLAO, NEAR LIMA, BY WHICH, BEGINNING IN JANUARY, THE CITY WOULD HIRE AT LEAST SOME OF THE WORKERS EMPLOYED ON ITS CIVIL CONSTRUCTION PROJECTS FROM AMONG FORMER PRISONERS RELEASED THROUGH THE PARDON PROCESS.

9. (U) ONE OF THE 83 "INNOCENTS" RELEASED ON NOVEMBER 28 WAS THE CELEBRATED MESMER CARLES TALLEDO, A FORMER AGENT OF THE ARMY INTELLIGENCE SERVICE, WHO HAD BEEN SERVING A 30-YEAR SENTENCE FOR TREASON IN YANAMAYO PRISON, FOR ALLEGEDLY COLLABORATING WITH SENDERO LUMINOSO IN THE ASSASSINATION OF GENERAL CONFEDERATION OF PERUVIAN WORKERS LEADER PEDRO HUILLCA TECSE. TALLEDO FIRST GAINED HIS CELEBRITY STATUS IN SEPTEMBER 1995 WHEN, IN LETTERS TO PRESIDENT FUJIMORI AND SWORN STATEMENTS ISSUED FROM HIS PRISON CELL, HE REVEALED LONG SOUGHT-AFTER INFORMATION ABOUT THE COMMAND STRUCTURE AND ACTIVITIES OF THE NOTORIOUS COLINA DEATH SQUAD. IN THESE LETTERS AND STATEMENTS, TALLEDO ACCUSED THE COLINA DEATH SQUAD, UNDER THE COMMAND OF SANTIAGO MARTIN RIVAS AND HIS DEPUTY CARLOS PICHILINGUE, OF BEING IMPLICATED NOT ONLY IN HUILLCA TECSE'S ASSASSINATION BUT ALSO IN THE ASSASSINATION OF MINING UNION LEADER SAUL CANTORAL. IN ADDITION, TALLEDO CHARGED THAT THE COLINA SQUAD HAD BEEN RESPONSIBLE FOR, AMONG OTHER ACTIONS, THE BOMBING OF CHANNEL 2 TELEVISION IN PUNO (1996), THE BARRIOS ALTOS MASSACRE (1991), AND THE KIDNAPPING, MURDER AND DISAPPEARANCE OF THE NINE LA CANTUTA UNIVERSITY STUDENTS AND THEIR PROFESSOR (1992). TALLEDO'S ACCUSATIONS WERE LATER CORROBORATED BY RETIRED GENERAL RODOLFO ROBLES WHO HAD HIMSELF BEEN DETAINED, IN NOVEMBER 1996, BY INTELLIGENCE AGENTS FOR ADDITIONAL STATEMENTS HE HAD MADE ABOUT HUMAN RIGHTS VIOLATIONS BY THE MILITARY.

10. (U) IT WAS ONLY WHEN TALLEDO PUBLICIZED HIS CHARGES AND THESE WERE CORROBORATED BY ROBLES THAT THE PUBLIC MINISTRY DECIDED TO INITIATE AN INVESTIGATION OF THE ORIGINAL CHARGE ALLEGING HIS ASSASSINATION OF HUILLCA TECSE. CARLES TALLEDO WAS SCHEDULED TO PROVIDE THE PUBLIC MINISTRY WITH HIS SWORN STATEMENT ON DECEMBER 4.

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HOWEVER, IT IS OUR UNDERSTANDING THAT HE HAS NOT YET SELECTED A LAWYER TO REPRESENT HIM AND THAT HIS SWORN STATEMENT COULD BE DELAYED. FOLLOWING TALLEDO'S RELEASE, CONGRESSMAN JORGE DEL CASTILLO GALVEZ CALLED UPON THE AUTHORITIES TO PROVIDE TALLEDO WITH PROTECTION, IN CASE COLINA-RELATED OPERATIVES SHOULD DECIDE TO EXACT THEIR REVENGE FOR TALLEDO'S DISCLOSURES.

11. (SBU) COMMENT: WHETHER BY MEANS OF GOP COMPLIANCE WITH ORDERS OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS, AS IN THE LOAYZA CASE (REFTEL), OR THE CONTINUING PERIODIC RELEASE OF INNOCENT PRISONERS THROUGH THE PARDONS PROCESS, THE WORK OF RIGHTING PAST JUDICIAL ABUSES MOVES FORWARD IN PERU, HOWEVER DISTASTEFUL THE IMPLICATIONS MAY AT TIMES BE FOR THE COUNTRY'S INTELLIGENCE SERVICES. THIS LATEST RELEASE OF THOSE WRONGLY ACCUSED WAS UNIVERSALLY WELCOMED, AND PRESIDENT FUJIMORI, AN ASTUTE READER OF THE PUBLIC MOOD, EXTENDED THE LIFE OF THE COMMISSION ACCORDINGLY.
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ADMIN
END OF MESSAGE

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