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Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1993LIMA07402

Page: 1
RELEASED IN FULL
Channel: n/a

[REDACTED] USE

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ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CIAE-00	C-01	OASY-00
	DOEE-00	EAP-01	EB-01	EUR-01	HA-09	H-01	INM-02
	TEDE-00	INR-00	IO-19	L-03	ADS-00	NSAE-00	OIC-02
	OMB-01	PA-01	PM-02	PRS-01	P-01	SIL-00	SNP-00
	SP-00	SR-00	SS-00	STR-16	TRSE-00	T-00	USIE-00
	RPE-01	CORE-00	/083W				

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R 061449Z JUL 93
FM AMEMBASSY LIMA
TO SECSTATE WASHDC 9616
INFO AMEMBASSY BOGOTA
AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY OTTAWA
AMEMBASSY QUITO
AMEMBASSY TOKYO
DIA WASHDC
NSC WASHDC
USMISSION GENEVA
USCINCSO QUARRY HEIGHTS PM

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USCINCSO ALSO FOR POLAD

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E.O. 12356: N/A
TAGS: PHUM, PGOV, PE
SUBJECT: PERUVIAN CONGRESS REJECTS OPPOSITION
REPORT ON LA CANTUTA DISAPPEARANCES;
FUJIMORI DEFENDS HERMOZA

REF: LIMA 7114

1. (U) SUMMARY: THE JUNE 25-26 PLENARY SESSION
OF THE CONGRESS REJECTED THE OPPOSITION OPINION
THAT MILITARY CHIEF HERMOZA SHOULD BE FIRED FOR
HIS ALLEGED INVOLVEMENT IN THE LA CANTUTA
DISAPPEARANCES. THE GOVERNMENT MAJORITY INSTEAD

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: DONALD A. JOINSTON
DATE/CASE ID: 12 DEC 2001 200102081

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ADOPTED THE OPINION OF ITS OWN MEMBERS OF THE INVESTIGATIVE COMMITTEE THAT EXONERATES THE ARMY AND ASSERTS THAT THE MILITARY SHOULD BE THE SOLE INVESTIGATOR INTO THE INCIDENT. PRESIDENT FUJIMORI CRITICIZED THE OPPOSITION, SAYING THE CONGRESS HAS NO POWER TO ASSIGN RESPONSIBILITY FOR THE INCIDENT OR TO RECOMMEND HERMOZA'S REMOVAL. END SUMMARY.

CONGRESS REJECTS MAJORITY OPINION

2. (U) THE PLENUM OF PERU'S CONSTITUENT CONGRESS (CCD) VOTED IN THE EARLY-MORNING HOURS OF JUNE 26 TO REJECT THE MAJORITY OPINION OF THE SPECIAL INVESTIGATIVE COMMITTEE'S REPORT ON THE LA CANTUTA DISAPPEARANCES (REFTEL). THE INVESTIGATIVE COMMITTEE WAS CHAIRED BY A MEMBER

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 OF THE OPPOSITION, WHICH HAS A MAJORITY IN THAT VENUE. THE VOTE FOLLOWED SEVERAL HOURS OF ACERBIC DISCUSSION; TV NEWS CAMERAS SHOWED EMOTIONAL MEMBERS MAKING SPEECHES BEFORE A LESS-THAN-FULL CHAMBER. ONLY 54 OF THE EIGHTY MEMBERS WERE MUSTERED FOR THE FINAL VOTE, IN WHICH THE MAJORITY VIEW FROM THE INVESTIGATIVE COMMITTEE WAS REJECTED AND THE MINORITY OPINION ADOPTED BY 39 TO 13 WITH TWO ABSTENTIONS. THE TWO ABSTENTIONS WERE BY GOVERNMENT-PARTY MEMBERS CARLOS FERRERO COSTA AND REYNALDO ROBERTS, WHO CLAIMED THEY COULD NOT ACCEPT EITHER VERSION.

3. (U) AMONG THE NOTABLE COMMENTS FROM THE SESSION WAS ONE BY CCD FIRST VICE-PRESIDENT CARLOS TORRES Y TORRES LARA, WHO ACCUSED THE OPPOSITION OF USING THE INVESTIGATION AS A PRETEXT TO "DESTABLIZE THE GOVERNMENT" IN THE MIDDLE OF ITS STRUGGLE AGAINST TERRORISM. ROGER CACERES, CHAIRMAN OF THE LA CANTUTA COMMITTEE, DECLARED THAT FUTURE GENERATIONS WOULD REMEMBER THE CCD SESSION, IMPLYING THAT THE GOVERNMENT MAJORITY WOULD BE HELD ACCOUNTABLE FOR ITS VOTE.

CCD PUTS UP SMOKESCREEN ON LA CANTUTA

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4. (U) THE CCD'S ADOPTION OF THE COMMITTEE
MINORITY OPINION, IN EFFECT, ACCEPTS THE PREMISE
THAT THE ARMY WAS NOT RESPONSIBLE FOR THE
DISAPPEARANCES. THE PRO-GOVERNMENT MINORITY
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OPINION CONCLUDES THAT THERE IS NO PROOF THAT
NINE STUDENTS AND A PROFESSOR WERE ABDUCTED FROM
THE UNIVERSITY. IT SUPPORTS THE THEORY PUT
FORWARD BY ARMY COMMANDER/JOINT FORCES CHAIRMAN
GEN. NICOLAS HERMOZA THAT THE STUDENTS AND
PROFESSOR MAY HAVE LEFT THE CAMPUS TOGETHER TO
JOIN SENDERO LUMINOSO. THE VOTE CALLS ON THE
SPECIAL COMMITTEE TO TURN OVER ALL ITS DOCUMENTS
TO THE SUPREME COUNCIL OF MILITARY JUSTICE
(CSJM) FOR ITS INVESTIGATION INTO THE CASE. THE
CCD HAS NO PROOF THAT THE TEN MISSING PERSONS
WERE ABDUCTED BY THE ARMY, OF COURSE, BECAUSE IT
WOULD NOT LET THE COMMITTEE CALL RELEVANT
WITNESSES FROM THE ARMY.

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	RPE-01	CORE-00	/083W				

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AMEMBASSY TOKYO
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CCD PRESIDENT BACKS THE DECISION

5. (U) LATER ON JUNE 26, CCD PRESIDENT JAIME YOSHIYAMA TOLD THE PRESS THAT THE INVESTIGATING COMMITTEE'S MAJORITY CONCLUSION THAT HERMOZA WAS ONE OF THOSE RESPONSIBLE FOR THE DISAPPEARANCES WAS THE RESULT OF AN ATTITUDE THAT WAS "NOT VERY SERIOUS IN MY OPINION, GENERAL NICOLAS HERMOZA IS A VICTORIOUS SOLDIER." YOSHIYAMA ADDED THAT, JUST BECAUSE THE CONGRESSIONAL INVESTIGATION HAD TERMINATED, THIS DID NOT MEAN THE CASE WAS CLOSED: "THE MOST IMPORTANT THING TO BEAR IN MIND IS THAT THE ISSUE OF THE DISAPPEARANCES FROM THE UNIVERSITY DOES NOT END TODAY, BUT WILL CONTINUE ON TO ITS ULTIMATE CONSEQUENCES. I AM CONVINCED THE MILITARY JUSTICE SYSTEM IS GOING TO RESOLVE THIS MATTER."

FUJIMORI PUBLICLY DEFENDS HERMOZA

6. (U) PRESIDENT FUJIMORI EMPHATICALLY REJECTED THE INVESTIGATIVE COMMITTEE MAJORITY OPINION THE SAME DAY. HE STRONGLY DEFENDED HERMOZA, WHOSE REMOVAL FROM OFFICE WAS RECOMMENDED BY THE OPPOSITION: "NO COMMITTEE NOR THE CCD (AS A WHOLE) HAS THE PREROGATIVE TO RECOMMEND THE
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REMOVAL OF THE CHAIRMAN OF THE JOINT COMMAND.
GENERAL HERMOZA IS DEFEATING SUBVERSION AND HE
HAS MY BACKING AND MY CONGRATULATIONS." HE
ADDED THAT THE CCD DOES NOT HAVE THE POWER TO
SIGNAL RESPONSIBILITY FOR THE LA CANTUTA
INCIDENT NOR TO PASS SENTENCE ON ANYONE.

7. (LOU) COMMENT: THE VOTE AGAINST THE
INVESTIGATIVE COMMITTEE MAJORITY OPINION COMES
AS NO SURPRISE. FUJIMORI'S ASSERTION THAT THE
CCD DOES NOT HAVE THE PREROGATIVE TO MAKE
CONCLUSIONS OR RECOMMENDATIONS ON MILITARY
PERSONNEL IS NOT IN ACCORD WITH PERUVIAN
TRADITION OR CONSTITUTIONAL INVESTIGATIVE
POWERS. IT REFLECTS FUJIMORI'S CONCEPTION OF
THE RELATIVE POWER OF THE EXECUTIVE AND CONGRESS.
THE MILITARY JUDICIAL SYSTEM NOW HAS THE
UNDILUTED RESPONSIBILITY, AS YOSHIYAMA POINTED
OUT, TO GET TO THE BOTTOM OF THE CASE. GOP IS
FULLY AWARE OF USG CONCERNS CONCERNING THE LA
CANTUTA CASE.
BRAYSHAW

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