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ACTION ARA-01

AMAD-01 CIAE-00 C-01 ACDA-17 AID-01 QASY-00 INFO LOG-00 H-01INM-02 DOEE-00 EAP-01 EB-01 HA-09 EUR-01 NSAE-00 L-03ADS-00 OIC-02 TEDE-00 INR-00 10-19 P-01 SIL-0 TRSE-00 T-00 PRS-01 SIL-00 SNP-00PM-02 PA-01 OMB-01USIE-00 STR-16 SP-00 SR-00 SS-00

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. JOHNSTON DATE/CASE ID: 12 DEC 2001 200102081

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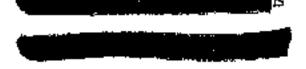
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ADOPTED THE OPINION OF ITS OWN MEMBERS OF THE INVESTIGATIVE COMMITTEE THAT EXONERATES THE ARMY AND ASSERTS THAT THE MILITARY SHOULD BE THE SOLE INVESTIGATOR INTO THE INCIDENT. PRESIDENT FUJIMORI CRITICIZED THE OPPOSITION, SAYING THE CONGRESS HAS NO 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



LIMA 07402 01 OF 02 061456Z PAGE 03 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.

(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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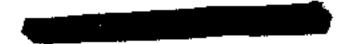
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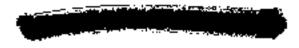
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4. (U) THE CCD'S ADOPTION OF THE COMMITTEE MINORITY OPINION, IN EFFECT, ACCEPTS THE PREMISE THAT THE ARMY WAS NOT RESPONSIBLE FOR THE DISAPPEARANCES. THE PRO-GOVERNMENT MINORITY LIMITED OFFICIAL USE



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

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R 061449Z JUL 93 FM AMEMBASSY LIMA TO SECSTATE WASHDC 9617 INFO AMEMBASSY BOGOTA AMEMBASSY BUENOS AIRES AMEMBASSY CARACAS AMEMBASSY LA PAZ AMEMBASSY OTTAWA AMEMBASSY QUITO

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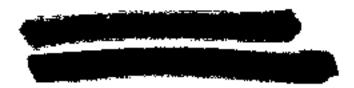
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AMEMBASSY TOKYO DIA WASHDC NSC WASHDC USMISSION GENEVA USCINCSO QUARRY HEIGHTS PM

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TAGS: PHUM, PGOV, PE SUBJECT: PERUVIAN CONGRESS REJECTS OPPOSITION

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 LIMITED OFFICIAL USE

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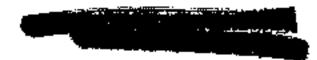
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PAGE 03 LIMA 07402 02 OF 02 061457Z REMOVAL OF THE CHAIRMAN OF THE JOINT COMMAND. GENERAL HERMOZA IS DEFEATING SUBVERSION AND HE HAS MY BACKING AND MY CONGRATULATIONS." HE ADDED THAT THE CCD DOES NOT HAVE THE POWER TO SIGNAL RESPONSIBILITY FOR THE 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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