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Current Class: UNCLASSIFIED  
Current Handling: n/a  
Document Number: 1998LIMA08493

RELEASED IN FULL

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Channel: n/a

UNCLASSIFIED PTQ4883

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ACTION ARA-01

INFO	LOG-00	COR-01	ACDA-08	ACDE-00	INLB-01	AID-00	AMAD-01
	CIAE-00	INL-01	DODE-00	DOEE-00	SRPP-00	DS-00	EB-00
	UTED-00	H-01	TEDE-00	INR-00	IO-00	L-01	ADS-00
	DCP-01	NSAE-00	OIC-02	OMB-01	OPIC-01	PA-00	PM-00
	PRS-00	P-00	SP-00	STR-00	TRSE-00	T-00	PMB-00
	DSCC-00	PRM-01	DRL-02	G-00	SAS-00	/023W	

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P 291638Z DEC 98 ZDK CTG RUEHSD0770W 3641018

FM AMEMBASSY LIMA

TO SECSTATE WASHDC PRIORITY 6452

INFO USIA WASHDC 5089

NSC WASHDC

USCINCSO MIAMI FL

AMEMBASSY QUITO

AMEMBASSY CARACAS

AMEMBASSY SANTIAGO

AMEMBASSY LA PAZ

AMEMBASSY BUENOS AIRES

AMEMBASSY BOGOTA

AMEMBASSY BRASILIA

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C O R R E C T E D C O P Y (TEXT)

SOUTHCOM ALSO FOR POLAD

E.O. 12958: N/A

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TAGS: PGOV, PHUM, KDEM, PE

SUBJECT: NO LET UP ON GOP PERSECUTION OF BARUCH IVCHER

1. SUMMARY: THE GOP CONTINUES TO TURN UP THE HEAT AGAINST TELEVISION STATION OWNER BARUCH IVCHER, ADDING TO THE VARIED CHARGES AGAINST HIM AND HIS FAMILY AN INTERNATIONAL ARREST WARRANT BASED ON THE SPECIOUS CLAIM THAT IVCHER ADULTERATED THE SHAREHOLDERS REGISTRY OF HIS TELEVISION CHANNEL IN FAVOR OF HIS WIFE AND DAUGHTER. NOTWITHSTANDING THAT THE INTERAMERICAN COMMISSION ON HUMAN RIGHTS (IACHR) IS EXPECTED TO RECOMMEND IVCHER REGAIN ADMINISTRATIVE CONTROL OVER HIS CHANNEL, THE GOP WILL NOT LIKELY DROP ITS CASE AGAINST HIM, GIVEN THE STORIES HIS STATION AIRED ON ABUSES BY THE INTELLIGENCE SERVICES. IN PERU, THE MEDIA CAN REPORT WHAT OTHERS SAY, BUT INVESTIGATIVE JOURNALISM IS AN

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UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: JOHN L. MILLS  
DATE/CASE ID: 4 FEB 2002 200102973

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INVITATION TO OFFICIAL HARASSMENT IF YOU GO AGAINST THE MILITARY,  
THE INTELLIGENCE SERVICES OR THE OBSESSION WITH REELECTION. END  
SUMMARY

2. THE LEGAL BATTLES CONTINUE WITH NO LET UP AGAINST BARUCH  
IVCHER, THE TELEVISION STATION OWNER WHO LOST ADMINISTRATIVE  
CONTROL OVER HIS CHANNEL IN SEPTEMBER 1997. THE SPECIAL COURT ON  
PUBLIC LAW RECENTLY RATIFIED ITS EARLIER DECISION TO SEEK AN  
INTERNATIONAL ARREST WARRANT ON IVCHER, HIS WIFE AND DAUGHTER. THE  
ISSUE THIS TIME WAS THE ALLEGED TAMPERING WITH THE SHAREHOLDERS  
REGISTRY AFTER HIS DEPARTURE, PRESUMABLY TO SHIFT SOME OF HIS  
SHARES IN THE TELEVISION CHANNEL TO HIS WIFE AND DAUGHTER.

3. IVCHER'S LAWYERS FEEL THAT THEY HAD BEEN ON THE VERGE OF  
WINNING A CIVIL DECISION WHICH WOULD RECOGNIZE HIS WIFE'S LEGAL  
RIGHT UNDER "CONJUGAL PARTNERSHIP" TO CONTROL ALL OF THE MAJORITY  
SHARES WHICH IVCHER HOLDS, THUS ALLOWING HER TO CONTROL THE STATION  
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AS SHE HOLDS PERUVIAN NATIONALITY. IVCHER HAD LOST CONTROL OVER  
THE CHANNEL WHEN THE IMMIGRATION SERVICE CLAIMED IRREGULARITIES IN  
HIS NATURALIZATION PROCESS AND TOOK AWAY HIS CITIZENSHIP, THEREBY  
PREVENTING HIM, A FOREIGNER, FROM OWNING A BROADCAST MEDIA.

4. THIS ACTION BROUGHT BY THE MINORITY SHAREHOLDERS AND CURRENT  
CONTROLLING PARTNERSHIP (THE BROTHERS SAMUEL AND MENDEL WINTER)  
WOULD MAKE THE ADULTERATION OF THE SHAREHOLDERS REGISTER A CRIMINAL  
OFFENSE, SO THAT SHOULD MRS. IVCHER OR HER CHILD RETURN TO EXERCISE  
HER CONJUGAL CONTROL, SHE AND HER CHILD WOULD BE ARRESTED. (NOTE:  
THIS WORKS TO THE GOVERNMENT'S ADVANTAGE BECAUSE THEY CAN READILY  
POINT TO THIS BEING A BUSINESS DISPUTE BETWEEN SHAREHOLDERS TO  
WHICH THEY ARE NOT A PARTY. END NOTE.)

5. HOWEVER, THE GOVERNMENT IS A PARTY TO SEVERAL OTHER LEGAL  
ASPECTS OF THIS UNENDING CASE. FIRST, THERE IS STILL A CONTEMPT OF  
COURT ARREST WARRANT OUT FOR IVCHER AS HE HAS FAILED TO APPEAR AS  
A WITNESS IN SEVERAL CASES, ONE OF WHICH GOES BACK TO MAY 1997 AND  
HIS COMPLAINT AGAINST PERUVIAN POLICE COMING TO HIS OFFICE TO  
INTIMIDATE HIM. IN ADDITION, THERE IS ANOTHER CRIMINAL CHARGE  
AGAINST HIM AND HIS OTHER BUSINESS CONCERN, PARAISO (MATTRESSES),  
FOR FRAUD, ALLEGEDLY OVERPAYMENT OF CUSTOMS ON IMPORTED INPUTS  
(PERHAPS IN ORDER TO REDUCE TAXES ON PROFITS).

6. THIS LATTER CASE, COMPLETED IN SEPTEMBER, SET A SPEED RECORD IN  
PERUVIAN JUDICIAL HISTORY FOR GETTING THROUGH ALL THE STAGES OF  
DISCOVERY, TESTIMONY AND DECISION WITHIN A MATTER OF WEEKS, SITTING  
FOR 10-12 HOURS A DAY IN ORDER TO REACH A FINAL DECISION. THE  
IRREGULARITIES AND SHORTCUTS TAKEN BY THIS TAX COURT INCLUDE:

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CHANGING THE COMPOSITION OF THE COURT PRIOR TO ITS HEARING;  
 AVOIDING THE PARTICIPATION/INVESTIGATION OF THE POLICE AND THE TAX  
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 AUTHORITY; AND FINALLY, THE INCIDENT CAPTURED ON TELEVISION CAMERAS  
 OF TWO OF THE JUDGES "CELEBRATING" THAT EVENING WITH THE PROSECUTOR  
 AT A HIGH END RESTAURANT IN LIMA.

7. FINALLY, IVCHER'S NATIONALITY CASE IS WORKING ITS WAY THROUGH  
 THE INTERAMERICAN COMMISSION ON HUMAN RIGHTS (IACHR). IVCHER  
 PRESENTED HIS CASE TO THE COMMISSION IN FEBRUARY 1998 AND GAVE THE  
 LAST AUDIENCE IN OCTOBER. IVCHER'S LEGAL TEAM EXPECTS A  
 RECOMMENDATION WILL BE INCLUDED IN THE REPORT DELIVERED TO THE  
 GOVERNMENT IN MID-DECEMBER.

8. THE GOVERNMENT'S ARGUMENT BEFORE THE COMMISSION CONSISTED OF  
 TWO ISSUES WHICH ALSO APPEARED IN PERUVIAN FOREIGN MINISTER DE  
 TRAZEGNIES' NOVEMBER 11, 1998 RESPONSE TO SENATOR HELMS AND  
 REPRESENTATIVE GILMAN'S LETTER ON IVCHER. FIRST, IVCHER CANNOT  
 APPEAL TO THE IACHR, BECAUSE HE DID NOT EXHAUST ALL AVENUES  
 AVAILABLE TO HIM THROUGH THE PERUVIAN JUDICIAL SYSTEM. THIS IS  
 PARTLY TRUE. IVCHER'S LEGAL TEAM HAD FIFTEEN DAYS AFTER THE JULY  
 8, 1997 DECREE STRIPPING HIM OF HIS NATIONALITY TO PURSUE AN  
 ADMINISTRATIVE APPEAL. THEY DECIDED NOT TO DO THIS, OPTING FOR THE  
 JUDICIAL APPEAL BECAUSE THEY THOUGHT THE ADMINISTRATIVE APPEAL  
 WOULD BE RESOLVED POLITICALLY. IN ANY CASE, THE FIFTEEN DAYS IS  
 UP, SO THEY HAVE EXHAUSTED THIS AVENUE.

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P 291638Z DEC 98  
 FM AMEMBASSY LIMA  
 TO SECSTATE WASHDC PRIORITY 6453  
 INFO USIA WASHDC 5090  
 NSC WASHDC  
 USCINCSO MIAMI FL

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AMEMBASSY QUITO  
AMEMBASSY CARACAS  
AMEMBASSY SANTIAGO  
AMEMBASSY LA PAZ  
AMEMBASSY BUENOS AIRES  
AMEMBASSY BOGOTA  
AMEMBASSY BRASILIA  
AMEMBASSY TEL AVIV

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C O R R E C T E D C O P Y (ADDED ADDRESSEE & PASS LINE)  
SOUTHCOS ALSO FOR POLAD  
TEL AVIV FOR CONS - CASSISUS JOHNSON/PETER KUJAWINSKI  
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9. SECOND, DE TRAZEGNIES IN HIS LETTER REPEATED THE GOVERNMENT LINE THAT, WHILE IVCHER HAD LOST THE "TITLE" OF HIS NATIONALITY, HE STILL MAINTAINED INTACT HIS "RIGHT" TO PERUVIAN NATIONALITY. IVCHER'S LAWYERS REBUTTED THIS ARGUMENT IN FRONT OF THE IACHR, CLAIMING THERE WAS NO DIFFERENCE BETWEEN THE "TITLE" AND THE "RIGHT" TO NATIONALITY. IF HE CAN STILL EXERCISE HIS NATIONALITY, WHY DOESN'T HE HAVE ADMINISTRATIVE CONTROL OVER HIS CHANNEL?

10. COMMENT: IN THE PUBLICITY OVER LAST NOVEMBER'S IACHR VISIT TO PERU AND SUBSEQUENT REPORT, MOST OF THE ATTENTION HAS BEEN FOCUSED ON THE IACHR'S RECOMMENDATION FOR REINSTATEMENT OF THE THREE MEMBERS OF THE CONSTITUTIONAL TRIBUNAL, REMOVED IN MAY 1997. IN ADDITION, THERE WERE EVEN SOME POSITIVE STEPS TAKEN, SUCH AS DROPPING THE CASE OF CONTRABAND AGAINST JAIME MUR AND HIS WIFE, DELIA REVOREDO, THE FORMER MEMBER OF THE CONSTITUTIONAL TRIBUNAL AND FORMER PRESIDENT OF THE LIMA BAR ASSOCIATION. HOWEVER, IT DOESN'T APPEAR THAT THE GOVERNMENT IS INTERESTED IN DROPPING ITS VARIED CASES AGAINST IVCHER, ALL OF WHICH HAVE THEIR ROOT IN HIS CHANNEL'S REPORTING ON ABUSES IN THE INTELLIGENCE SERVICES LAST YEAR, INCLUDING THAT OF LEONOR LA ROSA, WHO WAS TORTURED BY HER SUPERIORS FOR ALLEGEDLY LEAKING CLASSIFIED INFORMATION TO THE MEDIA. IVCHER ALSO INCURRED THE GOVERNMENT'S WRATH FOR REPORTING THAT STATE INTELLIGENCE SERVICES WERE TAPPING TELEPHONE CONVERSATIONS OF POLITICIANS, BUSINESSMEN, AND REPORTERS. IVCHER'S LAWYERS REPORTEDLY HAVE CONTACTED INTERPOL REPRESENTATIVES IN LIMA, ASKING THEM NOT TO HONOR THE ARREST REQUEST OWING TO THE "POLITICAL

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