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Document Number: 1993LIMA09698

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ACTION ARA-01

INFO	LOG-00	CIAE-00	C-01	OASY-00	DODE-00	DOEE-00	EUR-01
	HA-09	H-01	INM-02	TEDE-00	INR-00	IO-19	JUSE-00
	L-03	ADS-00	NSAE-00	NSCE-00	OIC-02	PA-01	PM-02
	PRS-01	P-01	SP-00	SS-00	TRSE-00	T-00	USIE-00
	CORE-00	/044W					

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O 012321Z SEP 93
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 1095
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY OTTAWA
AMEMBASSY QUITO
USMISSION GENEVA
USCINCSO QUARRY HEIGHTS PM

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USCINCSO ALSO FOR POLAD

E.O. 12356: DECL: OADR
TAGS: PHUM, PGOV, KJUS, PE
SUBJECT: GOP'S CLOSING OF CIVILIAN LA CANTUTA
INVESTIGATION PROVOKES CRITICISM

REF: LIMA 9590 (EXDIS) (NOTED)
[REDACTED]
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1. (U) SUMMARY: OPPOSITION POLITICIANS, LEGAL EXPERTS, HUMAN RIGHTS GROUPS AND THE PRESS HAVE ALL CRITICIZED THE PUBLIC MINISTRY'S DECISION TO CLOSE THE CIVILIAN INVESTIGATION INTO THE LA CANTUTA DISAPPEARANCES. THE GOVERNMENT SO FAR HAS NOT RESPONDED TO THE CRITICISM. END SUMMARY.

2. (U) UPON LEARNING OF THE PUBLIC MINISTRY'S DECISION TO CLOSE THE CIVILIAN INVESTIGATION INTO THE JULY 1992 LA CANTUTA DISAPPEARANCES (REFTEL), OPPOSITION POLITICIANS IMMEDIATELY

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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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CRITICIZED THE DECISION AUGUST 26. OPPOSITION CONGRESSMAN ROGER CACERES, CHAIRMAN OF THE HUMAN RIGHTS COMMITTEE, PUBLICLY CONDEMNED THE DECISION, CLAIMING THAT THERE WERE NO LEGAL IMPEDIMENTS TO THE CONTINUATION OF A CIVILIAN INVESTIGATION. CACERES INDICATED THAT THE HUMAN RIGHTS COMMITTEE WOULD INVITE ATTORNEY GENERAL BLANCA NELIDA COLAN TO THE CONGRESS TO EXPLAIN THE DECISION. CONGRESSMAN ANTERO FLORES ARAOZ DECLARED THE SAME DAY THAT THE CLOSING OF THE INVESTIGATION WAS "WRONG." THAT AND THE PUBLIC MINISTRY'S REFUSAL TO PERMIT FOREIGN FORENSICS EXPERTS TO EXAMINE THE HUMAN REMAINS FOUND IN JULY NEAR CIENEGUILLA "SHOW THAT SOME INSTITUTIONS DO NOT WANT TO INVESTIGATE BEYOND THE SURFACE, TO GET TO THE BOTTOM OF SOMETHING REALLY IMPORTANT."

3. (U) WELL-KNOWN JURISTS ALSO BLASTED THE
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 DECISION TO CLOSE THE CASE AND TRANSFER ALL THE RELATED DOCUMENTS AND EVIDENCE TO MILITARY INVESTIGATORS. THE PRESIDENT OF THE LIMA BAR ASSOCIATION CHARACTERIZED THE DECISION AS "GRAVE AND STRANGE," AND CALLED ON COLAN TO PUBLICLY EXPLAIN WHAT HAD HAPPENED. TWO FORMER ATTORNEYS GENERAL, CESAR ELEJALDE AND PEDRO MENDEZ, DECLARED TO THE PRESS AUGUST 26 THAT THE DECISION HAD NO LEGAL BASIS. ELEJALDE QUESTIONED THE FACT THAT THE DECISION HAD BEEN MADE BY AN INTERIM PROSECUTOR DURING THE ABSENCE OF THE SPECIAL PROSECUTOR IN CHARGE OF THE INVESTIGATION.

4. (U) THE NATIONAL HUMAN RIGHTS COORDINATING GROUP (COORDINADORA) ISSUED A STATEMENT THE SAME DAY THAT ALSO ASSERTED THAT THERE WERE NO LEGAL GROUNDS FOR THE PUBLIC MINISTRY'S DECISION. "IT IS DEPLORABLE, TO SAY THE LEAST, THAT THE MILITARY JUSTICE SYSTEM SHOULD BE PUT IN CHARGE OF A CASE IN WHICH, ACCORDING TO ALL INDICATIONS, INVOLVES MILITARY FORCES."

5. (U) "EL COMERCIO," PERU'S MOST INFLUENTIAL AND WIDELY-READ DAILY NEWSPAPER (AND THE ONE THAT BROKE THE STORY OF THE CASE'S CLOSING),

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EDITORIALIZED AUGUST 26 THAT THE DECISION WAS ONE OF "FLAGRANT IRREGULARITY." THE PAPER CALLED FOR THE DECISION TO BE REVIEWED AND, IF NECESSARY, AMENDED.

6. (C) COMMENT: THE GOVERNMENT HAS SO FAR BEEN

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MUTE ON THE SUBJECT. SO, TOO, HAS THE PRO-GOP DAILY "EXPRESO," WHICH ONLY A WEEK BEFORE HAD CALLED FOR THE LA CANTUTA CASE TO BE INVESTIGATED EXCLUSIVELY BY CIVILIAN AUTHORITIES. SO FAR, THE ASSISTANT PROSECUTOR WHO GAVE UP THE CASE FILE TO THE MILITARY COURT HAS BEEN TAKING THE BRUNT OF THE CRITICISM; ACCORDING TO A PUBLIC MINISTRY SOURCE, HOWEVER, COLAN HERSELF ORDERED THE CASE CLOSED (SEE REFTTEL). THE QUESTION THAT ARISES IS, IF THE INVESTIGATION WAS CLOSED BECAUSE, ACCORDING TO THE DECLARED MOTIVE, IT DUPLICATED THE EFFORT OF THE MILITARY INVESTIGATION, THEN WHY DID THE PUBLIC MINISTRY WAIT FOR SEVERAL

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	SIL-00	SNP-00	SP-00	SR-00	SS-00	STR-16	TRSE-00
	T-00	USIE-00	RPE-01	CORE-00	/082W		
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MONTHS TO COME TO THIS CONCLUSION?
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7. (C) ONE CONSEQUENCE OF THE DECISION IS THAT THE EVIDENCE FROM THE CIENEGUILLA INVESTIGATION WILL PROBABLY BE TURNED OVER TO THE MILITARY.

8. (C) GIVEN COLAN'S PERCEIVED LACK OF INDEPENDENCE OF THE EXECUTIVE, THE OPPOSITION AND A BROAD RANGE OF THE MEDIA HAVE INTERPRETED THE DECISION AS HAVING BEEN MADE BY THE PRESIDENT. WE ARE CHECKING WITH SOURCES TO DETERMINE THE CREDIBILITY OF THIS CHARGE.
BRAYSHAW
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