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ACTION ARA-01

CIAE-00 C-01 OASY-00 DODE-00 ACDA-17 AID-01 INFO LOG-00 HA-09 H-01 INM-02 INR-00 TEDE-00 DOEE-00 EB-01 ADS-00 NSAE-00 PRS-01 P-01 NSAE-00 NSCE-00 OIC-02 JUSE-00 L-03 10-16 \$IL-00 SNP-00 PM-02 PA-01 OMB-01 USIE-00 STR-16 TRSE-00 T-00 SS-00 SR-00 SP-00 RPE-01 /077W

R 302158Z NOV 93
FM AMEMBASSY LIMA
TO SECSTATE WASHDC 3190
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY QUITO
USCINCSO QUARRY HEIGHTS PM

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USCINCSO ALSO FOR POLAD

E.O. 12356: DECL: OADR

TAGS: PGOV, KJUS, PHUM, PE

SUBJECT: FUJIMORI NAMES ONE OF THE DETAINED

MILITARY LINKED TO LA CANTUTA;

SPECIAL PROSECUTOR ASKS PERMISSION

TO INTERROGATE

PAGE 02 LIMA 12731 01 OF 02 302156Z REF: LIMA 12022 AND PREVIOUS

I. (U) SUMMARY: SPECIAL PROSECUTOR CUBAS HAS REQUESTED ACCESS TO MILITARY OFFICIALS THAT PRESIDENT FUJIMORI HAS SAID HAVE BEEN DETAINED TO INTERROGATE THEM ABOUT LA CANTUTA. FUJIMORI HAS IDENTIFIED ONE OF THOSE DETAINED AS MAJ. MARTIN RIVAS. THE CCD'S HUMAN RIGHTS COMMITTEE

WANTS TO HEAR TESTIMONY FROM THE DEFENSE MINISTER, THE HEAD OF THE MILITARY SUPREME COURT, CUBAS AND HIS SUPERIOR, ATTORNEY GENERAL

NELIDA COLAN. END SUMMARY.

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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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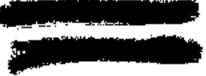
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FUJIMORI NAMES LA CANTUTA ACCUSED

2. (U) DURING A WALK-ABOUT IN A LIMA SHANTY-TOWN NOVEMBER 26 AND IN AN INTERVIEW WITH THE NEW YORK TIMES, PRESIDENT FUJIMORI NAMED ONE OF THE FOUR MILITARY OFFICIALS HE SAID EARLIER HAD BEEN DETAINED IN CONNECTION WITH THE "LA CANTUTA" DISAPPEARANCES. THE INDIVIDUAL FUJIMORI NAMED, MAJOR SANTIAGO MARTIN RIVAS, HAS LONG BEEN LINKED TO THE DISAPPEARANCES BY INVESTIGATIVE JOURNALISTS IN THE OPPOSITION PRESS. THE OTHER THREE MILITARY OFFICIALS SO FAR IMPLICATED IN THE CASE, ACCORDING TO PERUVIAN MEDIA, ARE CAPTAIN CARLOS ELISEO PICHILINGUE GUEVARA, LIEUTENANT AQUINO PROTELLA, AND COLONEL CARLOS MIRANDA BALAREZO. EMBASSY HAS BEEN UNABLE TO PREVIOUSLY CONFIRM THE NATURE



PAGE 03 LIMA 12731 01 OF 02 302156Z AND DURATION OF THESE INDIVIDUALS' DETENTION.

- 3. (U) LA CANTUTA REFERS TO THE JULY 18, 1992, DISAPPEARANCE FROM A UNIVERSITY CAMPUS UNDER MILITARY CONTROL OF NINE STUDENTS AND A PROFESSOR. IN APRIL 1993, CONGRESSMAN HENRY PEASE (MDI) READ AN ANONYMOUS LETTER ON THE FLOOR OF THE CONGRESS WHICH ASSERTED THAT THE LA CANTUTA VICTIMS HAD BEEN BURIED JUST OFF A ROAD NEAR HUACHIPA. PEASE'S LETTER LED TO AN OPENING OF AN INVESTIGATION BY A SPECIAL COMMITTEE OF THE CCD'S HUMAN RIGHTS COMMISSION.
- 4. (U) MOVING QUICKLY TO ALIGN THEMSELVES WITH PRESIDENT FUJIMORI, TWO OUTSPOKEN ADVOCATES OF THE THEORY THAT THE DISAPPEARANCES WERE A SELF-GENERATED SL PLOT TO EMBARRASS THE GOVERNMENT, CHAIRMAN OF THE CONSTITUENT CONGRESS (CCD) DEFENSE COMMITTEE, GILBERTO SIURA (NM/C90), AND HEALTH MINISTER JAIME FREUNDT (NM/C90), HAVE NOW BOTH CHANGED THEIR VIEWS. SIURA TOLD THE PERUVIAN PRESS OVER THE WEEKEND THAT THE CASE OUGHT NOW TO BE HANDLED BY CIVILIAN COURTS. THE DISAPPEARANCES, HE SAID, WERE IN NO WAY PART OF AN "ANTI-SUBVERSIVE PLAN OR PACIFICATION STRATEGY". RATHER THE INCIDENT,

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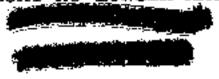
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SIURA SAID, APPEARS NOW TO HIM TO REPRESENT AN "EXCESS OF AUTHORITY WHOSE RESPONSIBILITY RESTS WITH THE INDIVIDUALS WHO COMMITTED (THE EXCESS)." FREUNDT NOW ADMITS HIS SELF-DISAPPEARANCE THEORY NO LONGER MATCHES THE



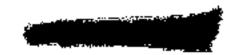
PAGE 04 LIMA 12731 01 OF 02 302156Z INCREASING EVIDENCE OF A KIDNAPPING/MURDER.

NEW AGGRESSIVENESS BY SPECIAL PROSECUTOR

5. (C) SPECIAL PROSECUTOR IN THE CASE, VICTOR CUBAS VILLANUEVA, WHO HAS ALWAYS BEEN MORE AGGRESSIVE IN PURSUING THE CASE THAN HIS SUPERIOR, ATTORNEY GENERAL BLANCA NELIDA COLAN, HAS ALSO TAKEN ANOTHER INITIATIVE. HE TOLD THE PERUVIAN PRESS NOVEMBER 26 THAT HE IS PREPARED TO EXERCISE HIS "CONSTITUTIONAL AUTONOMY" TO PURSUE THE CASE IN THE CIVILIAN COURTS.



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R 302158Z NOV 93
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USCINCSO QUARRY HEIGHTS PM

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USCINCSO ALSO FOR POLAD

E.O. 12356; DECL: OADR

TAGS: PGOV, KJUS, PHUM, PE

SUBJECT: FUJIMORI NAMES ONE OF THE DETAINED 6. (U) FOLLOWING UP, CUBAS ON NOVEMBER 29 WROTE TO THE SUPREME MILITARY JUSTICE COUNCIL ASKING TO BE INFORMED WHERE THE SUSPECTS WERE IN FACT BEING HELD AND REQUESTING A DATE AND PLACE FOR

- an appropriate of the first o

12731 02 OF 02 302157Z  $\mathbf{L}_{\mathsf{IMA}}$ PAGE 02 HIM TO TAKE TESTIMONY FROM THE MILITARY OFFICIALS LINKED TO LA CANTUTA. HE ASKED AS WELL FOR THE NAMES OF TROOPS UNDER THE SUSPECTS' COMMAND AT THE TIME THE INCIDENT OCCURRED. CUBAS SAID HE DECIDED TO TAKE THE ACTION WHEN IT BECAME CLEAR TO HIM THAT THERE EXISTS "AN INTIMATE RELATION BETWEEN THE DISAPPEARANCES OF THE NINE STUDENTS AND ONE TEACHER WITH THE BONES UNCOVERED IN CIENEGUILLA AND THE CLANDESTINE BURIALS IN ATARJEA, IN HUACHIPA...." ARMY COMMANDER NICOLAS DE BARI HERMOZA MUST GIVE PERMISSION FOR MILITARY PERSONNEL TO TESTIFY BEFORE CIVILIAN JUDICIAL OFFICIALS.

### CCD HUMAN RIGHTS COMMITTEE ALSO MOVES

- 7. (U) THE HUMAN RIGHTS COMMITTEE OF THE CCD, HEADED BY ROGER CACERES (FRENATRACA) HAS CALLED DEFENSE MINISTER GENERAL VICTOR MALCA, CUBA AND HIS BOSS, ATTORNEY GENERAL BLANCA NELIDA COLAN, AND THE HEAD OF THE MILITARY SUPREME COURT, ADMIRAL JORGE DUBAC, TO TESTIFY THIS WEEK. THE THEME: LA CANTUTA.
- 8. (C) COMMENT: IT MAY BE ONLY COINCIDENCE THAT PRESIDENT FUJIMORI'S REVELATION COMES ONLY A COUPLE OF WEEKS BEFORE THE RETURN VISIT BY THE DISTINGUISHED JURISTS COMMISSION. WHAT IS INDISPUTABLE IS THAT PROGRESS IN THE CASE HAS INVARIABLY COME AS A RESULT OF OUTSIDE

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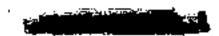
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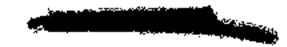
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LIMA 12731 02 OF 02 302157Z PAGE 03 PRESSURE. FIRST PUBLICIZED IN APRIL 1993 BY HENRY PEASE (MDI), FURTHER PROGRESS HAS OCCURRED FOLLOWING DENUNCIATIONS BY EXILED GENERAL ROBLES, LEAKED DOCUMENTS FROM INSIDE THE MILITARY, AND INVESTIGATIVE REPORTING BY PERU'S SMALL WEEKLY POLITICAL PERIODICALS, PARTICULARLY "SI" MAGAZINE. A CONGRESSIONAL INVESTIGATION OF THE INCIDENT EFFECTIVELY ENDED WHEN GENERAL HERMOZA SENT TANKS THOUGH THE STREETS OF LIMA APRIL 21-22 IN A DISPLAY OF POWER CLEARLY DIRECTED AT THE CONSTITUENT CONGRESS. RECENTLY, PRESSURE HAS BEEN BUILDING UP WITH THE ON-GOING DISCOVERY OF NEW BURIAL SITES AND WORD THAT THE DNA TESTING OF THE CIENEGUILLA REMAINS IS CONTINUING IN LONDON.

WHENEVER THE GOVERNMENT SEEMED ON THE 9. (C) POINT OF CONTAINING THE SCANDAL, NEW INFORMATION HAS COME FORWARD. THE CASE APPEARS NOW TO HAVE DEVELOPED A DOMESTIC AND INTERNATIONAL LIFE OF ITS OWN WITH RAMIFICATIONS WHICH MAY BE BEYOND THE GOVERNMENT'S ABILITY TO CONTROL. THE MOST RECENT ATTEMPT AT DAMAGE CONTROL, ATTEMPTING TO LIMIT RESPONSIBILITY TO MAJOR RIVAS AND LETTING HIM AND A SMALL GROUP AROUND HIM TWIST SLOWLY, SLOWLY IN THE WIND, MAY NOT WORK. ACCORDING TO SEVERAL ACCOUNTS, RIVAS HAS BEEN GIVEN AMPLE FINANCIAL INCENTIVES TO REMAIN SILENT AND STOIC FOR THE GOOD OF THE ARMY, HIS SUPERIORS, AND THE GOVERNMENT. BUT WHILE HE MAY BE PREPARED TO TAKE THE FALL, ADDITIONAL INTERNAL AND

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INTERNATIONAL PRESSURE COULD STILL FORCE RIVAS'
SUPERIORS UP THE CHAIN OF COMMAND TO RENDER
ACCOUNTS AS WELL.
BRAYSHAW



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