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 ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	CIAE-00	C-01	OASY-00	DODE-00
	DOEE-00	EB-01	HA-09	H-01	INM-02	TEDE-00	INR-00
	IO-16	JUSE-00	L-03	ADS-00	NSAE-00	NSCE-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	/077W					

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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

[REDACTED] SECTION 01 OF 02 LIMA 12731

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

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 REF: LIMA 12022 AND PREVIOUS

1. (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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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

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 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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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
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 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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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

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 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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 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 THROUGH 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.

9. (C) WHENEVER THE GOVERNMENT SEEMED ON THE
 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.
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