

E84

Current Class: [REDACTED]  
 Current Handling: n/a  
 Document Number: 1993LIMA12964

Page: 1  
 RELEASED IN FULL  
 Channel: n/a

PAGE 01 LIMA 12964 01 OF 02 081521Z  
 ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CIAE-00	C-01	OASY-00
	EB-01	HA-09	H-01	INM-02	TEDE-00	INR-00	IO-16
	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	/078W

-----0B00C4 081522Z /38

P 081522Z DEC 93  
 FM AMEMBASSY LIMA  
 TO SECSTATE WASHDC PRIORITY 3324  
 INFO AMEMBASSY BOGOTA  
 AMEMBASSY LA PAZ  
 AMEMBASSY QUITO  
 AMEMBASSY MONTEVIDEO  
 USMISSION GENEVA  
 DIA WASHDC  
 USCINCSO QUARRY HEIGHTS PM

[REDACTED] SECTION 01 OF 02 LIMA 12964

USCINCSO ALSO FOR POLAD

E.O. 12356: DECL: OADR  
 TAGS: PHUM, PGOV, PE  
 SUBJECT: ATTORNEY GENERAL SAYS LA CANTUTA  
 - CASE BELONGS IN CIVILIAN COURT;  
 - MININT RETORTS "NOT SO FAST."

PAGE 02 LIMA 12964 01 OF 02 081521Z  
 1. (C) SUMMARY: THE MILITARY COURT DENIED  
 REQUEST OF THE CIVIL PROSECUTOR IN THE LA  
 CANTUTA CASE FOR ACCESS TO THE MILITARY OFFICERS  
 REPORTEDLY DETAINED FOR THEIR ROLE IN THE JULY  
 1992 DEATHS OF TEN PERSONS FROM LA CANTUTA.  
 THIS CAME TWO DAYS AFTER ATTORNEY GENERAL COLAN  
 TOLD A CONGRESSIONAL COMMISSION LOOKING INTO THE  
 LA CANTUTA CASE THAT IT PROPERLY BELONGED IN THE  
 CIVIL, NOT MILITARY, COURT SYSTEM. MINISTER OF  
 INTERIOR GEN. BRIONES RESPONDED TO COLAN THE  
 NEXT DAY, TELLING THE PRESS THAT THE ATTORNEY  
 GENERAL HAD BEEN "FORWARD AND PREMATURE" IN HER

Current Class: [REDACTED]

Page: 1

Current Class: [REDACTED]  
 Current Handling: n/a  
 Document Number: 1993LIMA12964

Page: 2  
 Channel: n/a

REMARKS, ADDING THAT NO ONE SHOULD COMMENT ON A CASE UNDER INVESTIGATION. THE CONGRESS HAS REQUESTED THAT DEFENSE MINISTER MALCA TESTIFY ABOUT THE MILITARY COURT INVESTIGATION INTO THE CASE. THE DISSONANCE BETWEEN THE ATTORNEY GENERAL AND THE INTERIOR MINISTER INDICATES THE SENSITIVITY OF THE CASE WITHIN THE GOP; IT IS UNCLEAR WHAT COURSE THE ISSUE WILL TAKE.  
 END SUMMARY.

COLAN: LA CANTUTA BELONGS IN CIVIL COURT  
 -----

2. (U) WITH EVIDENCE CONTINUING TO MOUNT THAT THE DEATHS OF NINE STUDENTS AND A PROFESSOR FROM LIMA'S LA CANTUTA UNIVERSITY IN JULY 1992 WERE CARRIED OUT BY A MILITARY DEATH SQUAD, ATTORNEY GENERAL BLANCA NELIDA COLAN TOLD A CONGRESSIONAL COMMISSION LOOKING INTO THE MATTER THAT THE

[REDACTED]  
 [REDACTED]

PAGE 03 LIMA 12964 01 OF 02 081521Z  
 KILLINGS PROPERLY BELONGED IN THE CIVIL COURTS RATHER THAN IN THE MILITARY COURT WHICH TOOK CONTROL OF THE INVESTIGATION SINCE EARLY 1993. COLAN TOLD THE OPEN COMMISSION MEETING DECEMBER 1 THAT "KILLING A PERSON, SHOOTING HIM, CUTTING UP THE BODY, AND THEN INCINERATING THE BODY, CANNOT BE CALLED A CRIME IN THE LINE OF DUTY AND MUST BE CONSIDERED A HOMICIDE IN THE FIRST DEGREE." MURDER IS A CRIME NOT COVERED BY THE PERUVIAN MILITARY CODE OF JUSTICE AND ACCORDINGLY FALLS UNDER THE JURISDICTION OF THE CIVIL COURTS.

INTERIOR MINISTER RETORTS "NOT SO FAST"  
 -----

3. (C) INTERIOR MINISTER GEN. JUAN BRIONES TOLD THE PRESS ON DECEMBER 2 THAT ATTORNEY GENERAL COLAN'S STATEMENTS WERE "FORWARD AND PREMATURE" AND THAT IT WAS IMPROPER OF ANYONE TO COMMENT ON A JUDICIAL CASE STILL UNDER INVESTIGATION. HE VEHEMENTLY REJECTED THE NOTION THAT THE LA CANTUTA CASE PROPERLY BELONGED IN A CIVIL COURT, ADDING THAT SUCH A DECISION WOULD HAVE TO AWAIT COMPLETION OF THE MILITARY COURT INVESTIGATION. HE ALSO DENIED THAT THERE WAS A CONFLICT OF

Current Class: [REDACTED]

Page: 2

Current Class: [REDACTED]  
Current Handling: n/a  
Document Number: 1993LIMA12964

Page: 3  
Channel: n/a

INTEREST IN THE MILITARY INVESTIGATION OF THE CASE, POINTING OUT THAT THE ARMY ITSELF HAD REQUESTED A MILITARY INVESTIGATION INTO THE CASE. IN REALITY, THE MILITARY COURTS TOOK OVER A CASE BEGUN IN CIVIL COURTS, A STANDARD TACTIC IN THE PAST TO TERMINATE SERIOUS EXAMINATION OF

[REDACTED]  
[REDACTED]

PAGE 04 LIMA 12964 01 OF 02 081521Z  
ABUSES POSSIBLY COMMITTED BY THE MILITARY.

MILITARY COURT (FORMALLY) TELLS COLAN "DITTO"

4. (U) COLAN ALSO TOLD THE CCD COMMISSION THAT ON NOVEMBER 29 SHE HAD FORMALLY REQUESTED THAT THE SUPREME COUNCIL OF MILITARY JUSTICE (CSJM) GRANT THE PUBLIC MINISTRY ACCESS TO THE MILITARY OFFICERS WHO HAD BEEN DETAINED BY THE MILITARY FOR THEIR ROLE IN THE LA CANTUTA MATTER. THE CIVIL PROSECUTING ATTORNEY, VICTOR CUBAS, WHO ACCOMPANIED COLAN, TOLD THE COMMISSION THAT HE

[REDACTED]

NNNN

[REDACTED]

PAGE 01 LIMA 12964 02 OF 02 081522Z  
ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CIAE-00	C-01	OASY-00
	EB-01	HA-09	H-01	INM-02	TEDE-00	INR-00	IO-16
	L-03	ADS-00	NSAE-00	NSCE-00	OIC-02	OMB-01	PA-01
	PM-02	FRS-01	P-01	SIL-00	SNP-00	SP-00	SR-00
	SS-00	STR-16	TRSE-00	T-00	USIE-00	RPE-01	/078W

-----0E00E2 081522Z /38

P 081522Z DEC 93  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC PRIORITY 3325  
INFO AMEMBASSY BOGOTA  
AMEMBASSY LA PAZ  
AMEMBASSY QUITO  
AMEMBASSY MONTEVIDEO  
USMISSION GENEVA  
DIA WASHDC

Current Class: [REDACTED]

Page: 3

Current Class: [REDACTED]  
 Current Handling: n/a  
 Document Number: 1993LIMA12964

Page: 4  
 Channel: n/a

USCINCSO QUARRY HEIGHTS PM

[REDACTED] SECTION 02 OF 02 LIMA 12964

USCINCSO ALSO FOR POLAD

E.O. 12356: DECL: OADR  
 TAGS: PHUM, PGOV, PE  
 SUBJECT: ATTORNEY GENERAL SAYS LA CANTUTA

HAD SPECIFICALLY REQUESTED THAT ARMY MAJOR  
 SANTIAGO MARTIN RIVAS APPEAR BEFORE HIM FOR

[REDACTED]  
 [REDACTED]  
 PAGE 02 LIMA 12964 02 OF 02 081522Z  
 QUESTIONING. PRESIDENT FUJIMORI EARLIER IN THE  
 WEEK IDENTIFIED RIVAS AS ONE OF FOUR OFFICERS  
 UNDER MILITARY DETENTION IN CONNECTION WITH THE  
 CASE.

5. (U) ON DECEMBER 2, THE INVESTIGATING JUDGE  
 (VOCAL INSTRUCTOR) OF THE MILITARY COURT HANDLING  
 THE LA CANTUTA CASE, ARMY GEN. MARCO ANTONIO  
 RODRIGUEZ HUERTA, DENIED THE PUBLIC MINISTRY  
 REQUEST FOR ACCESS TO THE MILITARY OFFICERS  
 ALLEGEDLY DETAINED FOR THEIR ROLE IN THE CASE.  
 GEN. RODRIGUEZ DECLARED THAT THE REQUEST WAS  
 TANTAMOUNT TO INTERFERENCE WITH THE MILITARY  
 JUSTICE SYSTEM, WHICH HE STATED WAS INDEPENDENT  
 AND AUTONOMOUS.

6. (C) THE MILITARY COURT'S DECISION WAS  
 SEVERELY CRITICIZED BY HUMAN RIGHTS GROUPS, THE  
 MEDIA, AND LEGAL EXPERTS, INCLUDING THE HEAD OF  
 THE BAR ASSOCIATION. THE CIVIL PROSECUTOR SAID  
 THAT DESPITE THE SET BACK, HE WOULD BRING FORMAL  
 CHARGES FOR HOMICIDE AND KIDNAPPING AGAINST THOSE  
 MILITARY OFFICERS APPARENTLY IMPLICATED IN THE  
 LA CANTUTA DISAPPEARANCES. ASSUMING THE CIVIL  
 JUDGE AGREES TO ADMIT THE CHARGES, THE DISPUTE  
 BETWEEN THE CIVIL AND MILITARY JUSTICE SYSTEMS  
 WOULD THEN HAVE BE SETTLED BY THE LIMA SUPREME  
 COURT.

CONGRESS IMPATIENT OVER APPARENT OBSTRUCTION  
 -----  
 [REDACTED]

Current Class: [REDACTED]

Page: 4

Current Class: [REDACTED]  
 Current Handling: n/a  
 Document Number: 1993LIMA12964

Page: 5  
 Channel: n/a

PAGE 03 LIMA 12964 02 OF 02 081522Z

7. (U) THE CONGRESS ALSO FORMALLY REQUESTED ON DECEMBER 2 THAT DEFENSE MINISTER VICTOR MALCA TESTIFY BEFORE THE COMMISSION ON THE STATUS OF THE MILITARY INVESTIGATION INTO THE LA CANTUTA CASE. MAJORITY PARTY CONGRESSMAN GILBERTO SIURA, AND PRESIDENT OF THE CCD DEFENSE COMMITTEE, AT FIRST OBJECTED TO THE REQUEST ON THE GROUNDS THAT IT WAS IMPROPER TO ASK THE DEFENSE MINISTER TO TESTIFY ON A CASE UNDER INVESTIGATION, BUT BACKED DOWN WHEN LUZ SALGADO PAREDES, A PROMINENT MEMBER OF HIS OWN PARTY SAID THE MINISTER NEEDED TO BE CALLED TO TESTIFY. SHE SAID: "FOR THE HEALTH OF THE COUNTRY, THE HEALTH OF DEMOCRACY AND THE HEALTH OF THIS CONGRESS, IT IS NECESSARY TO NOT ONLY NAME THOSE RESPONSIBLE, BUT ALSO REPORT ON THE PROGRESS OF THE INVESTIGATION."

COMMENT  
 -----

8. (C) COLAN MOST LIKELY MADE HER REMARKS AFTER CONSULTATIONS WITH THE PALACE, ALTHOUGH SHE HAS BEEN EXTREMELY SENSITIVE TO ACCUSATIONS OF BEING PART OF A LA CANTUTA COVER-UP AND MAY HAVE ACTED TO RESCUE HER PERSONAL REPUTATION. CUBAS HAS LONG SOUGHT, HOWEVER, TO SLIP HIS LEASH AND GO AFTER THE MILITARY ON LA CANTUTA. IRONICALLY, SOME SOURCES TELL US CUBAS IS, OR WAS, CLOSE TO VLADIMIRO MONTESINOS, THE MAN MANY ACCUSE OF TOLERATING AND COVERING UP FOR THE DEATH SQUAD

PAGE 04 LIMA 12964 02 OF 02 081522Z  
 ALLEGEDLY RESPONSIBLE FOR LA CANTUTA. THE BRIONES REACTION IS HARDER TO READ. CLOSE TO FUJIMORI AND RUMORED TO BE IN LINE EVENTUALLY FOR THE ARMY'S TOP COMMAND, HE MAY HAVE BEEN GIVEN THE JOB OF SEEMING TO PROTECT THE MILITARY INSTITUTION. HE IS NOT LIKELY TO HAVE ACTED WITHOUT A NOD FROM FUJIMORI.

9. (C) THE PRESIDENT COULD BE ORCHESTRATING THE ATTORNEY GENERAL'S AND THE MILITARY'S RESPONSES.

Current Class: [REDACTED]

Page: 5

UNCLASSIFIED

Current Class: [REDACTED]  
Current Handling: n/a  
Document Number: 1993LIMA12964

Page: 6

Channel: n/a

IN THIS SCENARIO, THE SUPREME COURT (DOMINATED BY FUJIMORI APPOINTEES) COULD BE LEFT TO RULE, SEEMINGLY INDEPENDENTLY, ON WHETHER THE CASE BE HANDLED BY MILITARY OR CIVIL COURTS. A BREAKDOWN IN CENTRAL CONTROL OF THE CASE, HOWEVER, CANNOT BE RULED OUT, LEAVING CONTESTING FORCES TO SAFEGUARD THEIR OWN INTERESTS.  
BRAYSHAW

[REDACTED]

NNNN

Current Class: [REDACTED]

Page: 6

UNCLASSIFIED