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PAGE 01 STATE 004088 090246Z  
ORIGIN SCT-00

INFO	LOG-00	ACDA-10	ACDE-00	AID-00	AMAD-01	ARA-01	A-00
	CA-02	CCO-00	CG-00	SMEC-00	COME-00	CTME-00	OASY-00
	DOEE-00	DOFE-00	SRPP-00	DS-00	EAP-01	EB-00	OIGO-01
	FAAE-00	HHS-01	H-01	IMMC-01	SSA-01	TEDE-00	INR-00
	INSE-00	IO-00	JUSE-00	L-01	MCO-01	ADS-00	MMP-00
	M-00	NRCE-00	NSAE-00	NSCE-00	OCS-03	OIC-02	OIS-01
	OMB-01	PA-00	PM-00	PRS-00	P-00	CIO-00	SP-00
	SS-00	TRSE-00	USIE-00	USSS-00	ASDS-01	FMP-00	PMB-00
	DSCC-00	PRM-10	DRL-09	G-00	/049R		

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SOURCE: KODAKB.090093

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S/CT: GGRAY/KRMCKUNE

ARA: PROMERO

L: LADAMS

DESIRED DISTRIBUTION:

S/CT, DS, INR, ARA, PRM, P, 10

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FM SECSTATE WASHDC

TO AMEMBASSY MONTEVIDEO IMMEDIATE

USMISSION GENEVA IMMEDIATE

INFO AMEMBASSY LIMA PRIORITY

AMEMBASSY TOKYO PRIORITY

AMEMBASSY LA PAZ PRIORITY

RELEASED IN PART  
B1, 1.5(B), 1.5(D)

PAGE 02 STATE 004088 090246Z

AMEMBASSY SANTIAGO PRIORITY

FBI WASHDC PRIORITY 0000

CIA WASHDC PRIORITY 0000

SECDEF WASHDC PRIORITY 0000

C [REDACTED] STATE 004088

GENEVA FOR RMA, FBI FOR CT/WATSON, CIA FOR CTC/WILEY

n/a

[REDACTED] EXTEND CLASSIFICATION: 1

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E.O. 12958: DECL: 2002

TAGS: PTER, PREL, UNHCR, OAS, PREF, UY, PE

SUBJECT: PERU HOSTAGES: THE RELEASE OF MRTA IN URUGUAY  
AND POSSIBLE ASYLUM ISSUEREF: (A) MONTEVIDEO 3724, (B) STATE 256,  
(C) MONTEVIDEO 3683, (E) TOKYO 11769  
(D) MONTEVIDEO/S/CT FAX 1/7CLASSIFIED BY: PHILIP C. WILCOX, JR., COORDINATOR FOR  
COUNTERTERRORISM, S/CT, DEPARTMENT OF STATE. REASON:  
1.5 (D)1. (U) THIS IS AN ACTION MESSAGE; PLEASE SEE PARAS FIVE  
- SEVEN.2. (U) BACKGROUND FOR USMISSION GENEVA: ON DECEMBER  
24, THE GOVERNMENT OF URUGUAY RELEASED TWO MEMBERS OF  
THE MRTA TERRORIST ORGANIZATION WANTED FOR THE 1995  
KIDNAPPING OF FORMER BOLIVIAN PLANNING MINISTER SAMUEL  
DORIA. IN THEIR RULING, URUGUAYAN JUDGES DENIED  
EXT-DITION REQUESTS FROM PERU AND BOLIVIA, CLAIMING

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PAGE 03 STATE 004088 090246Z  
THAT THE ALLEGED CRIMES COMMITTED BY THE TWO MRTA WERE  
POLITICALLY-MOTIVATED AND HENCE NOT EXTRADITABLE. THEMRTA TERRORISTS IN LIMA FREED THE URUGUAYAN AMBASSADOR  
TO PERU, WHOM THEY HELD HOSTAGE, AT THE SAME TIME THAT  
THE GOU RELEASED THE TWO MRTA MEMBERS FROM CUSTODY. THE  
TIMING OF THE RELEASE HAS BEEN WIDELY CRITICIZED AS AN  
INDICATION OF A CONCESSION TO THE MRTA TERRORISTS WHO  
HAVE MADE THE RELEASE OF MRTA PRISONERS ONE OF THEIR KEY  
DEMANDS (REF C).3. (U) URUGUAYAN PRESS REPORTS STATE THAT THE GOU HAS  
GRANTED THE TWO RELEASED MRTA MEMBERS TEMPORARY  
RESIDENCY STATUS (REF D). WE UNDERSTAND THE TWO HAVE  
SOUGHT REFUGEE STATUS FROM THE REGIONAL UNHCR  
REPRESENTATIVE. PRESS REPORTS ALSO CLAIM THAT REFUGEE  
STATUS WILL ENSURE THAT THE MRTA MEMBERS CANNOT BE  
EXTRADITED. ACCORDING TO THE PRESS, THE UNHCR NEEDS TEN  
DAYS TO PROCESS THE REQUEST.

4. (C) THE POSSIBILITY RAISED (REF A) THAT THE GOU COULD

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GRANT RESIDENCY OR ASYLUM TO THE TWO NEWLY RELEASED MRTA SUSPECTS IS DISTURBING AS IS THE POSSIBILITY THAT UNHCR WOULD BE DRAWN INTO A GOU PLAN TO HAVE THE TWO CLASSIFIED AS REFUGEES AND, PRESUMABLY MOVED TO A THIRD COUNTRY. (NOTE. THE PROVISION OF ASYLUM IS A PREROGATIVE OF SOVEREIGN NATIONS AND IS OFTEN GRANTED ACCORDING TO NATIONAL LEGISLATION THAT FREQUENTLY INCORPORATES THE PROVISIONS OF THE 1951 UN CONVENTION RELATING TO THE STATUS OF REFUGEES ((THE REFUGEE CONVENTION)) AND OTHER RELEVANT INSTRUMENTS. UNHCR MAY

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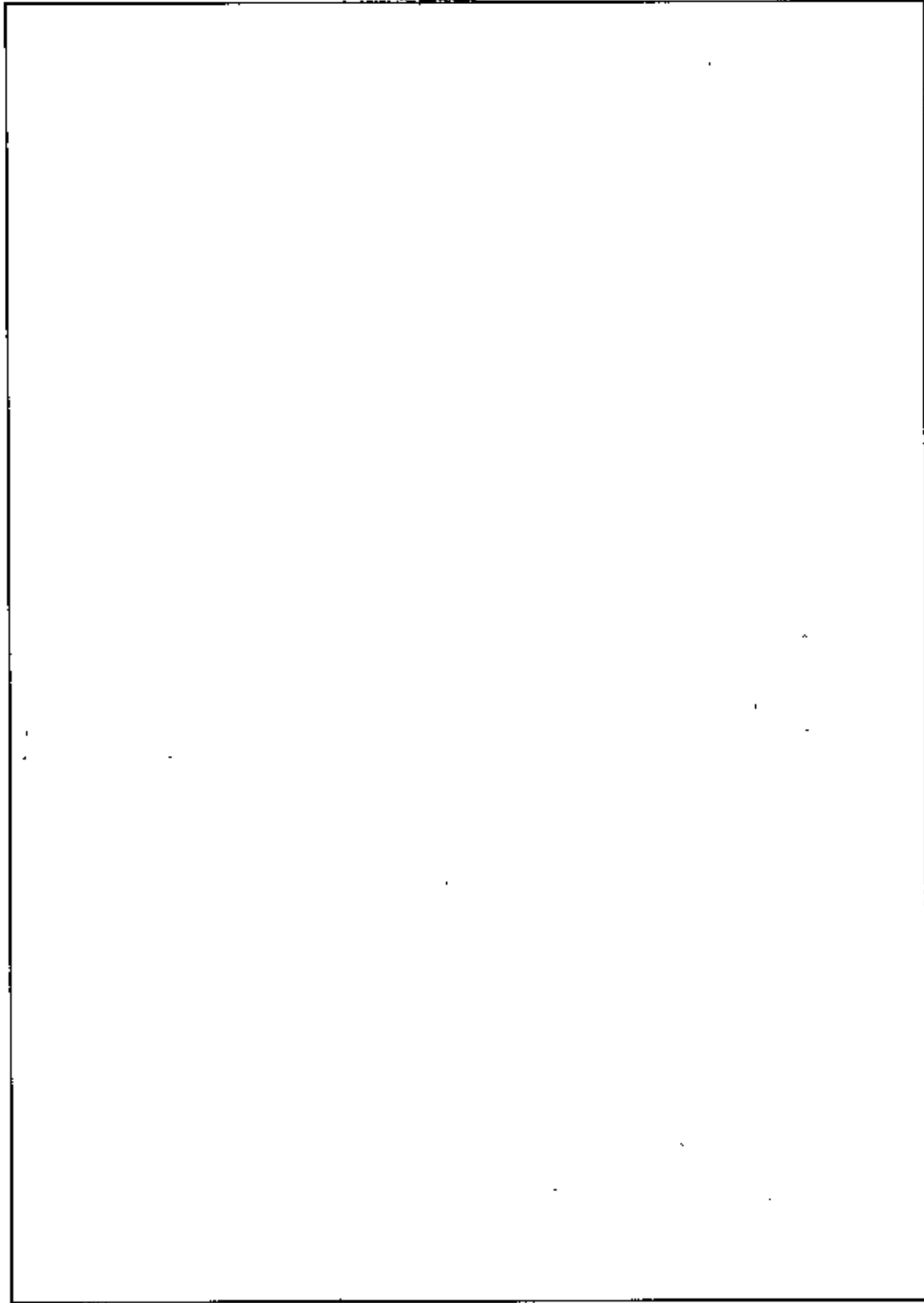
PAGE 04 STATE 004088 090246Z  
"MANDATE~ SOMEONE AS A REFUGEE OF CONCERN TO THE HIGH COMMISSIONER, EVEN WHERE A GOVERNMENT HAS REFUSED ASYLUM, IF UNHCR FINDS THAT AN INDIVIDUAL MEETS THE DEFINITION OF A REFUGEE UNDER THE REFUGEE CONVENTION. HOWEVER, THIS IS NOT A FREQUENT OCCURRENCE. AS A LEGAL AND/OR PRACTICAL MATTER, THE HOST GOVERNMENT MAY OR MAY NOT RECOGNIZE SUCH A UNHCR DETERMINATION. IN ANY EVENT, THE REFUGEE CONVENTION EXCLUDES FROM REFUGEE STATUS THOSE WHO HAVE COMMITTED CRIMES AGAINST HUMANITY, WAR CRIMES, SERIOUS NON-POLITICAL CRIMES, OR ACTS CONTRARY TO THE PURPOSES OF THE UNITED NATIONS. THE USG BELIEVES THAT THE MRTA KIDNAPPING OF THE BOLIVIAN MINISTER WAS A TERRORIST ACT. THE UNHCR HAS MADE CLEAR THAT PERSONS WHO COMMIT TERRORIST ACTS ARE GENERALLY EXCLUDED FROM PROTECTION AS REFUGEES. END NOTE.) GRANTING RESIDENCY OR REFUGEE STATUS COULD GIVE HEART TO THE MRTA HOSTAGE TAKERS IN LIMA AND UNDERMINE THE SPIRIT OF HEMISPHERIC COOPERATION IN COMBATTING TERRORISM HIGHLIGHTED AT THE APRIL 1996 OAS TERRORISM CONFERENCE.

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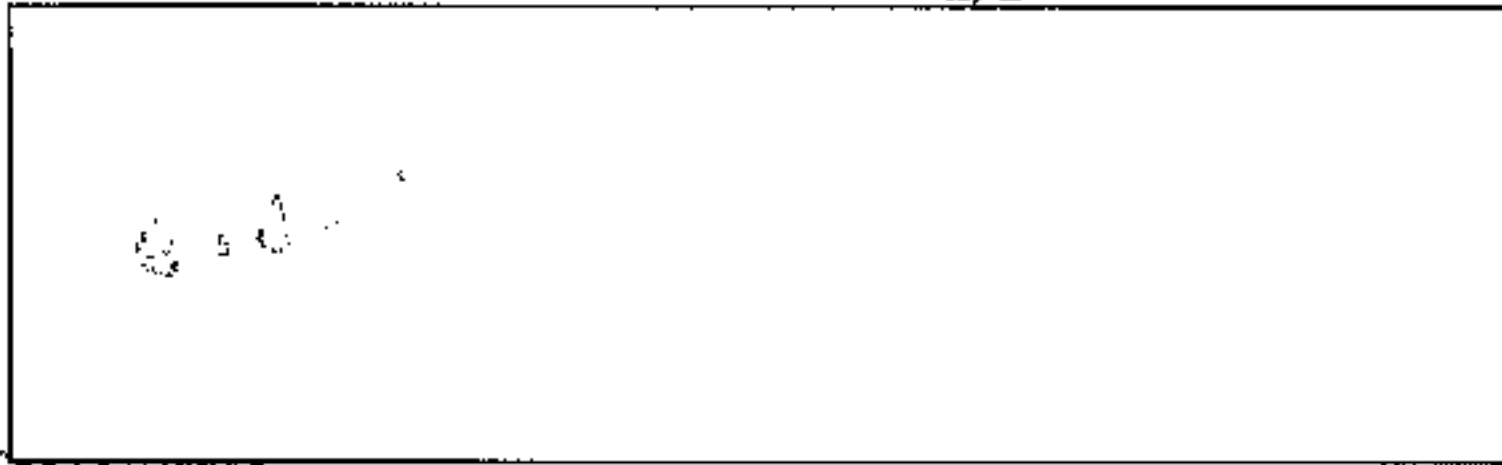


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