

RELEASED IN FULL

n/a

Case Number: 200102877

PTO0803

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ACTION WHA-00

INFO	LOG-00	AID-00	CIAE-00	DODE-00	SRPP-00	FB-00	VC-00
	H-01	TEDE-00	INR-00	IO-00	L-00	AC-01	NSAE-00
	NSCE-00	OIC-02	OMB-01	PA-00	PM-00	ERS-00	ACE-00
	P-00	SP-00	SSO-00	SS-00	STR-00	TRSE-00	T-00
	USIE-00	PMB-00	PRM-01	DRL-02	G-00	SAS-00	/008W

-----95AD19 231631Z /45

O 231612Z OCT 00
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 7022
AMEMBASSY MADRID
AMEMBASSY QUITO
AMEMBASSY SANTIAGO
AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
AMEMBASSY BRASILIA
AMEMBASSY BOGOTA
AMEMBASSY LA PAZ
AMEMBASSY PANAMA
AMEMBASSY OTTAWA
AMEMBASSY MEXICO
USCINCSO MIAMI FL

LIMA 006313

E.O. 12958: DECL 10/20/05
TAGS: PGOV, PREL, PHUM, OAS, PE
SUBJECT: GOP DEMOCRATIC REFORM INITIATIVE CLOUDED BY
MONTESINOS' RETURN AND RESIGNATION OF FIRST VP TUDELA

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1. (U) CLASSIFIED BY AMBASSADOR JOHN R. HAMILTON FOR REASONS 1.5B AND 1.5D.

2. (C) SUMMARY. THE GOVERNMENT MADE PUBLIC OCTOBER 22 A FORWARD-LEANING DEMOCRATIC REFORM PROPOSAL COMBINED WITH CHANGES IN THE 1995 AMNESTY LAW TO GET TO ELECTIONS AS QUICKLY AND SMOOTHLY AS POSSIBLE. MUCH OF THE PROPOSAL HAD ALREADY BEEN DISCUSSED WITH THE OPPOSITION IN "SIDEBAR" CONVERSATIONS OVER THE LAST 10 DAYS. THE NOW-PUBLIC PROPOSAL CONTAINS MORE, HOWEVER, ON DEMOCRACY/ELECTIONS ISSUES THAN EXPECTED -- SPECIFICALLY, A TRUTH

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COMMISSION AND INDEMNIFICATION FOR VICTIMS OF HUMAN RIGHTS ABUSES. BUT THE ILL-TIMED RETURN OF VLADIMIRO MONTESINOS -- NOW COMBINED WITH THE RESIGNATION OF FIRST VICE PRESIDENT FRANCISCO TUDELA -- WILL THROW THE ENTIRE DISCUSSION OVER THESE ISSUES INTO A COCKED HAT. WE WILL NEED TO BE VERY ACTIVE IN THE DAYS AHEAD PUBLICLY AND PRIVATELY TO TRY TO KEEP THE OAS DIALOGUE VIABLE. END SUMMARY.

3. (C) GOVERNMENT AND OPPOSITION LEADERS RETURNED TO "SIDEBAR" OR PRIVATE CONVERSATIONS OVER EXPANSION OF THE 1995 AMNESTY LAW LAST WEEK PRIOR TO THE RE-INITIATION OF THE OAS TALKS OCTOBER 20. WE DO NOT KNOW THE EXACT DETAILS OF THOSE DISCUSSIONS, BUT THE PROPOSAL RELEASED BY THE GOVERNMENT 10/22 IS CONSIDERABLY MORE FORWARD LEANING THAN HAD BEEN ANTICIPATED. THE TEXT OF THE PROPOSAL HAS BEEN FAXED TO WHA/AND. AMONG ITS PROVISIONS ARE: COMPLETE REFORMULATION OF BOTH ONPE AND THE JNE, THE TWO MOST CRITICAL, AND CORRUPT, ELECTORAL INSTITUTIONS, INVITATIONS TO IFE OF MEXICO AND ELECTIONS CANADA TO PROVIDE TECHNICAL ASSISTANCE, AND A CLEAR STATEMENT THAT ALL OTHER ELECTORAL OBSERVERS WILL BE WELCOME. IN ADDITION, THERE WILL BE A PLAN FOR INDEMNIFICATION OF [REDACTED]

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VICTIMS AND FAMILIES OF VICTIMS OF HUMAN RIGHTS ABUSES AND A TRUTH COMMISSION SET UP TO INVESTIGATE THE ABUSES OF THE PAST YEARS.

4. (C) IN RETURN FOR THE ELECTORAL ADVANCES, THE OPPOSITION IS BEING ASKED TO AGREE TO AN EXPANSION OF THE 1995 AMNESTY LAW TO 1) COVER THE "GAP" FROM THE DATE OF THE AUTOGOLPE OF 1992 TO THE PRESENT; AND 2) EXPAND THE AMNESTY TO COVER ABUSES COMMITTED IN THE WAR AGAINST NARCOTICS TRAFFICKING, NOT JUST THE WAR AGAINST TERRORISM. THE GOP HAS REPEATEDLY STRESSED THAT THIS MEANS HUMAN RIGHTS ABUSES, NOT COMMON CRIMES OR CORRUPTION COMMITTED DURING EITHER OF THOSE TWO EFFORTS.

5. (C) THE FACT THAT THE GOVERNMENT HAS NOW PUT THIS PROPOSAL OUT PUBLICLY, AT PRECISELY THE MOMENT MONTESINOS HAS RETURNED TO PERU, THROWS ITS FUTURE INTO DOUBT. PRESIDENT FUJIMORI TOLD THE AMBASSADOR LAST NIGHT, AS MONTESINOS WAS COMING BACK TO PERU, THAT HE WAS FRUSTRATED BY THE FACT THAT THE PRESS STORY WOULD BE MONTESINOS' RETURN, AND NOT THE GOVERNMENT'S PROPOSAL. THE OPPOSITION, WHICH MIGHT NOT HAVE QUICKLY ACCEPTED THE PROPOSAL IN ANY EVENT, WOULD HAVE BEEN FAR MORE LIKELY TO DO SO WITHOUT THE ADDED COMPLICATION OF MONTESINOS' RETURN. AT THIS POINT THEY ARE LIKELY TO FEEL DECEIVED BY THE GOVERNMENT AND ASSUME THAT THE GOP FACILITATED MONTESINOS' RETURN AT THE SAME TIME THEY WERE TRYING TO GET THE OPPOSITION TO ACCEPT THIS PROPOSAL CONTAINING AN

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EXPANSION OF THE AMNESTY. GIVEN THE FACT THAT THE GOP PROPOSAL GIVES THE OPPOSITION EVERYTHING THEY WANTED ON ELECTIONS (AND MANY THINGS THEY MIGHT NOT HAVE EXPECTED), MONTESINOS' RETURN IS AN EVEN WORSE COMPLICATION FOR DEMOCRACY IN PERU.

6. (C) THE AMBASSADOR WAS SPEAKING BY PHONE WITH PRESIDENT FUJIMORI AROUND 0900 LOCAL OCTOBER 23 WHEN FUJIMORI WAS GIVEN THE CONFIDENTIAL

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NEWS THAT FIRST VICE PRESIDENT FRANCISCO TUDELA HAD JUST RESIGNED. FUJIMORI NOTED, IN HIS CHARACTERISTIC TENDENCY TO UNDERSTATE, THAT TUDELA'S ACTION COMPLICATED MATTERS EVEN MORE. FUJIMORI COMMENTED BITTERLY THAT RESIGNATION IS AN EASY WAY OUT. IT WOULD BE TEMPTING AND EASY -- BUT IRRESPONSIBLE -- TO DO SO HIMSELF, HE SAID. THE PRESIDENT ALSO APPEALED -- WITHOUT SPECIFYING WHAT HE WANTED -- FOR U.S. SUPPORT AND "INPUT." HE WILL ASK LATORRE TO POSTPONE (NOT SUSPEND) OAS TALKS SCHEDULED FOR TODAY TO SEE IF THE DUST WILL SETTLE. AT THIS MOMENT, HE SEEMED NOT TO KNOW MONTESINOS'S INTENTIONS OR WHETHER HE COULD BE PERSUADED TO LEAVE THE COUNTRY AGAIN.
HAMILTON

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