

RELEASED IN PART

B1

ER2

UNCLASSIFIED

AN: D910683-0732

PAGE 01 LIMA 09524 01 OF 03 171905Z
ACTION HA-09

INFO LOG-00 ADS-00 AMAD-01 ARA-01 CIAE-00 INRE-00 INR-01
ID-19 NSAE-00 DIC-02 PM-01 /034W
-----7EA6BD 171906Z /38

P 171846Z JUL 91
FM AMEMBASSY LIMA
TO SECSTATE WASHDC PRIORITY 9709
INFO AMEMBASSY BOGOTA
AMEMBASSY LA PAZ
AMEMBASSY QUITO
USMISSION GENEVA 1790
USCINCSO QUARRY HTS
SECDEF WASHDC

SECTION 01 OF 03 LIMA 09524

DEPARTMENT FOR HA/AS SCHIFTER
USCINCSO FOR SC/SJA COL GRAHAM AND POLAD JACOBS
SECDEF FOR LTC MCATAMNEY - DAJ/IA

E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, MASS, PE
SUBJECT: A/S SCHIFTER VISIT: U.S. ARMY AND PERUVIAN
OFFICERS DISCUSS MILITARY JUSTICE

1. [REDACTED]
2. SUMMARY: TWO U.S. ARMY ATTORNEYS ACCOMPANYING
[REDACTED]

UNCLASSIFIED

PAGE 02 LIMA 09524 01 OF 03 171905Z
A/S FOR HUMAN RIGHTS RICHARD SCHIFTER TO LIMA HAD A
SERIES OF VERY SUCCESSFUL INTERCHANGES WITH THEIR
PERUVIAN COUNTERPARTS. THE CHIEF OF THE PERUVIAN
APPELLATE MILITARY COURT SAID THAT THE MAJORITY OF
CASES SUBMITTED TO HIS COURT CONCERN POLICE PERSONNEL
AND NOT THE ARMED FORCES. OTHER GENERAL OFFICERS
MAINTAINED THAT THE POOR IMAGE OF THE PERUVIAN ARMED
FORCES WAS MORE THE RESULT OF UNFAIR MEDIA TREATMENT

DEPARTMENT OF STATE
CLASSIFIED BY [REDACTED]
DATE [REDACTED]
EXEMPT FROM AUTOMATIC DOWNGRADING AND
DECLASSIFICATION

7/1/97

UNCLASSIFIED
DATE [REDACTED] BY [REDACTED]

NSC 68-1211 120004 CP 11 UP 16

UNCLASSIFIED

[REDACTED]
THAT REAL ABUSES. DESPITE THIS DENIAL, SENIOR OFFICERS SEEM TO BE BEGINNING TO RECOGNIZE THAT THEY MUST TAKE CONCRETE STEPS TO IMPROVE THE PERFORMANCE AS WELL AS THE IMAGE OF THE ARMED FORCES. HUMAN RIGHTS TRAINING IS BEING ADDED AT ALL SERVICE SCHOOLS. AT THE POLITICAL LEVEL THE MINISTRY OF DEFENSE PROFFESSES TO BE PREDISPOSED TO ALLOW ICRC ACCESS, ALTHOUGH A CONSENSUS ON THIS POINT HAS NOT YET BEEN OBTAINED AT THE OPERATIONAL LEVEL. AND THE REVISED MILITARY JUSTICE CODE MAY INCLUDE SPECIFIC REFERENCES TO HUMAN RIGHTS VIOLATIONS. THE PERUVIAN MILITARY IS EAGER TO BEGIN AN EXCHANGE PROGRAM WITH THE U.S. MILITARY JUSTICE COMMUNITY. END SUMMARY.

3. AS PART OF A/S SCHIFTER'S VISIT TO LIMA ARMA HOSTED A LUNCH WITH TWO PERUVIAN ARMY JUDGE ADVOCATE GENERAL CORPS (JAG) GENERALS, THE ADMIRAL WHO HEADS THE SUPREME COUNCIL OF MILITARY JUSTICE (COURT MARTIAL OF LAST APPEAL) AND FOUR SENIOR ARMY LINE GENERALS. AT THE LUNCH THE [REDACTED] [REDACTED] ALLOWED THAT HUMAN RIGHTS ABUSES DID OCCUR BUT BLAMED THE GREAT MAJORITY OF THESE ABUSES ON THE POLICE. THE LINE GENERALS CLAIMED THAT TERRORISTS [REDACTED]
[REDACTED]

B1

PAGE 03 LIMA 09524 01 OF 03 171905Z
KILLED IN ACTION, WHOSE BODIES ARE LEFT ON THE FIELD, ARE LATER MISREPRESENTED TO THE CIVILIAN AUTHORITIES AS "DISAPPEARED." (COMMENT: UNDOUBTEDLY THIS HAPPENS, BUT IT ALSO IGNORES THE NUMEROUS CASES OF INDIVIDUALS SEEN BEING TAKEN INTO MILITARY BARRACKS VERY MUCH ALIVE, AND NEVER SEEN AGAIN. END COMMENT.)

4. WHEN QUESTIONED ABOUT ACCESS FOR THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) [REDACTED]

[REDACTED] ARGUED STRENUOUSLY THAT THE ICRC HAD ALREADY RECEIVED ACCESS TO MILITARY DETENTION FACILITIES. [REDACTED]

[REDACTED] SAID THAT THE ICRC HAD BEEN ALLOWED INTO THE BARRACKS DURING HIS TENURE BUT THAT THE DELEGATE HAD DEMANDED UNESCORTED ACCESS THROUGHOUT THE DETENTION FACILITY.

[REDACTED] REFUSED HIS REQUEST TO "PROTECT" THE PERSONAL SECURITY OF THE DELEGATE. (COMMENT: WE

B1

B1

B1

UNCLASSIFIED
[REDACTED]

UNCLASSIFIED

[REDACTED]
WERE SUBSEQUENTLY TOLD BY THE ICRC THAT BOTH THE [REDACTED] HAVE

INFORMALLY EXPRESSED A PREDISPOSITION TO GRANT ICRC ACCESS, IF REQUESTED. HOWEVER, THE ICRC SEES NO POSSIBILITY OF THIS TAKING PLACE UNDER PRESENT CIRCUMSTANCES DUE TO GENERALIZED MILITARY OPPOSITION. THE ICRC WILL NOT PUSH THE MILITARY ON THIS POINT UNTIL THE ICRC BELIEVES THAT A CONSENSUS HAS BEEN REACHED WITHIN THE MILITARY. THE ABOVE COMMENTS SEEM TO SUPPORT THE ICRC THESIS THAT OPERATIONAL LEVEL COMMANDERS ARE STILL NOT PREPARED TO ACCEPT ICRC ACCESS AT THIS TIME. END COMMENT. WITH REGARD TO

B1

[REDACTED]
[REDACTED]
PAGE 04 LIMA 09524 01 OF 03 171905Z
THE LACK OF PUBLIC INFORMATION ON PERUVIAN COURT MARTIALS, SEVERAL OF THE GENERALS, INCLUDING THE

[REDACTED] AGREED THAT IT MIGHT BE BENEFICIAL TO THE PERUVIAN ARMY TO BE MORE FORTHCOMING WITH INFORMATION ON MILITARY PERSONNEL THAT ARE PUNISHED FOR HUMAN RIGHTS OFFENSES.

B1

5. DURING THE LUNCH [REDACTED]

B1

[REDACTED]
UNCLASSIFIED
[REDACTED]

UNCLASSIFIED

PAGE 01 LIMA 09524 02 OF 03 171907Z
ACTION HA-09

INFO LOG-00 ADS-00 AMAD-01 ARA-01 CIAE-00 INRE-00 INR-01
ID-19 NSAE-00 DIC-02 PM-01 /034W
-----7EA6D4 171907Z /38

P 171846Z JUL 91
FM AMEMBASSY LIMA
TO SECSTATE WASHDC PRIORITY 9710
INFO AMEMBASSY BOGOTA
AMEMBASSY LA PAZ
AMEMBASSY QUITO
USMISSION GENEVA 1791
USCINCSO QUARRY HTS
SECDEF WASHDC

SECTION 02 OF 03 LIMA 09524

DEPARTMENT FOR HA/AS SCHIFTER
USCINCSO FOR SC/SJA COL GRAHAM AND POLAD JACOBS
SECDEF FOR LTC MCATAMNEY - DAJ/IA

E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, MASS, PE
SUBJECT: A/S SCHIFTER VISIT: U.S. ARMY AND PERUVIAN
SAID THAT HE AND THE MILITARY LAWYERS WANTED TO
MEET WITH BOTH SOUTHCOM SJA COL GRAHAM AND LTC
MCATAMNEY THE FOLLOWING DAY AT THE SUPREME COUNCIL
OFFICES AND AT THE MINISTRY OF DEFENSE. FRIDAY
MORNING COL GRAHAM, LTC MCATAMNEY, AND LTC WYNN,

PAGE 02 LIMA 09524 02 OF 03 171907Z
ARMA, LIMA, MET WITH [REDACTED] AND FOUR OTHER
MEMBERS OF THE SUPREME COUNCIL. [REDACTED] QUICKLY
REVIEWED THE TOPICS DISCUSSED THE PREVIOUS DAY AND
EXPRESSED HIS APPRECIATION TO COL GRAHAM AND LTC
MCATAMNEY FOR VISITING PERU AND SPECIFICALLY HIS
OFFICE. HE ALSO EXPLAINED THAT THE SUPREME COUNCIL
WAS CONSIDERING THE INCLUSION OF SPECIFIC REFERENCES
TO HUMAN RIGHTS IN THE MODIFICATION OF THE CODE OF
MILITARY JUSTICE CURRENTLY UNDERWEIGH. HE STATED

B1
B1

UNCLASSIFIED

UNCLASSIFIED

[REDACTED]
THAT THIS WAS PRIMARILY TO PUT MORE EMPHASIS ON HUMAN RIGHTS AND TO ALLOW EASIER TRACKING OF THESE PARTICULAR CASES. THE COUNCIL WAS DIVIDED ON THE ISSUE SINCE SOME FELT THAT THE CURRENT CODE COVERED HUMAN RIGHTS, MUCH LIKE THE U.S. CODE OF MILITARY JUSTICE (UCMJ), WITHOUT SPECIFICALLY USING THE TERM. [REDACTED] STATED THAT HE WOULD FURNISH COPIES OF THE COMPLETED CHANGES OF THE MILITARY CODE TO THE U.S. AND COL. GRAHAM STATED THAT HIS OFFICE WOULD FORWARD, THROUGH THE USDAO, COPIES OF THE MILITARY LEGAL PROFESSIONAL JOURNALS FOR THEIR USE. THE SECOND CHANGE THAT [REDACTED] WAS TRYING TO INSTITUTE WAS THE USE OF COMPUTERS TO BETTER TRACK CASES AND FACILITATE RESEARCH OF PAST CASES.

B1

B1

6. (COMMENT: THE PERUVIAN CODE OF MILITARY JUSTICE, UNLIKE THE UCMJ, DOES NOT INCLUDE MANY CRIMES (E.G. MURDER) THAT WOULD SOMETIMES FALL UNDER THE RUBRIC OF HUMAN RIGHTS. THE PERUVIAN UCMJ DOES ALLOW FOR TRIAL IN MILITARY COURTS FOR OFFENSES IN THE CIVILIAN PENAL CODE. THIS, HOWEVER, USUALLY DOES NOT HAPPEN AND IT IS MORE LIKELY THAT A MILITARY HUMAN RIGHTS OFFENDER
[REDACTED]
[REDACTED]

PAGE 03 LIMA 09524 02 OF 03 171907Z
WOULD BE TRIED FOR THE MORE NEBULOUS OFFENSE "ABUSE OF AUTHORITY." END COMMENT.)

B1

B1

7. IN ADDITION, [REDACTED] INQUIRED ABOUT THE POSSIBILITY OF A LEGAL EXCHANGE BETWEEN THE PERUVIAN AND U.S. MILITARY. LTC MCATAMNEY STATED THAT SOME EXCHANGES HAVE PREVIOUSLY BEEN DONE IN ARGENTINA AND COLOMBIA AND BRIEFLY DESCRIBED THEM. THE CONCEPT WAS SATISFACTORY TO [REDACTED] AND LTC WYNN STATED THAT THESE EXPERTISE EXCHANGES ARE GENERALLY COORDINATED THROUGH THE MAAG. ON THE SUBJECT OF HUMAN RIGHTS TRAINING THE PERUVIANS SAID THAT SOME FORM OF TRAINING IN HUMAN RIGHTS HAS NOW BEEN INCORPORATED IN ALL PERUVIAN MILITARY SCHOOLS. (COMMENT: HUMAN RIGHTS ACTIVISTS FROM VARIOUS GROUPS HAVE CONFIRMED THAT THEY HAVE BEEN INVITED TO PARTICIPATE IN TRAINING AT THE WAR COLLEGE AND THE MILITARY ACADEMY. END COMMENT.)

8. THE U.S. OFFICERS THEN VISITED THE MINISTRY OF

UNCLASSIFIED
[REDACTED]

UNCLASSIFIED

[REDACTED]
DEFENSE TO MEET WITH [REDACTED]

[REDACTED] HIS STAFF OFFICERS AND ARMY

[REDACTED] THE DISCUSSIONS AT THE MOD
FOLLOWED A SIMILAR VEIN AS THOSE AT THE SUPREME
COUNCIL. [REDACTED] STATED THAT HE HAD DISCUSSED
THE POSSIBILITY OF A LEGAL EXCHANGE WITH THE MINISTER
OF DEFENSE WHO FULLY SUPPORTED THE CONCEPT. DURING
THIS MEETING AND THE LUNCH THAT FOLLOWED, THERE WERE
SEVERAL DISCUSSIONS OF DIFFERENT SITUATIONS AND HOW
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 LIMA 09524 02 06 03 171907Z
CASES WOULD BE HANDLED IN THE PERUVIAN AND U.S.
SYSTEMS.

9. COMMENT: THE PERUVIANS BELIEVE THAT THEIR
MILITARY JUSTICE SYSTEM IS FAIR AND ADEQUATE BUT
ADMIT THAT SOME MINOR CHANGES HAVE TO BE MADE. IN
THEIR OPINION THE NEGATIVE IMAGE OF THE ARMED FORCES
HUMAN RIGHTS RECORD IS THE RESULT OF UNFAIR TREATMENT
BY THE PRESS AND THAT ANY PUBLICITY IS HEAVILY BIASED
AGAINST THEM. DESPITE THESE FEELINGS OF PERSECUTION
SOME SENIOR OFFICERS ARE BEGINNING TO REALIZE THAT

[REDACTED]
UNCLASSIFIED
[REDACTED]

B1
B1
B1

UNCLASSIFIED

~~CONFIDENTIAL~~
PAGE 01 LIMA 09524 03 OF 03 171908Z
ACTION HA-09

INFO LOG-00 ADS-00 AMAD-01 ARA-01 CIAE-00 INRE-00 INR-01
IO-19 NSAE-00 OIC-02 FM-01 /034W
-----7EA6E3 171908Z /38

P 171846Z JUL 91
FM AMEMBASSY LIMA
TO SECSTATE WASHDC PRIORITY 9711
INFO AMEMBASSY BOGOTA
AMEMBASSY LA PAZ
AMEMBASSY QUITO
USMISSION GENEVA 1792
USCINCSO QUARRY HTS
SECDEF WASHDC

~~CONFIDENTIAL~~ SECTION 03 OF 03 LIMA 09524

DEPARTMENT FOR HA/AS SCHIFTER
USCINCSO FOR SC/SJA COL GRAHAM AND POLAD JACOBS
SECDEF FOR LTC MCATAMNEY - DAJ/IA

E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, MASS, PE
SUBJECT: A/S SCHIFTER VISIT: U.S. ARMY AND PERUVIAN
THE INTERNATIONAL MEDIA IS ALSO AN IMPORTANT
BATTLEFIELD AND THAT THEIR EFFORTS IN THIS PART OF
THE WAR SO FAR HAVE BEEN WOEFULLY INADEQUATE. THEY
ARE EAGER FOR SOME FORM OF LEGAL EXCHANGE BUT
RECOGNIZE THAT THEY DO NOT HAVE THE FUNDS TO TRAVEL

~~CONFIDENTIAL~~
PAGE 02 LIMA 09524 03 OF 03 171908Z
TO THE US. AND ANY EXCHANGE WOULD HAVE TO BE IN PERU
OR FINANCED BY THE USG. HOPEFULLY THROUGH SUCH
EXCHANGES, THE PERUVIAN ARMED FORCES WILL FURTHER
REFINE THEIR THOUGHTS ON HUMAN RIGHTS AND BEGIN TO
RECOGNIZE THAT THEY, AS WELL AS THE POLICE, HAVE A
PROBLEM WITH THE SUBSTANCE OF HUMAN RIGHTS ABUSES,
AND ARE NOT JUST BEING SKEWERED UNFAIRLY BY THE
MEDIA. WHEN THE ARMED FORCES ARE FINALLY BROUGHT
INTO DISCUSSION OF THE PROPOSED FY-91 MILITARY

UNCLASSIFIED

UNCLASSIFIED

[REDACTED]
ASSISTANCE PACKAGE, WE ANTICIPATE PERUVIAN REQUESTS THAT A PORTION OF FMF OR IMET RESOURCES BE TARGETED AGAINST SPECIFIC HUMAN RIGHTS OBJECTIVES. WE WOULD STRONGLY SUPPORT AND ENCOURAGE SUCH REQUESTS.

10. A/S SCHIFTER'S PARTY DID NOT HAVE THE OPPORTUNITY TO REVIEW THIS MESSAGE BEFORE THEIR DEPARTURE. QUANTON##

[REDACTED]

UNCLASSIFIED

[REDACTED]