

[REDACTED]  
n/a

Case Number: S200200010

[REDACTED]  
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ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00  
H-01 NSCE-00 NSAE-00 SSO-00 HA-09 L-03 PM-10  
PA-01 OMB-01 INM-07 INRE-00 USIE-00 SP-02 SNP-01  
PRS-01 DS-01 DSE-00 /048 W

-----024636 252310Z /63

O 252152Z JUL 86  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC IMMEDIATE 3275  
INFO AMEMBASSY BOGOTA  
AMEMBASSY LA PAZ  
AMEMBASSY QUITO  
USAFSO HOWARD AFB PM  
USCINCSO QUARRY HTS PM  
DEAHQS WASHDC

[REDACTED] LIMA 08659

E.O. 12356: DECL: OADR  
TAGS: PHUM, PTER, PGOV, PINS, PE  
SUBJECT: PERUVIAN JUDGE OPENS CASE AGAINST GENERAL  
OVER PRISON DEATHS

1. (U) THE PERUVIAN JUDICIAL SYSTEM HAS BEGUN TO INVESTIGATE CHARGES OF EXCESSES COMMITTED DURING GOP'S RESPONSE TO THE JUNE 18 PRISON RIOTS. DISOBEYING GENERAL GUIDELINES FROM THE FISCAL GENERAL (ATTORNEY GENERAL), A PROSECUTING ATTORNEY (FISCAL ADJUNTO) FILED CHARGES ON JULY 16 AGAINST ARMY GENERAL IORGE RABANAL IN CHARGE OF RETAKING LURIGANCHO PRISON) FOR THE DEATHS OF 128 INMATES. ON JULY 23, LIMA JUDGE SATURNO VERGARA RESPONDED BY OPENING A CASE AGAINST RABANAL, AND ORDERING THE LATTER'S DETENTION FOR PRELIMINARY EXAMINATION. VERGARA LATER INDICATED HE EXPECTED RABANAL TO APPEAR VOLUNTARILY TO TESTIFY. IN CONNECTION WITH THIS CASE, VERGARA ALSO ORDERED THE

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APPEARANCE OF EX-JUSTICE MINISTER LUIS GONZALES

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n/a

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POSADA, EX-PRISON DIRECTOR MIGUEL AQUEZOLO, EX-GUARDIA REPUBLICANA DIRECTOR GENERAL MAXIMO MARTINEZ, AND A NUMBER OF PRISON GUARDS AT LURIGANCHO WHO MAY HAVE WITNESSED SUMMARY EXECUTIONS OF PRISONERS. IN ADDITION, VERGARA ANNOUNCED HE AWAITED A PRISONS INSTITUTE LIST OF THE LOCATIONS OF PRISONERS' BODIES (REPORTEDLY BURIED IN SEVERAL CEMETERIES BY THE MILITARY) SO HE COULD ORDER THE EXHUMATION OF THE BODIES.

2. (U) WAR MINISTER FLORES STATED JULY 24 THAT HE HAD NOT RECEIVED ANY OFFICIAL NOTIFICATION OF THE CHARGES AGAINST RABANAL. HE REMARKED THAT THE ARMED FORCES WERE "RESPECTFUL OF THE JUDICIARY'S DECISIONS", BUT NOTED THAT IN THIS CASE THE MILITARY BELIEVED THAT RABANAL SHOULD BE TRIED BY A MILITARY RATHER THAN A CIVILIAN COURT.

3. [REDACTED] COMMENT: WE DOUBT STRONGLY THAT THE INTERIOR MINISTRY WILL ENFORCE THE ORDER FOR RABANAL'S DETENTION, EVEN LF VENTURA INSISTS. SUPREME COURT HAS FINAL SAY ON WHETHER CASE WILL BE HANDLED BY MILITARY OR CIVILIAN COURTS. PRECEDENTS EXIST FOR EITHER VENUE, BUT RECENT TREND HAS BEEN TOWARD MILITARY TRIALS. THERE HAS BEEN A SPIRITED DEBATE ON THIS LEGAL QUESTION FOR SEVERAL YEARS; THE ARMED FORCES FEEL VERY STRONGLY THAT THEIR PEOPLE SHOULD NOT BE TRIED BY CIVILIANS. THIS CASE HAS STRONG POLITICAL OVERTONES, WITH POTENTIAL FOR FURTHER CIVILIAN-MILITARY DISPUTES. YOULE

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