

[REDACTED]
n/a
Case Number: S200200010

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ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
DODE-00 H-01 NSCE-00 NSAE-00 HA-09 L-03 PM-10
PA-01 OMB-01 USIE-00 SP-02 SNP-01 PRS-01 DS-01
DSE-00 SCT-02 /043 W

-----261573 262323Z /63

P 262212Z AUG 86
FM AMEMBASSY LIMA
TO SECSTATE WASHDC PRIORITY 3896
INFO AMEMBASSY BOGOTA
AMEMBASSY LA PAZ
AMEMBASSY QUITO
USAFSO HOWARD AFB PM
USCINCSO QUARRY HTS PM

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E.O. 12356: DECL: OADR
TAGS: PHUM, PTER, PGOV, MILI, PE
SUBJECT: JUNE PRISON RIOTS: INVESTIGATIVE COMMISSION
AND OTHER DEVELOPMENTS

1. (U) ALTHOUGH IT HAS RECEDED SOMEWHAT FROM PUBLIC
VIEW RECENTLY, THE JUNE PRISONS AFFAIR CONTINUES TO
COMMAND THE ATTENTION OF THE GOP. RECENT DEVELOPMENTS
ARE:

-- CHARGES AGAINST RABANAL: GENERAL RABANAL HAS REFUSED
TO APPEAR BEFORE A CIVIL INVESTIGATING JUDGE, CITING
CONFLICTING APPOINTMENTS WITH MILITARY JUDGE
INVESTIGATING SIMILAR CHARGES. THE MILITARY JUDICIAL
SYSTEM HAS ASKED THE SUPREME COURT TO RESOLVE THE
ISSUE OF CIVILIAN OR MILITARY COURT JURISDICTION
("CONTIENDA DE COMPETENCIA"); A DECISION IS LIKELY
IN TWO WEEKS.

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-- GUARDIA REPUBLICANA DETAINEES: ON AUGUST 18

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A CIVILIAN JUDGE ORDERED THAT 40 MEMBERS OF THE GUARDIA REPUBLICANA (POLICE) ACCUSED OF HAVING CARRIED OUT THE SUMMARY EXECUTIONS IN LURIGANCHO PRISON BE TRANSFERRED FROM POLICE STATIONS TO THE CANTO GRANDE MAXIMUM SECURITY PRISON.

-- LEGISLATIVE INVESTIGATIVE COMMISSION: THE CONGRESS AGREED AUGUST 22 TO FORM A COMMISSION TO INVESTIGATE THE PRISONS AFFAIR, HEADED BY UNITED LEFT (IU) SENATOR (AND RETIRED GENERAL) JORGE FERNANDEZ MALDONADO. BREAKDOWN BY PARTY IS APRA, FIVE MEMBERS; IU FOUR; AND PPC, AP, PADIN (INDEPENDENT LEFTIST), AND THE CHRISTIAN DEMOCRATS (APRA ALLY) ONE EACH. THE COMMISSION HAS A 30 DAY MANDATE.

2. [REDACTED] COMMENT: UNWILLING TO CONFRONT THE ARMED FORCES OVER THE HANDLING OF THE PRISON RIOTS, GARCIA IS STILL KEEN ON IMPROVING HIS IMAGE THROUGH ACTIONS AGAINST THE POLICE AND THE FORMATION OF AN INVESTIGATIVE COMMISSION. HUMAN RIGHTS ADVOCATE AND IU MEMBER DIEGO GARCIA SAYAN TOLD POLOFF AUGUST 26 THAT SUPREME COURT WAS EXPECTED TO RULE IN FAVOR OF THE MILITARY. HE OBSERVED THAT IN THIS CASE, THE MILITARY HAD A GOOD ARGUMENT BECAUSE OF THE EXISTENCE OF A STATE OF EMERGENCY IN LIMA AND THE DECREE PLACING THE PRISONS UNDER MILITARY CONTROL. MERITS OF THE CASE ASIDE, THE GOP AND THE ARMED FORCES PROBABLY WERE LOBBYING COURT MEMBERS TO RULE FOR THE MILITARY. WE UNDERSTAND THE TRANSFER OF THE 40 POLICEMEN IN PRISON WAS ORDERED BY PRESIDENT GARCIA, IN AN APPARENT EFFORT TO BOLSTER HIS HUMAN RIGHTS CREDENTIALS. THE MOVE, HOWEVER, HAS GENERATED CONTROVERSY WITHIN THE GR, AND WILL HURT

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POLICE MORALE.

3. [REDACTED] THE TWO-MONTH DELAY IN NAMING A COMMISSION TO INVESTIGATE THE PRISONS AFFAIR REFLECTED IN LARGE PART INDECISION IN THE GOP AND APRA OVER HOW BEST TO MANAGE A POTENTIALLY EMBARRASSING INVESTIGATION. THE FINAL DECISION WAS A DEFT TOUCH: SENATOR FERNANDEZ MALDONADO IS SYMPATHETIC TO HIS FELLOW GENERALS, AND CAN LIMIT THE COMMISSION'S POTENTIAL FOR

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ANTI-MILITARY RECOMMENDATIONS. AS AN IU SENATOR,
HIS LEADERSHIP -- AND THE PRESENCE IN THE COMMISSION
OF AS MANY IU AS APRA MEMBERS -- WILL LEND THE GROUP
ADDED LEGITIMACY. (IN ANY CASE, APRA CAN COUNT ON
VOTE OF CHRISTIAN DEMOCRAT MEMBER, AND PROBABLY AT
LEAST ONE OF THE PPC OR PADIN VOTES, FOR A MAJORITY IF
NEEDED). THE 30 DAY LIMIT ON THE COMMISSION ALSO WILL RE-
STRICT ITS REACH. (FYI: FIERCELY ANTI-U.S. AND
PARTICULARLY FRIENDLY TO EAST GERMANY, FERNANDEZ
MALDONADO IS ALSO ON THE PIA VESTA INVESTIGATIVE
COMMISSION).

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