[redacted]

n/a

Case Number: S200200010

RELEASED IN FULL

[redacted]

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ACTION ARA-00

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	OIC-02
	CIAE-00	DODE-00	H-01	IO-19	NSCE-00	NSAE-00	HA-09
	L-03	TRSE-00	PM-10	PA-01	OMB-01	USIE-00	SP-02
	SNP-01	PRS-01	DS-01	DSE-00	SCT-02	/064 W	

----------055070 052351Z /70

P 052223Z SEP 86
FM AMEMBASSY LIMA
TO SECSTATE WASHDC PRIORITY 4127
INFO AMEMBASSY BOGOTA
AMEMBASSY LA PAZ
AMEMBASSY QUITO
USAFSO HOWARD AFB PM
USCINCSO QUARRY HTS PM

[redacted] LIMA 10482

E.O. 12356: DECL: OADR
TAGS: PHUM, PTER, PGOV, PE
SUBJECT: PERUVIAN SUPREME COURT ORDERS MILITARY COURT TO TRY PRISON EXECUTIONS CASE

REF: LIMA 9970

1. (U) PERU'S SUPREME COURT RULED AUGUST 28 THAT THE TRIALS OF ARMY GENERAL RABANAL AND THE 40-ODD POLICEMEN ACCUSED OF SOME 100 SUMMARY EXECUTIONS IN JUNE PRISON RIOTS BE HELD IN MILITARY JUSTICE SYSTEM.

2. [redacted] LOCAL PRESS GAVE DECISION SCANT COVERAGE. LOCAL HUMAN RIGHTS GROUPS, HOWEVER, EXPRESSED DEEP DISAPPOINTMENT OVER DECISION TO POLOFF. THEY ADMIT THAT LEGISLATION AND LEGAL PRECEDENTS ON THE SUBJECT ARE UNCLEAR. THEY NOTE, HOWEVER, THAT THE DECREE PLACING PRISONS UNDER MILITARY RULE (AN [redacted]

[redacted]

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IMPORTANT ELEMENT) WAS NOT PUBLISHED (AND THUS NOT

IN EFFECT) UNTIL AFTER THE PRISON RIOTS WERE OVER. A SECOND CONCERN IS THAT THE MILITARY JUSTICE CODE CONTAINS NO PROVISION FOR HOMICIDE. INJURIES TO OTHER PERSONS ARE SPECIFIED ONLY UNDER THE RUBRIC OF "ABUSE OF AUTHORITY," FOR WHICH THE MAXIMUM PENALTY IS A RELATIVELY SHORT (BUT UNSPECIFIED) PRISON TERM. HUMAN RIGHTS OFFICIALS WERE SKEPTICAL ABOUT RESULT OF AN "IN-HOUSE" TRIAL, COMPLAINING THAT OTHER MILITARY TRIALS OF ALLEGED HUMAN RIGHTS OFFENDERS HAVE GONE NO-WHERE.

3. [redacted] COMMENT: THE ARMED FORCES ARE VERY SENSITIVE TO IDEA OF CIVILIAN COURT TRIALS OF MILITARY PERSONNEL. WHEN THE SUPREME COURT RULED IN FEBRUARY THAT A NAVAL OFFICER STAND TRIAL IN A CIVILIAN COURT, THE OFFICER DISAPPEARED, A MOVE WIDELY BELIEVED TO HAVE BEEN CARRIED OUT BY THE NAVY ITSELF. THE SUPREME COURT DECISION THUS AVOIDS ANOTHER POTENTIAL CONFRONTATION BETWEEN CIVILIAN AND MILITARY AUTHORITIES. APART FROM THE SUPREME COURT RULING'S LEGAL MERITS, IT WILL HAVE THE DOWNSIDE OF APPEARING TO WEAKEN THE CREDIBILITY OF PRESIDENT GARCIA'S PROMISE TO INVESTIGATE AND PUNISH THOSE RESPONSIBLE FOR THE PRISON EXECUTIONS. YOULE

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