

[REDACTED]

n/a

Case Number: S200200010

RELEASED IN FULL

[REDACTED]

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ACTION ARA-01

INFO	LOG-00	ADS-00	AID-01	AMAD-01	CIAE-00	DODE-00	DS-00
	EB-01	HA-09	H-01	INRE-00	INR-01	IO-19	LAB-04
	L-03	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01	P-01
	RP-10	SCT-03	SIL-01	SP-01	SR-01	SSO-00	SS-01
	STR-18	TRSE-00	USIE-00	/081W			

-----A73257 312310Z /38

O 312304Z OCT 91
 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC IMMEDIATE 2947
 INFO AMEMBASSY LA PAZ
 AMEMBASSY BOGOTA
 AMEMBASSY CARACAS
 AMEMBASSY QUITO
 USAFSO HOWARD AFB PM
 USCINCSO QUARRY HEIGHTS PM
 DA WASHDC

[REDACTED] SECTION 01 OF 02 LIMA 15416

USCINCSO FOR POLAD AND SJA COL GRAHAM
 DEPT OF THE ARMY FOR DAJA/IA LTC MCATAMNEY

E.O. 12356: DECL: OADR
 TAGS: PHUM, PTER, PE
 SUBJECT: ARMY OFFICER AND NCO CHARGED WITH
 - HUMAN RIGHTS ABUSES IN SANTA
 - BARBARA, HUANCVELICA CASE

[REDACTED]

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1. SUMMARY: ON OCTOBER 30 THE MINISTER OF
 DEFENSE REPORTED TO THE SENATE THAT AN ARMY
 LIEUTENANT AND FIVE NCOS HAD BEEN CHARGED WITH
 HUMAN RIGHTS VIOLATIONS INCLUDING 14 MURDERS,
 TWO RAPES AND ROBBERY. SENATOR AND HUMAN RIGHTS
 ACTIVIST ENRIQUE BERNALES SAID THAT THIS WAS THE
 FIRST TIME IN FOUR YEARS THAT THE MILITARY
 PROVIDED "CLEAR AND FRANK" INFORMATION IN A
 HUMAN RIGHTS CASE RESULTING FROM ANTI-TERRORIST

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OPERATIONS. THIS IS ONE OF THE NINE CASES REFERRED TO IN THE LEAHY/OBEY LETTERS. THE LEGAL ADVISOR TO THE MINISTER OF DEFENSE SAID THAT THE CASE SHOULD BE RESOLVED IN THE MILITARY COURT SYSTEM IN SIX MONTHS. PROMINENT PLAY OF THE CASE IN THE OFFICIAL GAZETTE INDICATES THAT THE GOP HAS DECIDED TO USE THESE EVENTS TO SHOWCASE ITS COMMITMENT TO HUMAN RIGHTS. END SUMMARY.

2. (U) ON OCTOBER 30 THE PERUVIAN SENATE HEARD A REPORT FROM THE MINISTER OF DEFENSE, GENERAL TORRES ACIEGO, IN WHICH HE STATED THAT ONE ARMY LIEUTENANT AND FIVE NONCOMMISSIONED OFFICERS (NCOS) HAD BEEN CHARGED IN THE PERUVIAN MILITARY JUSTICE SYSTEM WITH HUMAN RIGHTS VIOLATIONS INCLUDING 14 MURDERS, RAPE AND ROBBERY. THE CHARGES STEM FROM AN INCIDENT THAT OCCURRED IN THE VILLAGE OF SANTA BARBARA IN THE DEPARTMENT OF HUANCVELICA IN JULY. THIS IS ONE OF THE NINE INCIDENTS MENTIONED IN THE LEAHY AND OBEY LETTERS. THE TROOPS INVOLVED WERE A PATROL OF

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[REDACTED]

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THE 43RD ANTI-SUBVERSIVE BATTALION BASED IN PAMPAS. TORRES'S REPORT STATED THAT THE VICTIMS WERE PRESUMED SUBVERSIVES.

3. (U) SENATOR BERNALES SAID THAT THIS IS THE FIRST TIME IN FOUR YEARS OF HIS HUMAN RIGHTS WORK THAT THE ARMED FORCES PROVIDED "CLEAR AND FRANK" INFORMATION ABOUT A CRIMINAL ACT COMMITTED BY MILITARY PERSONNEL IN ANTI-TERRORIST ACTION. GENERAL TORRES ADVISED THAT THE SIX INDIVIDUALS ARE UNDER THE CONTROL OF THE 2ND MILITARY JUDICIAL REGION. BERNALES OBJECTED TO THIS AND SAID THAT THE SOLDIERS SHOULD BE TURNED OVER TO THE CIVILIAN COURT SYSTEM.

4. [REDACTED] GENERAL CARNIERO, LEGAL ADVISOR TO THE MINISTER OF DEFENSE, CONFIRMED THE INFORMATION TO POLOFF. CARNIERO PROUDLY SAID THAT THE CASE ENTIRELY HAD BEEN HANDLED WITHIN THE MILITARY JUSTICE SYSTEM. HE CLAIMED THAT COMPLAINTS BY

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[REDACTED]

n/a

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CIVILIANS TO LOCAL MILITARY OFFICERS PROMPTED AN INVESTIGATION BY THE ARMY THAT CULMINATED IN THE CHARGES. THE CASE WAS CURRENTLY IN THE INITIAL ADMINISTRATIVE STAGE AND THE FIRST STEP WOULD BE TO SEPARATE THE ACCUSED FROM THE MILITARY. THE CASE WOULD THEN BE PROSECUTED IN THE MILITARY SYSTEM UNTIL IT WAS RESOLVED. CARNIERO ESTIMATED THAT THE PROCESS WOULD TAKE APPROXIMATELY SIX MONTHS. HE WAS CONFIDENT THAT THE ACCUSED WOULD BE FOUND GUILTY, BUT WAS

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[REDACTED]

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CAREFUL ABOUT SAYING TOO MUCH AND OPENING HIMSELF TO CHARGES OF COMMAND INTERFERENCE.
5. (U) ACCORDING TO THE LEFTIST NEWSPAPER "LA REPUBLICA" THE ACCUSED ARE AS FOLLOWS:

LIEUTENANT JAVIER BENDEZU - 14 COUNTS OF MANSLAUGHTER (HOMICIDIO CALIFICADO), ABUSE OF AUTHORITY, ROBBERY;

SUB-OFFICIAL 3RD GRADE DUILO CHIPANA TARQUI -

[REDACTED]

NNNN

[REDACTED]

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ACTION ARA-01

INFO	LOG-00	ADS-00	AID-01	AMAD-01	CIAE-00	DODE-00	DS-00
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	L-03	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01	P-01
	RP-10	SCT-03	SIL-01	SP-01	SR-01	SSO-00	SS-01
	STR-18	TRSE-00	USIE-00	/081W			

-----A73303 312314Z /65

O 312304Z OCT 91
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 2948
INFO AMEMBASSY LA PAZ
AMEMBASSY BOGOTA
AMEMBASSY CARACAS

n/a

[REDACTED]

[REDACTED]

n/a

Case Number: S200200010

AMEMBASSY QUITO
USAFSO HOWARD AFB PM
USCINCSO QUARRY HEIGHTS PM
DA WASHDC

[REDACTED]

SECTION 02 OF 02 LIMA 15416

USCINCSO FOR POLAD AND SJA COL GRAHAM
DEPT OF THE ARMY FOR DAJA/IA LTC MCATAMNEY

E.O. 12356: DECL: OADR
TAGS: PHUM, PTER, PE
SUBJECT: ARMY OFFICER AND NCO CHARGED WITH
ABUSE OF AUTHORITY FOR DEMANDING A BRIBE TO
RELEASE A DETAINEE AND OBSTRUCTING JUSTICE FOR
[REDACTED]
[REDACTED]

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NOT REPORTING THE CRIMES COMMITTED BY LT
BENDEZU'S PATROL;

SUB-OFFICIAL 2ND GRADE FIDEL AUSEBIO HUAYTALLA -
ROBBERY AND COMPLICITY IN ROBBERY;

1ST SERGEANT OSCAR CARRERA GONZALES - ABUSE OF
AUTHORITY FOR USING INTERROGATION METHODS NOT
ALLOWED IN REGULATIONS, STRIPPING TWO WOMEN AND
ALLOWING THEM TO BE RAPED BY OTHER SOLDIERS;

2ND SERGEANT CARLOS PRADO CHINCHAY - 14 COUNTS
OF MANSLAUGHTER, ROBBERY OF LIVESTOCK AND TWO
COUNTS OF AGGRAVATED RAPE;

2ND SERGEANT DENIS PACHECO ZAMBRANO - ROBBERY OF
LIVESTOCK AND TWO COUNTS OF RAPE.

PLEASE NOTE THAT THE SOURCE, WHILE MORE OR LESS
RELIABLE, HAS BEEN KNOWN TO GIVE INCORRECT
DETAILS IN OTHER CASES. EMBASSY WILL ATTEMPT TO
OBTAIN THE OFFICIAL DOCUMENTS TO CONFIRM THE
NAMES AND CHARGES.

6. COMMENT: THIS CASE RECEIVED PROMINENT
PLAY IN THE OFFICIAL GOVERNMENT GAZETTE "EL
PERUANO" AND IN "LA REPUBLICA." CENTER-RIGHT

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PUBLICATIONS WERE MUCH MORE MUTED OR IGNORED THE CASE. THE SHOWCASING BY "EL PERUANO" DEMONSTRATES THAT THE GOP HAS HEARD THE MESSAGE ON HUMAN RIGHTS AND IS BEGINNING TO BE SERIOUS

[REDACTED]

PAGE 03 LIMA 15416 02 OF 02 312310Z ABOUT CLEANING UP ITS ACT. AN EDITORIAL IN THE SAME ISSUE OF "EL PERUANO" IDENTIFIES SENDERO LUMINOSO AS THE MAIN HUMAN RIGHTS VIOLATORS AND CONCLUDES BY SAYING THAT "DEMOCRACY HAS EXTREME TOLERANCE, BUT NOT AT THE RISK OF COMMITTING POLITICAL SUICIDE."

7. PERUVIAN MILITARY JUSTICE OFFICERS HAVE REPEATEDLY TOLD US THAT THE MILITARY SYSTEM CAN BE TOUGHER AND SWIFTER THAN THE CIVILIAN SYSTEM, WHOSE LIMITATIONS ARE ALL TOO OBVIOUS. THIS CASE MAY PROVIDE THE OPPORTUNITY FOR THE MILITARY TO DEMONSTRATE THAT THEIR SYSTEM WORKS BETTER. EVEN IF THE SAME RESULT COULD BE OBTAINED IN CIVILIAN COURTS, THE POLICY MESSAGE TO OTHERS WILL COME THROUGH STRONGEST IF THE MILITARY PUBLICLY PUNISHES THEIR OWN. QUANTON

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