

[REDACTED]  
n/a

Case Number: S200200010

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ACTION ARA-01

INFO	LOG-00	ACDA-16	AID-01	AMAD-01	CIAE-00	C-01	DODE-00
	EB-01	HA-09	H-01	INM-01	INRE-00	INR-01	IO-19
	LAB-04	L-03	ADS-00	NSAE-00	NSCE-00	OIC-02	OMB-01
	PA-01	PM-01	PRS-01	P-01	RP-10	SIL-01	SNP-01
	SP-01	SR-01	SS-01	STR-18	TRSE-00	T-01	USIE-00

/100W

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R 272302Z AUG 92  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC 1268  
INFO AMEMBASSY QUITO  
AMEMBASSY LA PAZ  
AMEMBASSY BOGOTA  
USCINCSO QUARRY HEIGHTS PM

[REDACTED] SECTION 01 OF 02 LIMA 11460

E.O. 12356: DECL: OADR  
TAGS: PHUM, PREL, PE  
SUBJECT: CASTILLO PAEZ HUMAN RIGHTS CASE  
SUSPENDED; NO PROOF OF PERPETRATORS

1. (U) SUMMARY: IN AN UNEXPECTED RULING, A JUDGE SUSPENDED FURTHER ACTION IN THE CASTILLO PAEZ DISAPPEARANCE CASE, STATING THERE WAS INSUFFICIENT EVIDENCE TYING IMPLICATED SENIOR POLICE OFFICERS TO THE CRIME. TWO OTHER POLICE

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OFFICERS APPARENTLY WILL BE CHARGED WITH OBSTRUCTION OF JUSTICE. STUNNED HUMAN RIGHTS LAWYERS PLAN TO APPEAL, BUT ARE SKEPTICAL. END SUMMARY.

A RECAP  
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2. (U) ERNESTO CASTILLO PAEZ WAS ALLEGEDLY DETAINED BY POLICE IN SOUTHERN LIMA'S VILLA EL

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n/a

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SALVADOR ON OCTOBER 21, 1990, DURING A POLICE SWEEP. HE WAS TAKEN TO A POLICE STATION IN SAN JUAN DE MIRAFLORES AND SUBSEQUENTLY DISAPPEARED. A SUIT WAS FILED AGAINST THE POLICE FOR "ABUSE OF AUTHORITY" FOR CASTILLO'S DISAPPEARANCE, AND A WRIT OF HABEAS CORPUS WAS ISSUED. THE OFFICER IN CHARGE AT THE POLICE STATION AND THE DUTY SERGEANT ALLEGEDLY HID THE STATION DETENTION ROSTER FROM THE INVESTIGATING JUDGE. THE ROSTER WAS LATER FOUND WITH THE RELEVANT PAGE MISSING AND A FORGED PAGE SUBSTITUTED IN ITS PLACE. THE STATION COMMANDER AND DUTY SERGEANT WERE CHARGED WITH OBSTRUCTION OF JUSTICE.

JUDGE SUSPENDS CASE INDEFINITELY  
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3. (U) IN AN UNEXPECTED RULING ON AUGUST 25, THE 14TH LIMA COURT INDEFINITELY SUSPENDED FURTHER ACTION IN THE ERNESTO CASTILLO PAEZ

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DISAPPEARANCE CASE. LAWYERS FROM THE HUMAN RIGHTS GROUP LEGAL DEFENSE INSTITUTE (IDL), ACTING ON BEHALF OF THE CASTILLO FAMILY, SAID THE JUDGE FOUND THAT CASTILLO HAD BEEN DETAINED BY POLICE IN VILLA EL SALVADOR AND HAD SUBSEQUENTLY DISAPPEARED. HOWEVER, THE RULING ALSO SAID EVIDENCE FAILED TO ESTABLISH THAT THEN MINISTER OF INTERIOR GEN. ADOLFO ALVARADO FOURNIER, NATIONAL POLICE CHIEF VICTOR ALVA PLACENCIA AND COUNTER TERRORISM POLICE CHIEF ENRIQUE OBLITAS WERE INDIRECTLY RESPONSIBLE FOR THE CRIME. THE JUDGE SUSPENDED THE CASE UNTIL FURTHER INVESTIGATIONS FOUND THOSE DIRECTLY RESPONSIBLE. THE JUDGE APPARENTLY WILL LATER SENTENCE THE TWO POLICEMEN FOR OBSTRUCTING JUSTICE, WHICH CARRIES A MAXIMUM TWO YEAR SENTENCE (UNDER PENAL PROCEDURES A "SUSPENDED SENTENCE") AND POSSIBLE DISMISSAL FROM THE POLICE FORCE.

4. THE IDL LAWYERS PLAN TO APPEAL, BUT ARE

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n/a  
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GUARDED ABOUT THEIR CHANCES OF SUCCESS. THEY HOPE LIMA'S SUPERIOR COURT WILL AGREE TO VOID THE RULING ON THE SENIOR OFFICERS -- THE "ONLY CHANCE" TO UNRAVEL THE DISAPPEARANCE IS TO "PUT SENIOR PERSONS IN A CORNER" -- BUT LEAVE INTACT THE RULING ON POLICE RESPONSIBILITY. HOWEVER, THE SUPERIOR COURT COULD OVERRULE THE LOWER COURT ENTIRELY AND FIND INSUFFICIENT EVIDENCE TO ESTABLISH ANY POLICE RESPONSIBILITY IN THE DISAPPEARANCE. ANOTHER HUMAN RIGHTS GROUP HAS

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SUGGESTED PREVIOUS HANDLING OF THE CASE BY OTHER HUMAN RIGHTS LAWYERS WAS POOR AND THE CASE WAS REASSIGNED TO THE "MORE EXPERIENCED" IDL TEAM.

IDL LAYS OUT ITS VIEW OF THE CRIME

5. [REDACTED] THE IDL TEAM BELIEVES THAT POLICE MAJOR MEJIA LEON, REPORTEDLY A U.S. TRAINED BOMB EXPERT, IS RESPONSIBLE FOR THE DISAPPEARANCE. ACCORDING TO THE LAWYERS, MEJIA WAS THE SENIOR OFFICER IN CHARGE OF THE SWEEP IN VILLA EL SALVADOR AND PERSONALLY REMOVED CASTILLO FROM THE SAN JUAN DE MIRAFLORES POLICE STATION (AND

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ACTION ARA-01

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SP-01 SR-01 SS-01 STR-18 TRSE-00 T-01 USIE-00  
/100W

-----5AC07A 272321Z /38  
R 272302Z AUG 92

n/a

[REDACTED]

n/a

Case Number: S200200010

FM AMEMBASSY LIMA  
TO SECSTATE WASHDC 1269  
INFO AMEMBASSY QUITO  
AMEMBASSY LA PAZ  
AMEMBASSY BOGOTA  
USCINCSO QUARRY HEIGHTS PM

[REDACTED] SECTION 02 OF 02 LIMA 11460

E.O. 12356: DECL: OADR  
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RIPPED OUT THE MISSING DETENTION ROSTER PAGE).  
REPEATED ATTEMPTS TO INCLUDE MEJIA AS ONE OF THE  
ACCUSED POLICEMEN HAVE FAILED.

COMMENT

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[REDACTED]

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6. [REDACTED] DISAPPEARANCE CASES ARE BY THEIR VERY  
NATURE RELATIVELY DIFFICULT TO PROVE. THE  
RULING WAS A SEVERE DISAPPOINTMENT BUT NOT A  
SURPRISE TO THE HUMAN RIGHTS COMMUNITY. THIS IS  
YET ANOTHER EXAMPLE OF THE FAILURE OF THE  
JUSTICE SYSTEM TO WORK AND THE PREDISPOSITION OF  
THE SYSTEM TO SHIELD SECURITY FORCE MEMBERS WHO  
COMMIT HUMAN RIGHTS VIOLATIONS. QUANTON##

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