

[REDACTED]
n/a
Case Number: S200200010

RELEASED IN FULL

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ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CIAE-00	C-01	OASY-00
	DODE-00	EB-01	HA-09	H-01	INM-02	INRE-00	INR-00
	IO-19	LAB-04	L-03	ADS-00	NSAE-00	NSCE-00	OIC-02
	OMB-01	PA-01	PM-02	PRS-01	P-01	RPCS-01	SIL-00
	SNP-00	SP-00	SR-00	SS-00	STR-17	TRSE-00	T-01
	USIE-00	RPE-01	/088W				

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O 162349Z FEB 93
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 5892
INFO AMEMBASSY QUITO
AMEMBASSY BOGOTA
AMEMBASSY LA PAZ
INFO USCINCSO QUARRY HEIGHTS PM

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SOUTHCOM ALSO FOR POLAD

E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, PE

SUBJECT: ARMY OFFICER GIVEN 10 YEARS FOR ROLE
- ONE OF CONGRESS' NINE HR CASES

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1. (U) SUMMARY: THE MILITARY JUSTICE SYSTEM SENTENCED AN ARMY OFFICER TO A 10 YEARS JAIL TERM FOR HIS PART IN THE 1991 SANTA BARBARA MASSACRE. THE VERDICT IS THE FIRST CLEAR RESOLUTION OF ONE OF THE NINE HUMAN RIGHTS CASES IDENTIFIED BY THE U.S. CONGRESS IN FY 1991 ESP AND FMF AID CONDITIONS. IT IS ALSO ONE OF THE FEW CASES IN WHICH A MILITARY OFFICER HAS BEEN PUNISHED FOR HUMAN RIGHTS ABUSES. ONE CONTACT TOLD US THE SENTENCE'S LENGTH REFLECTED USG

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HUMAN RIGHTS CONCERNS. THIS VERDICT LENDS CREDENCE TO FUJIMORI'S PUBLIC STATEMENTS THAT HUMAN RIGHTS VIOLATORS WILL BE PUNISHED. END SUMMARY.

2. (U) A MILITARY PRESS RELEASE REPORTED THAT ON FEBRUARY 12 THE APPEALS COURT OF THE SUPREME COUNCIL OF MILITARY JUSTICE (CSJM) ISSUED A DEFINITIVE 10 YEAR JAIL SENTENCE AGAINST ARMY LT. JAVIER BENDEZU VARGAS FOR THE JULY 4, 1991, MASSACRE OF 15 CAMPESINOS IN SANTA BARBARA, HUANCAMELICA. THE PRESS RELEASE REGARDING THE SENTENCE READS IN PART: "THE CSJM HAD TO ACT WITH JUSTICE IN THIS DELICATE MATTER IN WHICH EXCESSES HAVE BEEN PROVED THAT MERIT AN EXEMPLARY SENTENCE" AND THAT "MILITARY JUSTICE IS STRIVING TO CORRECT AND ELIMINATE CASES OF HUMAN RIGHTS VIOLATIONS CARRIED OUT AGAINST THE CIVILIAN POPULATION." SANTA BARBARA IS ONE OF NINE CASES IDENTIFIED BY THE U.S. CONGRESS IN

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ESF AND FMF CONDITIONS (REFTEL).

3. [REDACTED] THE STUDY AND ACTION CENTER FOR PEACE (CEAPAZ), THE MEMBER OF THE NATIONAL HUMAN RIGHTS COORDINATOR (COORDINADORA) OVERSEEING THE CASE ON BEHALF OF THE VICTIMS' FAMILIES, VIEWS THE VERDICT AS A QUALIFIED VICTORY. CEAPAZ IS WITHHOLDING FINAL JUDGEMENT UNTIL IT OBTAINS A COPY OF THE SENTENCE, BUT ACKNOWLEDGED THAT IF THE PRESS REPORTS ARE CORRECT, THE FINAL VERDICT BY THE MILITARY JUSTICE SYSTEM IS STRONGER THAN PREVIOUS CSJM VERDICTS IN HUMAN RIGHTS CASES AND HIGHLY SYMBOLIC BECAUSE IT IS AGAINST AN ARMY OFFICER. CEAPAZ ASSERTS THE SENTENCE WAS "RUSHED" THROUGH THE MILITARY JUSTICE SYSTEM, IN ORDER TO PREEMPT THE CASE BEING RULED ON BY A CIVILIAN COURT. THE LIMA SUPREME COURT HAD BEFORE IT A MOTION FILED BY CIVILIAN PROSECUTORS REGARDING WHETHER THE CASE PROPERLY BELONGED IN CIVILIAN OR MILITARY JUSTICE SYSTEMS. WITH THE CSJM'S FINAL VERDICT, THE MOTION IS DROPPED UNDER DOUBLE JEOPARDY RULES. HAD THE CASE BEEN

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TRIED IN THE CIVILIAN COURTS, CEAPAZ BELIEVES BENDEZU WOULD PROBABLY HAVE RECEIVED 15 YEARS.

4. [REDACTED] COMMENT: THIS IS THE TOUGHEST SENTENCE THAT A MILITARY COURT HAS GIVEN TO A MILITARY OFFICER FOR HUMAN RIGHTS ABUSES CARRIED OUT DURING THE COUNTER-INSURGENCY. LT. HURTADO RECEIVED ONLY A FEW YEARS FOR THE 1985 ACCOMARCA MASSACRE. (WE BELIEVE ONLY TWO OR THREE

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OFFICERS HAVE RECEIVED ANY JAIL TIME FOR SUCH OFFENSES.) IT IS NOT CLEAR IF BENDEZU CAN APPEAL, BUT SO FAR TWO MILITARY TRIBUNALS HAVE CONVICTED HIM AND UPHELD THE SENTENCING. THE SENTENCING IS A POSITIVE STEP THAT COULD UNDERLINE THE FUJIMORI ADMINISTRATION'S PROMISE TO PROSECUTE HUMAN RIGHTS VIOLATORS. AN ADDITIONAL TEST WOULD BE THE TRIAL OF SOMEONE ACCUSED OF SELECTIVE DISAPPEARANCES OR KILLINGS. BRAYSHAW##

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