

UNCLASSIFIED

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n/a
Case Number: S200200010

RELEASED IN PART
B1, 1.5(D)

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ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CIAE-00	C-01	OASY-00
	DODE-00	DOEE-00	EB-01	EUR-01	HA-09	H-01	INM-02
	TEDE-00	INR-00	IO-16	JUSE-00	L-01	ADS-00	NSAE-00
	NSCE-00	OIC-02	OMB-01	PA-01	PM-01	PRS-01	P-01
	SIL-00	SNP-00	SP-00	SR-00	SS-00	STR-01	TRSE-00
	T-00	USIE-00	RPE-01	/061W			

-----15820E 301547Z /38

P 301548Z DEC 93
FM AMEMBASSY LIMA
TO SECSTATE WASHDC PRIORITY 3797
INFO AMEMBASSY CARACAS
AMEMBASSY BOGOTA
AMEMBASSY QUITO
AMEMBASSY LA PAZ
AMEMBASSY OTTAWA
USCINCSO QUARRY HEIGHTS PM

SECTION 01 OF 02 LIMA 13610

SOUTHCOM ALSO FOR POLAD

EXTEND CLASSIFICATION

E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, MCAP, KJUS, PE
SUBJECT: ACCOMARCA, HURTADO, AND LA CANTUTA

REF: STATE 372282

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1. ENTIRE TEXT

2. SUMMARY: CHARGE RAISED WITH MINISTER OF
DEFENSE MALCA REPORTS THAT CAPT TELMO HURTADO IS
NOT BEING HELD UNDER DETENTION, DESPITE A SIX
YEAR PRISON SENTENCE RESULTING FROM THE ACCOMARCA
CASE. MALCA SAID HE WAS UNAWARE OF THIS, BUT
SUGGESTED THAT HURTADO MAY HAVE ALREADY SERVED
HIS SENTENCE. HE PROMISED TO INVESTIGATE.
CHARGE SAID CASE AFFECTS GOP CREDIBILITY IN.

n/a

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: WILLIAM E. LANDFAIR
DATE/CASE ID: 16 JUL 2002 S200200010
CLASSIFICATION: CONFIDENTIAL REASON: 25X1

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INVESTIGATION AND DISCIPLINING RESPONSIBLE PARTIES IN HUMAN RIGHTS CASES, AND THUS RAISES PROFOUND CONCERNS FOR USG. "BY CHANCE," SENIOR MEMBER OF MILITARY SUPREME COURT WAS IN WAITING ROOM OUTSIDE OFFICE AS CHARGE ARRIVED. THIS GENERAL CALLED LA CANTUTA A GRAVE CRIME AND INSISTED THAT THE MILITARY TRIBUNAL WILL TREAT IT WITH THE SERIOUSNESS IT MERITS. HE AND MALCA PRAISED CHARGE'S PUBLIC ENGAGEMENT ON HUMAN RIGHTS ISSUES, A SUPRISING CONTRAST TO JUSTICE MINISTER'S ATTITUDE ON THIS POINT. END SUMMARY

HURTADO/ACCOMARCA RAISED

3. CHARGE CALLED ON MINISTER OF DEFENSE GENERAL VICTOR MALCA VILLANUEVA DECEMBER 29 TO DISCUSS INM HELICOPTER PROGRAMS AND PARTICIPATION OF THE ARMED FORCES IN COUNTER-NARCOTICS STRATEGY. IN THIS MEETING, CHARGE RAISED THE ALLEGATIONS THAT CAPT TELMO HURTADO, WHO WAS FOUND GUILTY OF
[REDACTED]
[REDACTED]

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CHARGES RELATED TO THE 1985 ACCOMARCA CASE, WAS NOT SERVING THE SIX YEAR PRISON SENTENCE HE WAS GIVEN. CHARGE SAID INFORMATION TO THIS EFFECT HAD COME TO WASHINGTON'S ATTENTION AND THAT THE EMBASSY HAD BEEN ASKED TO INQUIRE ABOUT THE CASE AND REGISTER OUR CONCERN. CHARGE SAID THIS CASE WAS OF SPECIAL IMPORTANCE SINCE IT WAS AN INDICATOR OF THE GOVERNMENT'S INTENTIONS TO MAKE GOOD ON ITS PROMISES TO INVESTIGATE SERIOUS HUMAN RIGHTS VIOLATIONS AND TO DISCIPLINE THOSE RESPONSIBLE, ESPECIALLY THE LA CANTUTA CASE. CHARGE WAS VAGUE ABOUT OUR INFORMATION ON HURTADO [REDACTED]

B1

"HE MAY HAVE SERVED HIS TIME"

4. MALCA SAID HE WAS NOT FAMILIAR WITH THE CURRENT STATUS OF THE HURTADO CASE. HE PROMISED TO LOOK INTO IT AND REPORT BACK TO US. HE SAID IT WAS POSSIBLE, HOWEVER, THAT, GIVEN THE LONG

[REDACTED]
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TIME LAPSE SINCE THE OCCURRENCE OF THE ACCOMARCA CASE, HURTADO HAD SERVED THE CUSTOMARY TIME PROVIDED FOR IN A SIX YEAR SENTENCE AND WAS THUS ENTITLED TO BE RELEASED. CHARGE SAID THAT OUR INFORMATION INDICATED THAT HURTADO WAS NOT HELD IN DETENTION PRIOR TO HIS TRIAL FOR THE ACCOMARCA CASE. MALCA ACKNOWLEDGED THAT THIS MAY BE TRUE SINCE THE ARMED FORCES DID NOT, IN FACT, HAVE A "TRUE PRISON." HE MENTIONED THE REAL SAN FELIPE CASTLE IN CALLAO (WHERE GEN. JAIME SALINAS SEDO

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AND OTHERS FROM THE NOVEMBER 13, 1992, COUP ATTEMPT ARE HELD), BUT SAID THIS IS A MAKESHIFT ARRANGEMENT. HE REITERATED THAT HE WOULD LOOK INTO THE CASE FOR US. HE ALSO ACKNOWLEDGED THAT TREATMENT OF HURTADO HAD HIGH IMPORTANCE FOR THE LA CANTUTA CASE AND THEN ASSURED CHARGE THAT THE GOP WAS FULLY COMMITTED TO COMPLETE INVESTIGATION OF THAT CASE AND DISCIPLINE OF THOSE RESPONSIBLE.

GUEVARA CHIMES IN

5. WHEN CHARGE ARRIVED FOR HIS APPOINTMENT, HE FOUND MAJOR GENERAL GUIDO GUEVARA IN MALCA'S

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	NSCE-00	OIC-02	OMB-01	PA-01	PM-01	PRS-01	P-01
	SIL-00	SNP-00	SP-00	SR-00	SS-00	STR-01	TRSE-00
	T-00	USIE-00	RPE-01	/061W			

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P 301548Z DEC 93

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[REDACTED]
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FM AMEMBASSY LIMA
TO SECSTATE WASHDC PRIORITY 3798
INFO AMEMBASSY CARACAS
AMEMBASSY BOGOTA
AMEMBASSY QUITO
AMEMBASSY LA PAZ
AMEMBASSY OTTAWA
USCINCSO QUARRY HEIGHTS PM

[REDACTED] SECTION 02 OF 02 LIMA 13610

SOUTHCOM ALSO FOR POLAD

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SUBJECT: ACCOMARCA, HURTADO, AND LA CANTUTA

WAITING ROOM. GUEVARA IS A SENIOR MEMBER OF THE
SUPREME COUNCIL FOR MILITARY JUSTICE, WHICH HAS
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CURRENT CONTROL OF THE LA CANTUTA CASE. HE HAS
JUST BEEN PICKED FOR PROMOTION TO LT. GENERAL AND
TO REPLACE ADMIRAL ROBERTO DUBOC AT YEAR END AS
PRESIDENT OF THE SUPREME COUNCIL.

6. GUEVARA BEGAN AN IMPROMPTU CONVERSATION BY
PRAISING THE CHARGE WARMLY FOR HIS VARIOUS PUBLIC
STATEMENTS DURING HIS TIME AS ACTING COM. HE
CALLED THESE STATEMENTS BALANCED, THOUGHTFUL AND
HELPFUL IN MARKING OUT U.S. VIEWS ON BILATERAL
RELATIONS. CHARGE THANKED GUEVARA BUT NOTED
THAT WE HAD HAD A NUMBER OF DIFFICULT SITUATIONS
TO DEAL WITH OVER THAT PERIOD, SOME OF WHICH HAD
CREATED FRICTIONS. GUEVARA BRUSHED THIS ASIDE.
HE THEN RAISED THE LA CANTUTA CASE, SAYING THAT
IT WAS A DIFFICULT MATTER, BUT SINCE IT CLEARLY
INVOLVED A SERIOUS CRIMINAL ACTION OF WHICH THE
MILITARY FORCES OCCUPYING THE UNIVERSITY CAMPUS
OF LA CANTUTA IN CHOSICA MUST HAVE HAD
KNOWLEDGE, THERE WAS NO QUESTION THAT THE CASE
REQUIRED URGENT AND SERIOUS ATTENTION BY THE
MILITARY JUSTICE SYSTEM. HE SAID THE SUPREME
COUNCIL OF MILITARY JUSTICE WAS GIVING IT THAT

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ATTENTION.

7. CHARGE SAID WE WELCOMED THIS COMMITMENT, BUT ALSO HAD TO TAKE INTO ACCOUNT THE FACT THAT MUCH TIME HAS PASSED SINCE THE CASE OCCURRED WHILE THERE HAS BEEN LITTLE APPARENT MOVEMENT. CHARGE RECALLED HIS JULY INTERVIEW IN "LA REPUBLICA" IN WHICH HE SAID WE HAD NOT SEEN A THOROUGH

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INVESTIGATION OF THE CASE AND URGED THAT IT BE TREATED WITH THE SERIOUSNESS IT MERITED. THAT SITUATION STILL OBTAINED. CHARGE TOLD GUEVARA THAT CREDIBILITY OF THE MILITARY JUSTICE SYSTEM IS AT STAKE OVER THIS CASE, AS WELL AS THE ULTIMATE AUTHORITY OF THE CIVIL COURTS OVER THE ENTIRE JUDICIAL SYSTEM IN PERU. GRACIOUSLY, GUEVARA SAID HE AGREED, ADDING THAT THE ISSUE SHOULD BE RESOLVED SOON TO THE PUBLIC'S SATISFACTION.

8. COMMENT: CHARGE WENT TO SEE MALCA ABOUT THE HURTADO CASE AFTER ANNOUNCING HE WOULD BE RAISING CN ISSUES. MALCA, HOWEVER, WAIVED ASIDE PARTICIPATION IN THE MEETING BY MAAG OFFICER WHO HANDLES MILITARY CN PROGRAMS AND ASKED CHARGE TO COME ALONE. THE UNEXPECTED APPEARANCE OF GUEVARA IN MALCA'S WAITING ROOM INDICATED THAT HIS PRIME SUBJECT OF THE DAY MAY NOT HAVE BEEN CN AS WELL. BOTH MALCA AND GUEVARA WERE VERY FRIENDLY AND FULL OF PRAISE FOR CHARGE, IN CONTRAST TO RECENT TREATMENT BY JUSTICE MINISTER VEGA OVER HUMAN RIGHTS ISSUES. THEY MAY SEEK TO SIGNAL THAT THE MILITARY WANTS TO BE SEEN AS RESPONSIVE TO OUR CONCERNS IN THIS AREA, ESPECIALLY LA CANTUTA. THEIR WORDS CERTAINLY CONVEYED THAT MESSAGE; WE AWAIT THEIR ACTIONS ON THE SPECIFIC CASES WE HAVE RAISED. ON LA CANTUTA, WE HAVE NOTED PRESS REPORTS THAT TWO ARMY GENERALS HAVE BEEN DETAINED OVER POSSIBLE COMPLICITY IN THE ABDUCTION AND DEATH OF THE PROFESSOR AND NINE STUDENTS. WE

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WILL FOLLOW UP WITH MALCA AND OTHER OFFICIALS
AND CONTINUE TO REGISTER OUR PROFOUND CONCERN.
BRAYSHAW##

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n/a
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