

CONFIDENTIAL

EXCISE

E 21

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ACTION IO-19

LIMA 00397 01 OF 02 131205Z

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

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P 131204Z JAN 93
FM AMEMBASSY LIMA
TO SECSTATE WASHDC PRIORITY 4950
INFO AMEMBASSY BOGOTA
AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY QUITO
AMEMBASSY SAN JOSE
AMEMBASSY TOKYO
USMISSION GENEVA
DIA WASHDC
USCINCSO QUARRY HEIGHTS PM

DEPARTMENT OF STATE IM/IPS/CR/IR Date: 7/2/97
() RELEASE () DECLASSIFY
() EXCISE () DECLASSIFY EC Citations
() DENY IN PART

FOIA Exemptions: 31 () CLASSIFY as () S or () C Sec.
PA Exemptions () DOWNGRADE TS to () S or () C

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USCINCSO ALSO FOR POLAD

E.O. 12356: DECL: OADR
TAGS: PHUM, PGOV, AORC, UNHRC, PE

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PAGE 02 LIMA 00397 01 OF 02 131205Z
SUBJECT: PERUVIAN MILITARY PROSECUTOR WANTS
- FIFTEEN YEARS FOR COUP PLOTTERS

REF: 92 LIMA 16481 AND PREVIOUS

1. (C) SUMMARY: IN HIS OPENING STATEMENT AT THE MILITARY TRIAL OF THE OFFICERS IMPLICATED IN THE NOVEMBER 13 COUP ATTEMPT, DEFENSE ATTORNEY VALLE Riestra rebutted the prosecution's call for fifteen years' imprisonment, arguing that no crime was committed and the defendants should go free. The officers' wives have complained to the interamerican human rights commission, and CCD members that their husbands have been tortured and denied their rights. Opposition CCD members have promised to promote a declaration of amnesty for the coup plotters. END SUMMARY.

PROSECUTOR ASKS FOR FIFTEEN YEARS

2. (U) THE PUBLIC TRIAL OF OFFICERS INVOLVED IN THE NOVEMBER 13 FAILED COUP ATTEMPT OPENED JANUARY 11 IN THE HALLS OF THE SUPREME COUNCIL OF MILITARY JUSTICE (CSJM). IN HIS OPENING STATEMENT BEFORE A GROUP OF MILITARY JUSTICES, HEADED BY ARMY GENERAL JOSE PICON, THE PROSECUTOR REQUESTED THAT EACH OF THE ACCUSED OFFICERS, LED BY GENERAL JAIME SALINAS SEDO, BE CONVICTED AND SENTENCED TO FIFTEEN YEARS IN PRISON FOR TRYING TO OVERTHROW THE GOVERNMENT.

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DEFENSE ASKS FOR UNCONDITIONAL RELEASE

3. (U) IN WHAT THE PRESS CHARACTERIZED AS AN "ELOQUENT" 30-MINUTE STATEMENT, THE DEFENSE ATTORNEY FOR MOST OF THE ACCUSED, JAVIER VALLE Riestra, ASKED FOR THE ACQUITTAL AND UNCONDITIONAL RELEASE OF HIS CLIENTS, ARGUING THAT THEY NEVER WENT FURTHER THAN THE PLANNING STAGE OF THEIR COUP ATTEMPT. HE ALSO ARGUED, INTER ALIA, THAT THE MILITARY COURT HAS NO JURISDICTION OVER THOSE OF THE DEFENDANTS WHO ARE RETIRED (FIVE GENERALS INCLUDING SALINAS), AND THAT THE ACCUSED ARE PROTECTED UNDER ARTICLE 82 OF THE PERUVIAN CONSTITUTION, WHICH PERMITS INSURRECTION IN ORDER TO DEFEND THE CONSTITUTIONAL ORDER. THE MILITARY TRIBUNAL NOW HAS THREE DAYS TO CONSIDER THE PETITIONS BEFORE ANNOUNCING A RESPONSE.

ACCUSATIONS OF HR VIOLATIONS CONTINUE

5. (U) THE WIVES HAVE DIRECTED A SIMILAR LETTER TO THE INTERAMERICAN HUMAN RIGHTS COMMISSION. VALLE Riestra ADVISED THE MEDIA ON JANUARY 10 THAT EXILED ATTORNEY AND FORMER SENATOR ALBERTO BOREA WOULD MAKE A FORMAL PETITION TO THE COMMISSION IN SAN JOSE. VALLE Riestra CONCEDED THAT THE IAHRC HAS NO LEGAL AUTHORITY, "BUT IT

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C O N F I D E N T I A L SECTION 02 OF 02 LIMA 00397

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SUBJECT: PERUVIAN MILITARY PROSECUTOR WANTS
HAS ENORMOUS MORAL FORCE....EXISTING
CIRCUMSTANCES IN PERU MAKE THE DEFENDANTS DOUBT
THEY CAN OBTAIN A FAIR TRIAL."

6. (U) THE OFFICERS' WIVES TOOK THEIR CAUSE TO
THE CONSTITUENT CONGRESS (CCD) ON JANUARY 12,
GAINING ACCESS TO THE DINING ROOM AND TALKING TO
ANY OF THE ELECTED REPRESENTATIVES WHO WOULD
HEAR THEM. AMONG THOSE WHO EXPRESSED SYMPATHY
FOR THE OFFICERS WERE FERNANDO OLIVERA AND
SEVERAL OTHER REPRESENTATIVES OF THE INDEPENDENT
MORALIZING FRONT (FIM) PARTY, LOURDES FLORES OF
THE POPULAR CHRISTIAN PARTY (PPC), AND THE CCD'S
SECOND VICE PRESIDENT, RAFAEL REY REY OF
RENOVACION. OLIVERA ASSERTED THAT HE WILL CALL
FOR THE FORMATION OF AN INVESTIGATIVE COMMISSION
TO EXAMINE THE ALLEGATIONS OF TORTURE. BOTH
FLORES AND REY SAID THEY WOULD FULLY SUPPORT A
RESOLUTION GRANTING THE OFFICERS AMNESTY.

7. (C) COMMENT: 1

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