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ACTION ARA-01

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	DODE-00	DOEE-00	EB-01	HA-09	H-01	INM-02	TEDE-00
	INR-00	IO-16	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-16	TRSE-00	T-00	USIE-00
	RPE-01	CORE-00	/078W				

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P 222138Z SEP 93
FM AMEMBASSY LIMA
TO SECSTATE WASHDC PRIORITY 1614
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY MONTEVIDEO
AMEMBASSY QUITO
USMISSION GENEVA
DIR/FBI WASHDC//OLIA//
USCINCSO QUARRY HEIGHTS PM

Rec'd additional
RELEASED IN PART
1.5(D), B1

C O N F I D E N T I A L SECTION 01 OF 03 LIMA 10473
MONTEVIDEO FOR LEGATT; USCINCSO ALSO FOR POLAD

E.O. 12356: DECL:OADR
TAGS: PHUM, PGOV, PE
SUBJECT: PERU: STATUS OF LA
- CANTUTA/CIENEGUILLA INVESTIGATIONS
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REF: LIMA 9943 AND PREVIOUS

1. (C) SUMMARY: WHEN SUMMONED BEFORE THE CONGRESS'S HUMAN RIGHTS COMMITTEE TO EXPLAIN WHY THE CIVILIAN INVESTIGATION INTO THE LA CANTUTA DISAPPEARANCES HAD BEEN CLOSED, ATTORNEY GENERAL COLAN SAID THAT SHE COULD NOT INTERFERE IN THE DECISION MADE BY AN INDEPENDENT PROSECUTOR. RELATIVES OF THE LA CANTUTA VICTIMS LOST THEIR APPEAL OF THE DECISION SEPTEMBER 20, 1993.

THE PUBLIC DEPT OF STATE APPEALS REVIEW PANEL (ARP)

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EQIA/PA	Mandatory Review
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Exemptions

ARP Action Cert. *lml*

Date 070802 ✓

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MINISTRY DOES NOT HAVE FUNDS TO PAY FOR DNA TESTS OF THE HUMAN REMAINS FOUND NEAR CIENEGUILLA TO DETERMINE IF THEY BELONG TO THE LA CANTUTA VICTIMS. THE RELATIVES OF THE DISAPPEARED PROFESSOR AND STUDENTS HAVE ASKED THE USG FOR ASSISTANCE IN COVERING THE COSTS OF THE DNA ANALYSES. END SUMMARY.

CONGRESS ASKS FOR JUSTIFICATION FOR CLOSING CASE

2. (C) ATTORNEY GENERAL BLANCA NELIDA COLAN APPEARED BEFORE THE HUMAN RIGHTS COMMITTEE OF THE CONSTITUENT CONGRESS (CCD) SEPTEMBER 10 AT THE COMMITTEE'S INVITATION. MEMBERS ASKED COLAN TO EXPLAIN WHY THE PUBLIC MINISTRY'S INVESTIGATION INTO THE LA CANTUTA CASE HAD BEEN CLOSED AND ALL DOCUMENTS AND EVIDENCE TURNED OVER TO THE SUPREME COUNCIL OF MILITARY JUSTICE'S SECRET INVESTIGATION.

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COLAN'S REPLY WAS THAT THE DECISION HAD BEEN MADE BY THE ASSISTANT PROSECUTOR (REFTELS), AND THAT PROSECUTORS ARE INDEPENDENT AND AUTONOMOUS. COLAN ASSERTED THAT SHE HAD NOT BEEN BRIEFED PRIOR TO THE DECISION, AND THAT NOT EVEN SHE HAD THE POWER TO OVERTURN IT UNDER THE LAW.

INFORMED US THAT THE HUMAN RIGHTS COMMITTEE WOULD SUMMON THE ASSISTANT PROSECUTOR, MARIA ISABEL RABINES, TO REQUEST HER EXPLANATION

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RELATIVES LOSE APPEAL

3. (U) RELATIVES OF THE NINE STUDENTS AND PROFESSOR THAT DISAPPEARED FROM LA CANTUTA UNIVERSITY IN JULY 1992 APPEALED TO A SUPERIOR COURT PROSECUTOR THE DECISION TO CLOSE THE CIVILIAN INVESTIGATION. ON SEPTEMBER 20, THE PROSECUTOR UPHELD RABINES' DECISION TO SEND THE CASE FILE TO MILITARY INVESTIGATORS.

RELATIVES SEEK USG HELP TO PAY FOR DNA TESTS

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4. (C) IN REPRESENTATION OF THE RELATIVES OF THE DISAPPEARED STUDENTS AND PROFESSOR, ANDREA GISELA ORTIZ, SISTER OF DISAPPEARED STUDENT ENRIQUE ORTIZ, CAME TO THE EMBASSY SEPTEMBER 22 ACCOMPANIED BY A MEMBER OF A LOCAL HUMAN RIGHTS GROUP. ORTIZ EXPLAINED THAT THE PUBLIC MINISTRY

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HAD DETERMINED THAT DNA TESTS ON THE HUMAN REMAINS FOUND IN JULY NEAR CIENEGUILLA WOULD BE THE ONLY WAY TO POSITIVELY IDENTIFY WHETHER THOSE REMAINS BELONGED TO THE LA CANTUTA VICTIMS. APPROXIMATELY 50 DIFFERENT ANALYSES OF BOTH THE REMAINS AND THE RELATIVES OF THE LA CANTUTA VICTIMS WOULD HAVE TO BE PERFORMED AT A TOTAL COST OF USD 18,000 TO 20,000.

5. (C) ORTIZ SAID THAT THE INVESTIGATOR IN THE CIENEGUILLA CASE, VICTOR CUBAS, HAD INFORMED THE RELATIVES THAT THE PUBLIC MINISTRY DID NOT HAVE THE MONEY TO PAY FOR THE TESTS. HE SUGGESTED THAT THEY TRY TO FIND SOMEONE TO "SPONSOR" THE

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	RPE-01	CORE-00	/078W					

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P 222138Z SEP 93
FM AMEMBASSY LIMA
TO SECSTATE WASHDC PRIORITY 1615
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AMEMBASSY LA PAZ
AMEMBASSY MONTEVIDEO

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AMEMBASSY QUITO
USMISSION GENEVA
DIRFBI WASHDC//OLIA//
USCINCSO QUARRY HEIGHTS PM

C O N F I D E N T I A L SECTION 02 OF 03 LIMA 10473

MONTEVIDEO FOR LEGATT; USCINCSO ALSO FOR POLAD

E.O. 12356: DECL:OADR
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DNA ANALYSES. POLOFF POINTED OUT THAT AMNESTY
INTERNATIONAL HAD OFFERED TO PERFORM THE TESTS,
BUT ORTIZ REPLIED THAT COLAN HAD MADE CLEAR THAT
AMNESTY'S OFFER COULD NOT BE ACCEPTED. ORTIZ
ASKED IF THE U.S. WAS IN A POSITION TO OFFER ANY
ASSISTANCE. POLOFF REPLIED THAT HE WOULD PASS
ON THE REQUEST.

MORE ACCUSATIONS SURFACE

6. (C) OVER THE COURSE OF THE LAST SEVERAL
WEEKS, MORE ACCUSATIONS ABOUT THE LA CANTUTA
DISAPPEARANCES HAVE SURFACED. "LEON DORMIDO,"
THE ANONYMOUS SELF-DESCRIBED GROUP OF
DISSATISFIED ARMY OFFICERS THAT HAS CIRCULATED
SEVERAL NOTES ABOUT DEATH SQUAD ACTIVITIES
AROUND LIMA, SENT A CASSETTE TAPE TO THE NEWS
MAGAZINE "OIGA" OF A CONVERSATION BETWEEN
SUPPOSED HIGH-LEVEL OFFICERS DISCUSSING THE LA
CANTUTA AND OTHER OPERATIONS. THE CONVERSATION,
WHICH "LEON DORMIDO" ALLEGED WAS RECORDED
SURREPTITIOUSLY, WOULD CONFIRM THE EXISTENCE OF
A JOINT MILITARY-INTELLIGENCE SERVICE DEATH
SQUAD IF TRUE.

7. (C) "OIGA" HAS ALSO PUBLISHED ANONYMOUS
ACCUSATIONS THAT THE OFFICER IN CHARGE OF THE
MILITARY DETACHMENT THAT CONTROLLED LA CANTUTA
AT THE TIME OF THE ABDUCTIONS, LIEUTENANT
AQUILINO PORTELLA, HAD FALSELY REPORTED THE

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PROFESSOR AND SOME STUDENTS AS TERRORISTS

BECAUSE HE HAD HAD RUN-INS WITH THEM.

TOLD US A SIMILAR STORY, CLAIMING THAT SHE WAS CONSTANTLY HARASSED BY PORTELLA AS VISITING AN AUNT IN LIMA WHEN THE ABDUCTIONS OCCURRED, BUT SHE SAID THAT HER FRIENDS AT THE DORMITORY IN THE UNIVERSITY HAD WITNESSED THE INCURSION AND TOLD HER THAT THE ABDUCTORS HAD ASKED FOR HER BY NAME. SUBSEQUENTLY DROPPED OUT OF THE UNIVERSITY.

8. (C)

TOLD US RECENTLY THAT CCD HUMAN RIGHTS COMMITTEE CHAIRMAN ROGER CACERES HAD IN HIS POSSESSION A TAPE RECORDING OF A CONVERSATION BETWEEN ARMY COMMANDER GEN. HERMOZA AND PRESIDENTIAL INTELLIGENCE ADVISER VLADIMIRO MONTESINOS FROM THE NIGHT OF THE ABDUCTIONS.

TOLD POLOFF IN MID-SEPTEMBER THAT SHE HAD HEARD THE SAME THING FROM A SEPARATE SOURCE, WHOM SHE DID NOT IDENTIFY. SHE SAID HER CONTACT CLAIMED TO HAVE SENT CACERES THE TAPE. WHEN SHE CONFRONTED CACERES, HE DENIED ANY KNOWLEDGE OF THE RECORDING. SHE DID NOT BELIEVE HIM.

COMMENT

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9. (C) WHATEVER THE REALITY ABOUT THE ABDUCTIONS AND THE ALLEGED EVIDENCE THAT CONTINUES TO SURFACE, THE REAL BARRIER TO GETTING TO THE TRUTH IS THE LACK OF AN INDEPENDENT CIVILIAN INVESTIGATION. AS AN ASSISTANT PROSECUTOR TEMPORARILY REPLACING THE VACATIONING

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INVESTIGATOR, RABINES COULD NOT HAVE MADE THE
DECISION TO CLOSE THE CASE ON HER OWN INITIATIVE.
THE MILITARY INVESTIGATION CONTINUES TO BE
SECRET.

HAT ONLY THREE RELATIVES

HAD BEEN INTERVIEWED BY MILITARY INVESTIGATORS,
AND THAT THE QUESTIONS THEY WERE ASKED WERE
"RIDICULOUS."

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Release additional

10. (C) WE OFFERED FORENSICS ASSISTANCE ON THE
CIENEGUILLA CASE IN JULY TO ATTORNEY GENERAL
COLAN AND THEN-PRIME MINISTER DE LA PUENTE.
THEY NEVER RESPONDED DIRECTLY TO OUR OFFER, AND

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THEY EXPLICITLY REJECTED AMNESTY INTERNATIONAL'S
OFFER. NOW THE GOP IS FACED WITH THE REALITY OF
NOT BEING ABLE TO PAY FOR THE NECESSARY DNA
EXAMS. IF THOSE EXAMS PROVE CONCLUSIVELY THAT
THE CIENEGUILLA REMAINS ARE THOSE OF THE LA
CANTUTA VICTIMS, THEN MILITARY INVESTIGATORS WILL
PROBABLY TAKE OVER THE CASE.
BRAYSHAW

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