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ACTION ARA-01

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

T-00 USIE-00 RPE-01 /061W

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

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SOUTHCOM ALSO FOR POLAD

E.O. 12356: DECL: OADR

TAGS: PHUM, PREL, MCAP, KJUS, PE

SUBJECT: ACCOMARCA, HURTADO, AND LA CANTUTA

REF: STATE 372282

PAGE 02 LIMA 13610 01 OF 02 301546Z 1. - ENTIRE TEXT

2. SUMMARY: CHARGE RAISED WITH

REPORTS THAT CAPT TELMO HURTADO IS
NOT BEING HELD UNDER DETENTION, DESPITE A SIX
YEAR PRISON SENTENCE RESULTING FROM THE ACCOMARCA

CASE. 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 INVESTIGATION AND DISCIPLINING RESPONSIBLE PARTIES IN HUMAN RIGHTS CASES, AND THUS RAISES

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UNITED STATES DEPARTMENT OF STATE REVIEW AUTHORITY: DONALD A. JOHNSTON DATE/CASE ID: 25 OCT 2001 200102054

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PROFOUND CONCERNS FOR USG. "BY CHANCE,"  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	B1
IT WITH THE SERIOUSNESS IT MERITS.  PRAISED CHARGE'S PUBLIC ENGAGEMENT ON HUMAN RIGHTS ISSUES, A SUPRISING CONTRAST TO JUSTICE MINISTER'S ATTITUDE ON THIS POINT.—END SUMMARY	B1
HURTADO/ACCOMARCA RAISED	
JECEMBER 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	B1
PAGE 03 LIMA 13610 01 OF 02 301546Z 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	] B1
"HE MAY HAVE SERVED HIS TIME"	
A. 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 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	B1
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INFORMATION INDICATED THAT HURTADO WAS NOT HELD IN DETENTION PRIOR TO HIS TRIAL FOR THE ACCOMARCA CASE. 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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PAGE 04 LIMA 13610 01 OF 02 301546Z 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.

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5. WHEN CHARGE ARRIVED FOR HIS APPOINTMENT, HE FOUND

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INFO	LOG-00 DODE-00 TEDE-00 NSCE-00 SIL-00	ACDA-17 DOEE-00 INR-00 OIC-02 SNP-00 USIE-00	AID-01 EB-01 IO-16 OMB-01 SP-00	AMAD-01 EUR-01 JUSE-00 PA-01 SR-00	CIAE-00 HA-09 L-01 PM-01 SS-00	C-01 H-01 ADS-00 PRS-01 STR-01	OASY-00 INM-02 NSAE-00 P-01 TRSE-00
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-----158221 301548Z /38

P 301548Z DEC 93 FM AMEMBASSY LIMA TO SECSTATE WASHDC PRIORITY 3798 INFO AMEMBASSY CARACAS AMEMBASSY BOGOTA AMEMBASSY QUITO AMEMBASSY LA PAZ

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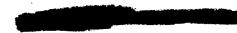
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AMEMBASSY OTTAWA
USCINCSO QUARRY HEIGHTS PM



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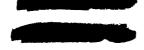
SOUTHCOM ALSO FOR POLAD

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WAITING ROOM. IS A SENIOR MEMBER OF THE SUPREME COUNCIL FOR MILITARY JUSTICE, WHICH HAS



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CURRENT CONTROL OF THE LA CANTUTA CASE.

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 BUT NOTED THAT WE HAD HAD A NUMBER OF DIFFICULT SITUATIONS TO DEAL WITH OVER THAT PERIOD, SOME OF WHICH HAD CREATED FRICTIONS. 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 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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Current Class: ( Page: 5 Current Handling: n/a Document Number: 1993LIMA13610 Channel: n/a LIMA 13610 02 OF 02 301547Z PAGE 03 INVESITIGATION OF THE CASE AND URGED THAT IT BE TREATED WITH THE SERIOUSNESS IT MERITED. THAT SITUATION STILL OBTAINED. CHARGE TOLD **B1** 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, SAID HE AGREED, ADDING THAT THE ISSUE B1SHOULD BE RESOLVED SOON TO THE PUBLIC'S SATISFACTION. 8. COMMENT: CHARGE WENT TO SEE [ TABOUT THE B1 HURTADO CASE AFTER ANNOUNCING HE WOULD BE RAISING CN ISSUES. HOWEVER, WAIVED ASIDE B1 PARTICIPATION IN THE MEETING BY MAAG OFFICER WHO HANDLES MILITARY CN PROGRAMS AND ASKED CHARGE TO COME ALONE. THE UNEXPECTED APPEARANCE OF B1 IN WAITING ROOM INDICATED THAT HIS PRIME B1 SUBJECT OF THE DAY MAY NOT HAVE BEEN CN AS WELL. WERE VERY FRIENDLY AND B1 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 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.

13610 02 OF 02 LIMA WILL FOLLOW UP WITH AND OTHER OFFICIALS AND CONTINUE TO REGISTER OUR PROFOUND CONCERN.

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BRAYSHAW##



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