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INQUIRE=DOC24D
ITEM NO=00401769

ENVELOPE

CDSN = LGX061 MCN = 93341/31635 TOR = 933411923
PTTSZYUW RUEKJCS3451 3411927-~~SSSS~~-RUEALGX.
ZNY ~~SSSSS~~

HEADER

P 071927Z DEC 93
FM DIA WASHINGTON DC
INFO RUEADWD/OCSA WASHINGTON DC
RUENAAA/CNO WASHINGTON DC
RUEAHQA/CSAF WASHINGTON DC
RUEACMC/CMC WASHINGTON DC

RHLBAAK/ (b)(3):50 USC 403-1(i)
RUWMBKA/
RUETIAQ/

RUCBSAA/CINCUSACOM NORFOLK VA// (b)(3):50 USC 403-1(i)
RUWSMXI/ (b)(3):50 USC 403-1(i)

RUCQVAB/USCINCSOC (b)(3):50 USC 403-1(i) MACDILL AFB FL
RUEOFAA/ (b)(3):50 USC 403-1(i)

RHLBAAA/USCINCSO QUARRY HEIGHTS PM
RUEHC /SECSTATE WASHINGTON DC
RUEAIIA/CIA WASHINGTON DC

RULKQAN/ (b)(3):50 USC 403-1(i)

RULSJGA/COGARD (b)(3):50 USC 403-1(i) WASHINGTON DC
RUDMONI/ (b)(3):50 USC 403-1(i)

RULKNIS/
RUHPQUA/

RUEALGX/SAFE
P 071924Z DEC 93

FM (b)(3):10 USC 424
TO RUEKJCS/DIA WASHDC PRIORITY
INFO RHLBAAA/USCINCSO QUARRY HEIGHTS// (b)(3):50 USC 403-1(i) PRIORITY
RHLBAAF/ (b)(3):50 USC 403-1(i)

BT

CONTROLS

~~SECRET~~ SECTION 01 OF 02 (b)(3):10 USC 424 12933

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SERIAL: (U) IIR (b)(3):10 USC 424

/***** THIS IS A COMBINED MESSAGE *****/

BODY

COUNTRY: (U) PERU (PE).

SUBJ: IIR (b)(3):10 USC 424 PREPARING TO DEFEND THE

INSTITUTION (U)

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WARNING: (U) THIS IS AN INFORMATION REPORT, NOT
FINALLY EVALUATED INTELLIGENCE. REPORT CLASSIFIED
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DEPARTMENT OF DEFENSE

DOI: (U) 931205.

REQS: (U) (b)(3):10 USC 424

SOURCES: A. ~~(S/NF)~~ (b)(1),1.4 (c)

B. (U) DAILY NEWSPAPER, "EL COMERCIO", LIMA, PERU, 931203 (U), IN SPANISH. CONSERVATIVE, INFLUENTIAL (READERSHIP ABOUT 640,000). THE PRESTIGIOUS PAPER OF RECORD FOR THE PERUVIAN ELITE. IT LEADS IN LIMA AND NATIONAL READERSHIP.

C. (U) DAILY NEWSPAPER, "EL COMERCIO", LIMA, PERU, 931204 (U), IN SPANISH. CONSERVATIVE, INFLUENTIAL (READERSHIP ABOUT 640,000). THE PRESTIGIOUS PAPER OF RECORD FOR THE PERUVIAN ELITE. IT LEADS IN LIMA AND NATIONAL READERSHIP.

SUMMARY: ~~(S/NF)~~ THE COMMANDER OF THE PERUVIAN ARMY ORDERS THE PROMOTION OF GENERAL ((GUEVARA)) IN PREPARATION FOR AN UPCOMING MILITARY TRIAL OF OFFICERS FOR THE LA CANTUTA MURDERS. IT IS REPORTED THAT THE ARMY WILL NOT PERMIT A CIVILIAN TRIAL.

TEXT: 1. ~~(S/NF)~~ (b)(1),1.4 (c) THE SELECTION TO PROMOTION TO THE RANK OF LIEUTENANT GENERAL OF GENERAL GUIDO ((GUEVARA)) GUERRA IS LINKED TO THE GROWING PRESSURE THAT THE LA CANTUTA INCIDENT IS POSING ON ARMY

(b)(1),1.4 (c) THE RECENT SPECULATION IN THE PERUVIAN WEEKLY MAGAZINE "CARETAS" THAT THE SELECTION OF GENERAL GUEVARA TO THE LIEUTENANT GENERAL PROMOTION LIST WAS DUE TO MANIPULATION BY PRESIDENTIAL ADVISOR VLADIMIRO ((MONTESINOS)) WAS NOT TRUE. (b)(1),1.4 (c)

(b)(1),1.4 (c) TO GENERAL (b)(1),1.4 (c) THAT GENERAL GUEVARA BE PROMOTED IN (b)(1),1.4 (c) OFFICERS FOR THE DEATH'S OF THE TEN LA CANTUTA VICTIMS.

2. ~~(S/NF)~~ (b)(1),1.4 (c) GENERAL (b)(1),1.4 (c) WILL NOT PERMIT (b)(1),1.4 (c)

(b)(1),1.4 (c)

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TRIAL. THE TRIAL WILL BE CONDUCTED UNDER MILITARY JURISDICTION, ONE IN WHICH SEVERAL OFFICERS WILL (b)(1),1.4 (c) A MILITARY TRIAL IN ORDER TO (b)(1),1.4 (c) GENERAL GUEVARA'S SELECTION TO LIEUTENANT GENERAL, THE FIRST MILITARY LAWYER TO THIS SENIOR RANK, WAS (b)(1),1.4 (c) BY (b)(1),1.4 (c) WITH THE INTENTION OF A (b)(1),1.4 (c) (b)(1),1.4 (c) GIVING THE UPCOMING (b)(1),1.4 (c) (b)(1),1.4 (c)

3. ~~(C)~~ IT WAS PREVIOUSLY REPORTED THAT THE SPECIAL PROSECUTOR FOR THE LA CANTUTA CASE, VICTOR ((CUBAS)) VILLANUEVAS ANNOUNCED THAT HE WOULD BEGIN ISSUING SUMMONS FOR THE MILITARY OFFICERS ALLEGEDLY DETAINED BY THE ARMY IN THE LA CANTUTA CASE. THIS SUBSEQUENTLY TOUCHED OFF A FLURRY OF REPORTING THAT THE MILITARY WAS REFUSING TO GIVE THE CASE TO THE CIVILIAN COURTS AND THAT JURISDICTION FOR THE CASE WOULD CONTINUE TO BE HELD BY THE ARMY'S MILITARY JUSTICE SYSTEM. THESE ANNOUNCEMENTS INCLUDED THE FOLLOWING-
 -ACCORDING TO SOURCE B, THE MINISTER OF INTERIOR, PERUVIAN ARMY GENERAL JUAN ((BRIONES)) DAVILA, ASKED ON 2 DEC 93 THAT PEOPLE HAVE CONFIDENCE IN THE MILITARY JUSTICE SYSTEM IN RELATION TO THE ONGOING MILITARY INVESTIGATION INTO THE LA CANTUTA DISAPPEARANCES. BRIONES USED THE FACT THAT THE MILITARY JUSTICE SYSTEM HAD PLAYED A GREAT ROLE IN THE PACIFICATION OF THE COUNTRY AS THE BASIS OF HIS ARGUMENT THAT THIS CONFIDENCE WAS JUSTIFIED, IMPLYING THAT THE MILITARY JUSTICE SYSTEM WAS EFFECTIVE;

-ACCORDING TO SOURCE C, THE INVESTIGATING JUDGE OF THE MILITARY COURT, MAJOR GENERAL MARCO ANTONIO ((RODRIGUEZ)) HUERTA, DECLARED CUBAS REQUEST "JURISDICTIONAL INTERFERENCE," AND REFUSED IT. THE MINISTER OF DEFENSE, RETIRED ARMY GENERAL VICTOR ((MALCA)) VILLANUEVA, ALSO SENT A LETTER ON 2 DEC 93 TO THE ATTORNEY GENERAL, BLANCA ((NELIDA)) COLAN, TELLING HER THAT THE CIVILIAN COURTS DO NOT HAVE ANY JURISDICTION OVER THE MILITARY OFFICERS DETAINED IN THE LA CANTUTA INCIDENT.

COMMENTS: (b)(1),1.4 (c)

(b)(1),1.4 (c) HE

SEES THE PROMOTION (b)(1),1.4 (c) THE APPROVAL OF (b)(1),1.4 (c) WHILE HERMOZA HAD UNDERESTIMATED THE POTENTIAL THREAT OF THE LA CANTUTA INCIDENT (b)(1),1.4 (c) IS NOW ENERGIZED AND IS MOVING TO DEFEND THE INSTITUTION OF THE ARMY.

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2. (C/NF) (b)(1),1.4 (c) THOSE PROMOTIONS REPORTED IN THE PERUVIAN WEEKLY MAGAZINE "CARETAS" (b)(1),1.4 (c) ARTICLE REPORTED THAT LEOPOLD ((URIARTE)) MORA, SELECTED FOR MAJOR GENERAL, IS OF THE ARTILLERY, WHEN HE IS A COMMUNICATIONS OFFICER. ALSO, (b)(1),1.4 (c) THAT THE "CARETAS" (b)(1),1.4 (c) THE SPECIALTY BRANCH OF MILITARY LAW (STAFF JUDGE ADVOCATE-EQUIVALENT), BUT THE (b)(1),1.4 (c) A MILITARY LAWYER, FOR

3. (C/NF) (b)(1),1.4 (c) IT APPEARS AS IF HERMOZA, WITH THE HELP OF (b)(1),1.4 (c) IS FENDING OFF (b)(1),1.4 (c) JURISDICTION IN THE CASE. THIS (b)(1),1.4 (c) IN WHICH THE (b)(1),1.4 (c) IT ALSO APPEARS THAT (b)(1),1.4 (c) FOR RESOLUTION OF THE QUESTION OF WHO HAS JURISDICTION AND THE DECISION OF (b)(1),1.4 (c) (b)(1),1.4 (c) COULD PROVIDE AN INDICATOR OF WHERE (b)(1),1.4 (c) STANDS ON THIS ISSUE.

4. (C/NF) ALTHOUGH IT ORIGINALLY APPEARED (b)(1),1.4 (c) HAD THE GREEN LIGHT FROM (b)(1),1.4 (c) TO (b)(1),1.4 (c) OF THE LA CANTUTA CASE, THE SITUATION DEVELOPING DIFFERENTLY, WITH THE (b)(1),1.4 (c) (b)(1),1.4 (c) A LINE IN THE SAND OVER THE LA CANTUTA ISSUE. CITE IIR (b)(3):10 USC 424 HUMAN RIGHTS ABUSE INVESTIGATION MAY BE PICKED UP BY CIVILIAN COURT SYSTEM (U) FOR MORE INFORMATION (b)(1),1.4 (c) TO (b)(1),1.4 (c) OF THE LA CANTUTA CASE.

//IPSP: (U) (b)(3):10 USC 424
 //COMSOBJ: (b)(3):10 USC 424

ADMIN
 PROJ: (U)
 INSTR: (U)
 PREP: (U)
 ACQ: (U) (b)(3):10 USC 424
 DISSEM: (U)

WARNING: (U) REPORT CLASSIFIED ~~SECRET~~
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