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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)

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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 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 IS FENDING OFF
JURISDICTION IN THE CASE. THIS
(b)(1),1.4 (c) IN WHICH THE
IT ALSO
APPEARS THAT
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:

ADMIN

PROJ: (U).

INSTR: (U)

PREP: (U)

ACQ: (U)

DISSEM: (U)

(b)(3):10 USC 424

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