

UNCLASSIFIED

RELEASED IN PART

E2

~~CONFIDENTIAL~~

~~B6, B1, 1.4(B), 1.4(D), B3, INA~~

PAGE 01 LIMA 09707 01 OF 05 022048Z
ACTION SCT-03

UNCLASSIFIED

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
	EB-01	IO-05	NSCE-00	ARA-01	NSAE-00	COME-00	SSO-01
	L-02	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-01	PA-01
	FAAE-00	CCO-00	INRE-00	CA-02	CG-00	ACDA-05	A-01
	USSS-00	USIE-00	JUSE-00	FBIE-00	DOEE-00	M-01	DS-01
	IMMC-01	OIS-01	ZOVD-00	P-02	/039 W		

-----122552 022053Z /38

O 022042Z JUL 90
 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC IMMEDIATE 9460
 INFO AMEMBASSY BOGOTA
 AMEMBASSY CARACAS
 AMEMBASSY LA PAZ
 USMISSION GENEVA
 USMISSION USUN NEW YORK
 USCINCSO QUARRY HTS PM
 SECDEF WASHDC
 DIAHQ WASHDC

~~CONFIDENTIAL~~ SECTION 01 OF 05 LIMA 09707

TERREP CHANNEL

USCINCSO ALSO FOR POLAD

DIA FOR OA-5/1D/DB-6D2/JS1-4B/DB3C1

E.O. 12356: DECL: OADR
 TAGS: PHUM, PTER, ASEC, PGOV, PE
 SUBJECT: EMBASSY VIEWS ON CARLOS ESCOBAR ASYLUM REQUEST

~~B1, B6~~
 T
 B1

REF A) [REDACTED] B) 89 STATE 240668,
 C) LIMA 9297

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 LIMA 09707 01 OF 05 022048Z

1. ~~CONFIDENTIAL~~ ENTIRE TEXT.

2. SUMMARY. CARLOS ESCOBAR'S DESCRIPTION OF EVENTS LEADING TO HIS REQUEST FOR POLITICAL ASYLUM ARE

~~B6~~
 T

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: JAMES F COOPER
 CLASSIFICATION: CONFIDENTIAL REASON: 1.4(B), 1.4(D)
 DECLASSIFY AFTER: 1 JUL 2015
 DATE/CASE ID: 05 JUN 2009 200804260

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: APPEALS REVIEW PANEL
 APPEAL ACTION: ADDITIONAL INFORMATION RELEASE
 REASON(S): B1, 1.4(B), 1.4(D), B6
 DATE/CASE ID: 09 MAR 2011 200804260

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

ESSENTIALLY CORRECT. WE AGREE THAT THE ARMY WAS RESPONSIBLE FOR THE CAYARA MASSACRE, AND PROBABLY RESPONSIBLE FOR THE SUBSEQUENT DEATHS OF WITNESSES IN THE CASE. WE BELIEVE THAT ESCOBAR IS UNDER NO THREAT FROM THE NATIONAL POLICE, NOR IS THERE ANY RISK THAT TRUMPED-UP CHARGES WOULD BE BROUGHT AGAINST HIM IN THE COURTS. WE ALSO BELIEVE THE THREAT FROM SENDERO LUMINOSO IS PROBABLY NO GREATER AGAINST ESCOBAR THAN MOST OFFICIAL PERUVIANS. WE DOUBT THAT HE WOULD BE IN DANGER FROM THE ARMY AS AN INSTITUTION SO LONG AS HE REMAINS OUTSIDE RURAL EMERGENCY ZONES. BUT IF ESCOBAR RESURRECTS THE CAYARA CASE UPON HIS RETURN TO PERU (WHICH WE JUDGE TO BE LIKELY), AND IF HE CHOOSES TO TRAVEL TO AREAS UNDER ARMY CONTROL, THE THREAT OF PERSECUTION INCREASES. IN ANY EVENT, WE WOULD EXPECT ESCOBAR TO BE THE SUBJECT OF CONTINUED DEATH THREATS AND, AT A MINIMUM, SOME HARASSMENT.

~~B1/B6~~

3. THERE IS CERTAINLY A POTENTIAL THREAT FROM THE RODRIGO FRANCO COMMAND, THE PRESUMED PARA-MILITARY ARM OF THE APRA PARTY. ONCE AGAIN, THIS THREAT WOULD INCREASE THE HIGHER ESCOBAR HOLSTS THE HUMAN RIGHTS ENSIGN. WE ARE NOT CONCERNED ABOUT THE GOP REACTION TO GRANTING ESCOBAR ASYLUM. WE DO URGE THE DEPARTMENT'S LEGAL OFFICE TO CONSIDER THE EFFECT OF AN AFFIRMATIVE RULING IN THE ESCOBAR CASE ON ASYLUM PETITIONS FILED BY SUSPECTED SENDERO TERRORISTS WHO MANAGE TO REACH THE UNITED STATES. IN CONCLUSION, THIS IS A CASE OF SUCH HIGH POLITICAL VISIBILITY THAT

~~CONFIDENTIAL~~

~~B1/B6~~

~~CONFIDENTIAL~~

PAGE 03 LIMA 09707 01 OF 05 022048Z

WE ARE INCLINED TO BELIEVE THAT A FAVORABLE DETERMINATION OF ELIGIBILITY FOR ASYLUM IS DESIRABLE, EVEN THOUGH OUR CONCLUSIONS ABOUT WHAT WOULD HAPPEN TO ESCOBOR ON HIS RETURN ARE AMBIGUOUS. END SUMMARY.

~~B1/B6~~

CLARIFICATIONS ON THE CAYARA CASE

4. THE FACTS AS ATTESTED TO BY CARLOS ENRIQUE ESCOBAR PINEDA IN HIS DEPOSITION AND OMB FORM I-589, REQUEST FOR ASYLUM, ARE ESSENTIALLY CORRECT. WE NOTE, HOWEVER, THAT SOME OF MR. ESCOBAR'S CONCLUSIONS

~~B1/B3/B6~~

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

IN REFERENCE TO THE CAYARA MASSACRE AND THE ARMY'S RESPONSIBILITY ARE SUBJECT TO A MUCH WIDER INTERPRETATION THAN HE OFFERS. FOR EXAMPLE, AS WE HAVE PREVIOUSLY REPORTED, WE BELIEVE THE ARMY WAS RESPONSIBLE FOR THE DEATHS OF AT LEAST 20 CIVILIANS IN CAYARA VILLAGE ON MAY 14, 1988. BUT WE ALSO BELIEVE THAT CAYARA VILLAGERS WERE PRESENT AT THE AMBUSH OF A MILITARY PATROL THE NIGHT BEFORE, MAY 13. MOST OF THESE VILLAGERS WERE PROBABLY UNWILLING CONSCRIPTS OF A SENDERO LUMINOSO ATTACK COLUMN.

~~Do~~

5. IT IS ALSO LIKELY THAT THE ARMY WAS INVOLVED IN THE DEATHS AND DISAPPEARANCES OF CAYARA WITNESSES IN THE MONTHS FOLLOWING THE MAY 14 INCIDENT. HOWEVER, OUR CONCLUSION IN THIS REGARD IS NOT BASED ON INVESTIGATIVE EVIDENCE, AS IN THE CASE OF THE MASSACRE ITSELF. RATHER, CIRCUMSTANTIAL EVIDENCE SUGGESTS THE INVOLVEMENT OF THE ARMED FORCES AND NOT TERRORISTS OR OTHER AGENTS. NEVERTHELESS, WE MUST UNDERSCORE THE POSSIBILITY THAT JUST AS THE ARMY MAY

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 04 LIMA 09707 01 OF 05 022048Z

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

~~CONFIDENTIAL~~

NNNN

~~CONFIDENTIAL~~

PAGE 01 LIMA 09707 02 OF 05 022049Z
ACTION SCT-03

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
	EB-01	IO-05	NSCE-00	ARA-01	NSAE-00	COME-00	SSO-01
	L-02	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-01	PA-01
	FAAE-00	CCO-00	INRE-00	CA-02	CG-00	ACDA-05	A-01
	USSS-00	USIE-00	JUSE-00	FBIE-00	DOEE-00	M-01	DS-01
	IMMC-01	OIS-01	ZOVD-00	P-02	/039 W		

-----122726 022058Z /38

O 022042Z JUL 90
 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC IMMEDIATE 9461
 INFO AMEMBASSY BOGOTA
 AMEMBASSY CARACAS
 AMEMBASSY LA PAZ
 USMISSION GENEVA
 USMISSION USUN NEW YORK
 USCINCSO QUARRY HTS PM
 SECDEF WASHDC
 DIAHQ WASHDC

~~CONFIDENTIAL~~ SECTION 02 OF 05 LIMA 09707

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

TERREP CHANNEL

USCINCSO ALSO FOR POLAD

DIA FOR OA-5/1D/DB-6D2/JS1-4B/DB3C1

E.O. 12356: DECL: OADR

TAGS: PHUM, PTER, ASEC, PGOV, PE

SUBJECT: EMBASSY VIEWS ON CARLOS ESCOBAR ASYLUM

B1, B6

HAVE ATTEMPTED TO INITIALLY DISGUISE THE CAYARA KILLING AS A SENDERO LUMINOSO ACT, SIMILARLY, SENDERO LUMINOSO COULD BE RESPONSIBLE FOR THE DEATHS OF CAYARA WITNESSES, IN AN EFFORT TO DISCREDIT THE ARMY. SUCH BEHAVIOR BY SENDERO IS COMMON AND CONFIDENTIAL

CONFIDENTIAL

PAGE 02 LIMA 09707 02 OF 05 022049Z

WELL-DOCUMENTED. UNDERSTANDABLY, DR. ESCOBAR DOES NOT DISCUSS THIS POSSIBILITY IN HIS ANALYSIS OF THESE DEATHS.

B6

ANALYZING THE THREAT

6. TO EVALUATE DR. ESCOBAR'S PETITION FOR ASYLUM WE BELIEVE IT IS CRITICAL TO DISTINGUISH AMONG THE THREAT OF PERSECUTION FROM THE RODRIGO FRANCO COMMAND, FROM THE ARMY, FROM SENDERO LUMINOSO, OR FROM OTHER GOVERNMENT AGENTS. WE WILL CONSIDER THESE IN REVERSE ORDER.

B6

7. OTHER GOVERNMENT AGENTS: WE JUDGE THERE IS VIRTUALLY NO THREAT TO ESCOBAR FROM THE NATIONAL POLICE, FROM OTHER MINISTRY OF INTERIOR AGENCIES, OR FROM THE PERUVIAN COURT SYSTEM. THOUGH THE NATIONAL POLICE ARE RESPONSIBLE FOR COMMITTING HUMAN RIGHTS ABUSES, INCLUDING ARBITRARY DETENTION AND TORTURE OF SUSPECTS, SUCH CASES NORMALLY DO NOT INCLUDE HIGH-VISIBILITY FIGURES. POLICE PERSECUTION ALMOST EXCLUSIVELY FOCUSES ON THOSE SUSPECTED OF TERRORISM.

B6

B1

B1, B6

WE SEE NO

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

POSSIBILITY THAT TRUMPED-UP CHARGES WOULD BE BROUGHT AGAINST HIM, NOR THAT SUCH CHARGES WOULD FIND A SYMPATHETIC HEARING IN ANY PERUVIAN COURT. PAST

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 LIMA 09707 02 OF 05 022049Z

EXPERIENCE SUGGESTS THAT PERUVIAN COURTS ARE MUCH MORE LIKELY TO FREE SUSPECTED TERRORISTS FOR LACK OF EVIDENCE THAN TO PROSECUTE "INNOCENT" ACCUSED.

8. SENDERO LUMINOSO: EVERY PERUVIAN IS UNDER THREAT FROM SENDERO LUMINOSO. CARLOS ESCOBAR IS CERTAINLY A MORE VISIBLE POTENTIAL TARGET THAN MOST. SENDERO MAY WISH TO KILL HIM TO DISCREDIT THE ARMY, BUT IF WE ACCEPT HIS CLAIM (AND OUR BELIEF) OF ARMY RESPONSIBILITY FOR THE KILLINGS OF THE CAYARA WITNESSES, THEN THERE IS NO REASON TO BELIEVE THAT ESCOBAR FACES ANY GREATER THREAT FROM SI THAN DOES ANY OTHER PROSECUTOR, HUMAN RIGHTS WORKER, OR GOVERNMENT OFFICIAL.

B6

B1, B6

B6

9. THE ARMY: WE EXPECT THAT CARLOS ESCOBAR WOULD CONTINUE HIS HUMAN RIGHTS WORK IF HE RETURNED TO PERU. IT IS FAR FROM CLEAR THAT HE WOULD FIND AN INTERESTED LOCAL AUDIENCE IF HE FOCUSED HIS TIME ON THE CAYARA CASE. THOUGH THE ISSUE WAS NEVER RESOLVED, IT IS NOW BUT ONE OF A NUMBER OF UNSOLVED MASSACRES WHICH OCCURRED DURING THE BELAUNDE AND GARCIA GOVERNMENTS. IT APPEARS TO US UNLIKELY THAT THE NEXT GOVERNMENT WOULD WANT TO START OFF ITS DEALINGS WITH THE MILITARY WITH A REHASHING OF THE CASE. HOWEVER, IF THE UNITED LEFT (IU) CONGRESSIONAL MINORITY SHOULD TRY TO REOPEN CASES OF HUMAN RIGHTS ABUSES UNDER GARCIA, CAYARA IS CERTAIN TO BE ONE OF THE PRINCIPAL CASES ON THEIR AGENDA.

B6

10. ANY REASONABLE FEAR OF PROSECUTION FROM THE ARMY MUST BE BASED ON TWO ASSUMPTIONS. FIRST, THAT DR. ESCOBAR WOULD ONCE AGAIN SUCCEED IN RAISING THE PUBLIC CONSCIOUSNESS ON THE CAYARA INCIDENT. THE CAYARA MASSACRE, THOUGH ONE OF THE MOST CONTROVERSIAL

B1, B6

B1

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 04 LIMA 09707 02 OF 05 022049Z

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

~~CONFIDENTIAL~~

NNNN

~~CONFIDENTIAL~~

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

PAGE 01 LIMA 09707 03 OF 05 022051Z
ACTION SCT-03

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
	EB-01	IO-05	NSCE-00	ARA-01	NSAE-00	COME-00	SSO-01
	L-02	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-01	PA-01
	FAAE-00	CCO-00	INRE-00	CA-02	CG-00	ACDA-05	A-01
	USSS-00	USIE-00	JUSE-00	FBIE-00	DOEE-00	M-01	DS-01
	IMMC-01	OIS-01	ZOVD-00	P-02	/039 W		

-----122751 022059Z /38

O 022042Z JUL 90
 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC IMMEDIATE 9462
 INFO AMEMBASSY BOGOTA
 AMEMBASSY CARACAS
 AMEMBASSY LA PAZ
 USMISSION GENEVA
 USMISSION USUN NEW YORK
 USCINCSO QUARRY HTS PM
 SECDEF WASHDC
 DIAHQ WASHDC

~~CONFIDENTIAL~~ SECTION 03 OF 05 LIMA 09707

TERREP CHANNEL

USCINCSO ALSO FOR POLAD

DIA FOR OA-5/1D/DB-6D2/JS1-4B/DB3C1

E.O. 12356: DECL: OADR

TAGS: PHUM, PTER, ASEC, PGOV, PE

SUBJECT: EMBASSY VIEWS ON CARLOS ESCOBAR ASYLUM

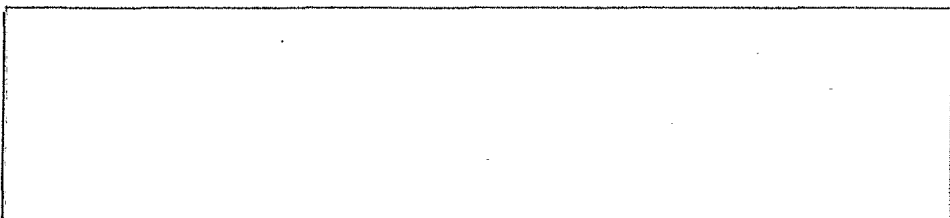
CASES UNDER THE GARCIA GOVERNMENT, IS CURRENTLY A
 NON-ISSUE HERE. THE ARMY WOULD BE UNLIKELY TO DO
 ANYTHING TO MAKE IT AN ISSUE AGAIN, E.G. BY GOING
 AFTER ESCOBAR.

~~BI, B6~~
~~BI, B6~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 LIMA 09707 03 OF 05 022051Z



BI

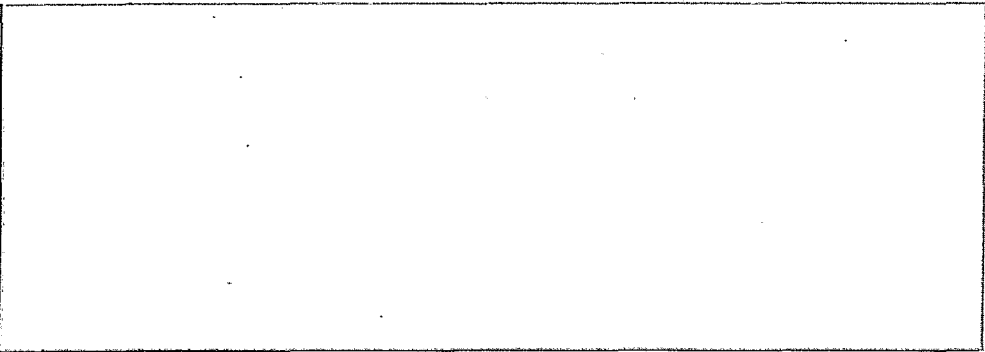
~~BI, B6~~

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED



B1, B6

B1

12. THE SECOND ISSUE IN ASSESSING ANY THREAT FROM THE ARMY IS THE POSSIBILITY THAT ESCOBAR WOULD ONCE AGAIN TRAVEL OR WORK INSIDE RURAL EMERGENCY ZONE AREAS CONTROLLED BY THE MILITARY. ARMY INVOLVEMENT IN DISAPPEARANCES AND EXTRA-JUDICIAL EXECUTIONS IS LARGELY RESTRICTED TO THE EMERGENCY ZONES. WE KNOW OF NO SERIOUS CHARGE OF ARMY COMPLICITY IN AN EXTRA-JUDICIAL KILLING OR DISAPPEARANCE OUTSIDE OF THE CONSTITUTIONALLY DESIGNATED EMERGENCY ZONES. MORE SPECIFICALLY, THERE HAVE NEVER BEEN ANY ALLEGED ARMY ABUSES IN THE CITY OF LIMA OR CALLAO. CIVIL/POLITICAL AUTHORITY HAS NOT BEEN DELEGATED TO THE ARMY IN LIMA, EVEN THOUGH THE CAPITAL REGION IS A DESIGNATED EZ.

B6

13. THERE IS ONE ADDITIONAL ELEMENT WITH REGARD TO CONFIDENTIAL

~~CONFIDENTIAL~~

PAGE 03 LIMA 09707 03 OF 05 022051Z

THE POSSIBILITY OF MILITARY PERSECUTION. THE KILLING OF THE CAYARA VILLAGERS AND THE WITNESSES, WHO WERE ALSO CAYARA VILLAGERS, IS VERY DIFFERENT FROM KILLING CARLOS ESCOBAR, PUBLIC PROSECUTOR. THE CAYARA DEAD WERE VILLAGERS, RURAL PEASANTS, POLITICAL NON-ENTITIES. IT IS A SIGNIFICANT QUALITATIVE LEAP FOR THE ARMY TO KILL AN EX-GOVERNMENT OFFICIAL, ONE WITH A PENDING COURT ACTION FOR REINSTATEMENT AS A PUBLIC PROSECUTOR. TO OUR KNOWLEDGE, THERE WAS NO RESPONSIBLE CLAIM OF MILITARY INVOLVEMENT IN THE KILLING IN RECENT YEARS OF A PERSON WITH OFFICIAL OR QUASI-OFFICIAL STATUS. THE RECENT TORTURE AND KILLING OF THE VICE-RECTOR OF HUANCAYO UNIVERSITY UNDER CIRCUMSTANCES WHICH SUGGEST ARMY INVOLVEMENT (REF C) IS AN APPARENT EXCEPTION TO THIS RULE. HOWEVER, THIS TOOK PLACE IN THE HEART OF AN EZ, AND NOT IN THE NATION'S CAPITAL.

B6

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

14. TO SUMMARIZE THE POSSIBLE THREAT FROM THE ARMY, IF MR. ESCOBAR ATTEMPTS AND SUCCEEDS IN REOPENING THE CAYARA ISSUE, OR IF HE CHOOSES TO TRAVEL TO AYACUCHO OR ANOTHER DEPARTMENT UNDER MILITARY CONTROL, THE RISK OF PERSECUTION SIGNIFICANTLY INCREASES. OTHERWISE, WE BELIEVE THE ARMY AS AN INSTITUTION WOULD LET HIM ALONE. WE CANNOT RULE OUT ACTION BY INDIVIDUAL OFFICERS IN THE ARMY WHO MAY HOLD PERSONAL GRIEVANCES AGAINST ESCOBAR.

~~B1, B6~~

15. THE RODRIGO FRANCO COMMAND (CRF): THE CRF IS THE SUSPECTED PARA-MILITARY ARM OF THE APRA PARTY. JUDGING THE THREAT FROM THE CRF IS MORE DIFFICULT. BY REPUTATION, THE CRF IS PREPARED TO KILL ANYONE, INCLUDING HIGH RANKING PERSONS WITH OFFICIAL STATUS. THE SENATE COMMISSION ON VIOLENCE UNDER LEFTIST SENATOR ENRIQUE BERNALES AND THE 1990 MINORITY REPORT

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 04 LIMA 09707 03 OF 05 022051Z

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

~~CONFIDENTIAL~~

NNNN

~~CONFIDENTIAL~~

PAGE 01 LIMA 09707 04 OF 05 022052Z
ACTION SCT-03

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
	EB-01	IO-05	NSCE-00	ARA-01	NSAE-00	COME-00	SSO-01
	L-02	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-01	PA-01
	FAAE-00	CCO-00	INRE-00	CA-02	CG-00	ACDA-05	A-01
	USSS-00	USIE-00	JUSE-00	FBIE-00	DOEE-00	M-01	DS-01
	IMMC-01	OIS-01	ZOVD-00	P-02	/039 W		

-----122763 022100Z /38

O 022042Z JUL 90
 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC IMMEDIATE 9463
 INFO AMEMBASSY BOGOTA
 AMEMBASSY CARACAS
 AMEMBASSY LA PAZ
 USMISSION GENEVA
 USMISSION USUN NEW YORK
 USCINCSO QUARRY HTS PM
 SECDEF WASHDC
 DIAHQ WASHDC

~~CONFIDENTIAL~~ SECTION 04 OF 05 LIMA 09707

TERREP CHANNEL

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

USCINCSO ALSO FOR POLAD

DIA FOR OA-5/1D/DB-6D2/JS1-4B/DB3C1

E.O. 12356: DECL: OADR

TAGS: PHUM, PTER, ASEC, PGOV, PE

SUBJECT: EMBASSY VIEWS ON CARLOS ESCOBAR ASYLUM
FROM THE SPECIAL HOUSE COMMITTEE TO INVESTIGATE THE
RODRIGO FRANCO COMMAND, TOGETHER ACCUSED THE CRF OF
11 KILLINGS IN 1989. ALL BUT THREE OF THE DEATHS
ATTRIBUTED TO THE CRF ARE OF RELATIVELY OBSCURE
INDIVIDUALS BELIEVED TO BE TERRORISTS, OR WITH
CONFIDENTIAL

~~B1, B6~~

~~CONFIDENTIAL~~

PAGE 02 LIMA 09707 04 OF 05 022052Z

TERRORIST TIES. THERE ARE, HOWEVER, THREE
HIGH-PROFILE EXCEPTIONS.

16. DEPUTY PIQUERAS (IU) ARGUES IN THE HOUSE
COMMITTEE MINORITY REPORT THAT THE CRF KILLED BOTH
THE PERUVIAN CONGRESSMEN WHO DIED VIOLENT DEATHS IN
1989. WE DO NOT BELIEVE THE EVIDENCE OF CRF
RESPONSIBILITY IN THE DEATHS OF DEPUTIES LI ORMENO
AND ARROYO MIO IS PERSUASIVE. THE POLICE ARE
CONVINCED LI ORMENO WAS KILLED BY CAR THIEVES AND
HAVE TWO SUSPECTS UNDER DETENTION. EVIDENCE FOUND ON
THE CONGRESSMAN'S RECOVERED AUTOMOBILE WOULD APPEAR
TO SUPPORT THIS OFFICIAL POLICE VERSION. THE DEATH
OF DEPUTY ARROYO MIO IS MORE PROBLEMATIC. HIS
CLOSEST FRIEND, AND FELLOW LEFTIST CONGRESSMAN FROM
PIURA, DEPUTY NINO CELI, SAYS SENDERO LUMINOSO WAS
RESPONSIBLE. POLICE HAVE ARRESTED TWO SUSPECTED
SENDERO LUMINOSO TERRORISTS WHO HAVE BEEN CHARGED IN
THE ARROYO MIO ASSASSINATION. THERE IS NO CLEAR
EVIDENCE OF CRF CULPABILITY IN THE KILLING OF EITHER
CONGRESSMAN. NOR IS THERE ANYTHING WHICH WHOLLY
ABSOLVES THE CRF.

17. IN A SEPARATE INCIDENT, THE CRF CLAIMED
RESPONSIBILITY FOR THE JULY, 1988 KILLING OF SL
LEADER OSMAN MOROTE'S DEFENSE ATTORNEY, MANUEL
FEBRES. THE FEBRES KILLING MAY BE THE CASE MOST
COMPARABLE TO THE SITUATION OF CARLOS ESCOBAR. BUT
FEBRES, A MEMBER OF THE ASSOCIATION OF DEMOCRATIC
LAWYERS, WAS A KNOWN SENDERO LUMINOSO COLLABORATOR.

~~B6~~

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

MANY HAVE RECEIVED DEATH THREATS

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 LIMA 09707 04 OF 05 022052Z

18. THERE HAVE BEEN OTHER INVESTIGATIONS OF ALLEGED ARMY OR POLICE COMPLICITY IN SERIOUS HUMAN RIGHTS ABUSES, INCLUDING THE MASSACRES OF LARGE NUMBERS OF CIVILIANS. SENATOR ROLANDO AMES (IU) HEADED THE EXTREMELY AGGRESSIVE SENATE INVESTIGATION INTO THE 1986 DEATHS OF SCORES OF PRISONERS AT EL FRONTON AND LURIGANCHO PRISONS. DEPUTY MANUEL PIQUERAS WAS VERY OUTSPOKEN IN HIS CLAIM OF RODRIGO FRANCO TIES TO THE SENIOR COMMAND OF THE NATIONAL POLICE AND THE MINISTRY OF INTERIOR. BOTH HAVE RECEIVED DEATH THREATS. PIQUERAS' DAUGHTER WAS BRIEFLY KIDNAPPED BY UNKNOWN PERSONS WHO WARNED HER FATHER AGAINST PURSUING HIS INVESTIGATION. THE WIDOW OF RODRIGO FRANCO, THE APRA OFFICIAL KILLED BY SENDERO LUMINOSO, BEGAN RECEIVING DEATH THREATS FOLLOWING HER PUBLIC ENDORSEMENT OF PRESIDENTIAL CANDIDATE MARIO VARGAS LLOSA. LAST WEEK AN INVESTIGATIVE REPORTER FOR A TV TALK SHOW WHICH HAS PROMINENTLY ATTACKED BOTH PRESIDENT GARCIA AND PRESIDENT-ELECT FUJIMORI (AMONG OTHERS) WAS BRIEFLY KIDNAPPED AND ROUGHED UP BY UNKNOWN ASSAILANTS WHO WARNED AGAINST THE INVESTIGATIVE WORK OF THE TV SHOW. THREE LIMA-BASED HUMAN RIGHTS ORGANIZATIONS WERE BOMBED IN 1990. RODRIGO FRANCO COMMAND RESPONSIBILITY IS POSSIBLE. SEVERAL HUMAN RIGHTS LAWYERS, NONE NATIONALLY KNOWN, WERE KILLED DURING THE PAST YEAR BY UNKNOWN PERSONS OR GROUPS. EVEN IF DR. ESCOBAR'S LIFE IS NOT IN DANGER, IT IS LIKELY THAT HE WILL BE THE OBJECT OF DEATH THREATS AND CONTINUED HARASSMENT UPON HIS RETURN TO PERU IF HE REMAINS ACTIVE IN HUMAN RIGHTS WORK.

B1, B6

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 04 LIMA 09707 04 OF 05 022052Z

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

~~CONFIDENTIAL~~

NNNN

~~CONFIDENTIAL~~

PAGE 01
ACTION SCT-03

LIMA 09707 05 OF 05 022053Z

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
	EB-01	IO-05	NSCE-00	ARA-01	NSAE-00	COME-00	SSO-01
	L-02	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-01	PA-01
	FAAE-00	CCO-00	INRE-00	CA-02	CG-00	ACDA-05	A-01
	USSS-00	USIE-00	JUSE-00	FBIE-00	DOEE-00	M-01	DS-01
	IMMC-01	OIS-01	ZOVD-00	P-02			

(ADS) W

-----325576 052056Z /38

O 022042Z JUL 90
 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC IMMEDIATE 9464
 INFO AMEMBASSY BOGOTA
 AMEMBASSY CARACAS
 AMEMBASSY LA PAZ
 USMISSION GENEVA
 USMISSION USUN NEW YORK
 USCINCSO QUARRY HTS PM
 SECDEF WASHDC
 DIAHQ WASHDC

~~C O N F I D E N T I A L~~ SECTION 05 OF 05 LIMA 09707

TERREP CHANNEL

USCINCSO ALSO FOR POLAD

DIA FOR OA-5/1D/DB-6D2/JS1-4B/DB3C1

E.O. 12356: DECL: OADR

TAGS: PHUM, PTER, ASEC, PGOV, PE

SUBJECT: EMBASSY VIEWS ON CARLOS ESCOBAR ASYLUM
 POLICY IMPLICATIONS

19. WE UNDERSTAND THAT BROADER POLICY ISSUES ARE NOT
 CONFIDENTIAL

~~B1, B6~~

~~CONFIDENTIAL~~

PAGE 02 LIMA 09707 05 OF 05 022053Z

NECESSARILY PERTINENT TO AN INS OR COURT RULING ON A
 SPECIFIC ASYLUM REQUEST. WE NEVERTHELESS OFFER FOR
 DEPARTMENT'S CONSIDERATION OUR PERSPECTIVE ON THE
 POLITICAL IMPLICATIONS OF THE ESCOBAR ASYLUM REQUEST.

20. THE QUESTION OF THE GOP'S REACTION TO AN
 AFFIRMATIVE RULING ON THE ASYLUM PETITION IS NOT A
 MAJOR CONSIDERATION IN OUR VIEW GIVEN THE

~~B1~~

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

TURBULENCE HERE, THE ANTI-APRA/GOP SENTIMENTS FROM BOTH THE RIGHT AND THE LEFT, AND ESCOBAR'S WELL-PUBLICIZED OUTSPOKENNESS, MOST POLITICAL FIGURES HERE WILL NOT FOCUS ON THE ESCOBAR ASYLUM CASE NO MATTER THE OUTCOME. NOR SHOULD A DECISION TO GRANT ASYLUM IN ANY SIGNIFICANT WAY ENCUMBER OUR RELATIONS WITH THE NEW GOVERNMENT OF ALBERTO FUJIMORI, NOR WITH HIS PARTY, CAMBIO 90.

B6

21. WE UNDERSTAND THAT THE IMMEDIATE ISSUE IN THIS CASE IS WHETHER, UNDER U.S. JUDICIAL STANDARDS, CARLOS ESCOBAR FACES A WELL-FOUNDED FEAR OF PERSECUTION IF HE IS RETURNED TO PERU. IN OUR VIEW, AS NOTED ABOVE, THIS CAN NOT BE RULED OUT, AT LEAST WITH REGARDS TO THE CRF. HOWEVER, A COLLATERAL, BUT NONETHELESS REAL POLICY ISSUE IN THE ESCOBAR CASE IS THAT THERE ARE HUNDREDS HERE WHO LIVE UNDER A WELL-FOUNDED FEAR OF PERSECUTION. MOST, BUT BY NO MEANS ALL OF THEM, ARE SUSPECTED TERRORISTS OR SYMPATHIZERS. MANY HAVE BEEN CHARGED WITH TERRORISM, BUT RELEASED BY THE COURTS BECAUSE THE POLICE HAVE NOT BEEN ABLE TO PRESENT SUFFICIENT EVIDENCE TO WARRANT CONVICTION. MANY HAVE BEEN CONVICTED, HAVE SERVED THEIR SENTENCES, AND HAVE BEEN RELEASED, BUT ARE STILL SUSPECTED OF COLLABORATION WITH TERRORIST

B6

~~CONFIDENTIAL~~

PAGE 03 LIMA 09707 05 OF 05 022053Z

ORGANIZATIONS. SOME OF THESE HAVE ALREADY REACHED THE UNITED STATES.

ALL OF THESE PERSONS ARE UNDER THREAT OF PERSECUTION. FROM THE POLICE THERE IS THE THREAT OF ARBITRARY DETENTION AND TORTURE. FROM THE MILITARY THERE IS THE THREAT OF ARBITRARY DETENTION, TORTURE, AND EXTRA-JUDICIAL EXECUTION. FROM THE RODRIGO FRANCO COMMAND THESE INDIVIDUALS FACE THE THREAT OF DEATH. WE SUGGEST THAT THE DEPARTMENT CONSIDER THE LEGAL PRECEDENT THE ESCOBAR CASE WOULD ESTABLISH IN FUTURE ASYLUM PETITIONS FILED BY SUSPECTED OR CHARGED PERUVIAN TERRORISTS WHO REACH THE UNITED STATES. WE RECOMMEND THAT ANY BRIEF FILED BY THE DEPARTMENT URGE THAT THE COURT DISTINGUISH BETWEEN ASYLUM REQUESTS FILED IN CASES SUCH AS DR. ESCOBAR'S, AND THOSE CASES WHERE THERE MAY BE AN OUTSTANDING WARRANT FOR ARREST ISSUED BY A COMPETENT PERUVIAN AUTHORITY AGAINST THE ASYLUM PETITIONER.

B6

~~B1, B6~~

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

QUAINTON

~~CONFIDENTIAL~~

NNNN

UNCLASSIFIED

UNCLASSIFIED