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EXCISE

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E.O. 12754: DECL: OADR
TAGS: PHUR, PTER, PSDW, PE
SUBJECT: PERUVIAN COURT ABSOLVES TWO TERRORISTS

1. (C) SUMMARY: A LIMA COURT VOTED TO ABSOLVE TWO ANDREW SENDERO LUMINOSO (SL) MEMBERS ACCUSED OF PARTICIPATING IN TERRORIST ACTS. ONE IS SYBILA ARGUEDAS, THE WIDOW OF RENOWNED SOCIALIST JOSE MARIA ARGUEDAS. THE COURT BASED ITS DECISION ON SUPPOSED FALSE EVIDENCE PLANTED BY THE POLICE; THE NEW ANTI-TERRORISM LAW RULES OUT PUNISHMENT FOR MERE MEMBERSHIP IN A TERRORIST GROUP. ARGUEDAS' LAWYER USED HER LEGAL RIGHTS SKILLFULLY, WHILE ARGUEDAS FLAUNTED HER SYMPATHIES FOR SL, DARING THE COURTS TO PRODUCE A MARTIN.

END SUMMARY

2. (U) ON NOVEMBER 4, A LIMA COURT VOTED 2 TO 1 TO ABSOLVE SENDERO LUMINOSO (SL) MEMBERS SYBILA ARGUEDAS AND EMMA SAAVEDRA OF PARTICIPATING IN OR SUPPORTING TERRORIST ACTS. THE COURT REPORTEDLY AGREED WITH DEFENSE ARGUMENTS THAT EVIDENCE LINKING THE TWO TO PLANNED TERRORIST ATTACKS -- SPECIFICALLY DYNAMITE IN ARGUEDAS' CAR -- HAD BEEN PLANTED BY POLICE AND THAT CONFESSION FROM SAAVEDRA HAD BEEN OBTAINED BY FORCE. NOT AT ISSUE WAS THE PROVED MEMBERSHIP IN SL BECAUSE THE NEW ANTI-TERRORIST STATUTE PASSED BY CONGRESS IN 1987 DOES NOT PROHIBIT MEMBERSHIP IN A TERRORIST ORGANIZATION. THE TWO WOMEN PROBABLY WILL BE FREED SHORTLY. THEY HAVE BEEN DETAINED WITHOUT BAIL OVER

THE MOTHER OF LUMINOSO'S SON THE PROSECUTOR ESTIMATED CONVICTION WOULD BE APPEAL THIS IS THE SECOND TIME ARGUEDAS HAS BEEN ABSOLVED OF TERRORISM CHARGES.

3. (C) COMMENT: ARGUEDAS NAME GUARANTEED A HIGH PROFILE TO THIS TRIAL. AS THE CHILDREN BORN WIDOW OF RENOWNED SOCIALIST JOSE MARIA ARGUEDAS, SHE ENJOYED CONSIDERABLE SYMPATHY FROM THE LEGAL LEFT AND EVEN IN SOME APRISTA CIRCLES. (THE MARIO VARGAS LLOSA OF THE LEFT, JOSE MARIA ARGUEDAS CHRONICLED AND INDEED LIVED THE ADJUSTMENT OF THE PEOPLE OF THE ANDINO WORLD TO "MODERN" PERU, COMMITTING SUICIDE IN 1968.)

4. (C) NO ONE DOUBTS SYBILA ARGUEDAS MEMBERSHIP IN SL, ALTHOUGH HER PARTICIPATION IN ACTUAL ATTACKS IS DEBATABLE. DURING HER DETENTION, ARGUEDAS FLAUNTED HER SYMPATHIES FOR SL AND THE "ARMED STRUGGLE" IN NUMEROUS INTERVIEWS, SEEMINGLY DARING THE COURTS TO MAKE A MARTIN OF HER. AT THE SAME TIME, HER LAWYERS MADE FULL USE OF HER LEGAL RIGHTS (IT IS ALSO POSSIBLE THAT SL THREATENED THE JUDGES). ARGUEDAS' CASE FOLLOWS MANY OTHERS IN WHICH KNOWN OR PROBABLE TERRORISTS WERE FREED FOR LACK OF EVIDENCE OR DUE TO THREATS AGAINST JUDGES.

5. (C)

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