

ACTION OCS-00

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 TAGS: CASC, PHUM, PGOV, ASEC, MX
 SUBJECT: Kiecker Arrest Update: State Attorney General Fails to Investigate Torture Allegations

REF: A. 03 CDJ 06631
 B. 03 CDJ 01239

 Summary

1. Post has discovered that former Chihuahua state Attorney General (PGJE) Jesus Solis Silva ordered his staff in August 2003 to halt the investigation into the allegations of torture by state police (PJE) of U.S. citizen prisoner Cynthia Kiecker and her legal permanent resident husband Ulises Perzabal. The AG instructed his staff to delay the investigation until the state murder trials of Ms. Kiecker and Mr. Perzabal are completed. According to a document in ConGen possession, the former Attorney General stopped the investigation only days after responding to a letter of protest from the Consulate General; his response stated that the AG's office would thoroughly investigate the allegations of torture and report its findings to post. ConGen is concerned that the AG's office will use stall tactics to delay a judicial decision until after state government elections, scheduled for July 2004, to prevent the allegations of torture from becoming a matter of record during judicial deliberations. Post plans to send a follow-up letter of protest urging the Attorney General to investigate fully these allegations of human rights violations immediately.

Background

2. On March 25, 2004, Consul General Parker visited newly appointed state Attorney General Jesus Antonio Pinon Jimenez during a visit to Chihuahua City. AG Pinon received his appointment following the resignation of his predecessor, Jesus Jose Solis Silva, who was suspected of corruption and links to the Juarez narcotics cartel. The CG used this opportunity to discuss the ongoing judicial case of U.S. citizen prisoner Cynthia Kiecker. The CG was concerned about the failure of the AG's office to provide post with an update on the AG investigation into the alleged torture of Ms. Kiecker. The AG's promise to investigate was the result of a June 2003 meeting in Chihuahua between the former ACS Chief and FSN assistant and then Deputy AG Pinon. During this meeting they delivered two letters of protest. The letters cited credible allegations of torture of Ms. Kiecker by Chihuahua state police (PJE), under the command of the AG, and expressed the Consulate's dismay concerning the failure of PJE to notify the consulate of Ms. Kiecker's arrest. In August 2003, post received a letter from Jose Manuel Ortega Aceves, director of the AG's legal department, stating that the AG's office would conduct a thorough investigation of ConGen allegations. Post never received the results of either investigation.

Meeting

3. CG Parker encountered AG Pinon in high spirits. The AG started the meeting by stating his desire to continue cooperating fully with the Consulate General in all areas of law enforcement, including protection services for visiting USG officials. The CG thanked the AG for the state's cooperation in providing police protective services for recent congressional delegations to Ciudad Juarez.

4. CG Parker noted the failure of the AG to respond the June 2003 letters of protest, regarding the case of Ms. Kiecker. AG Pinon initially had difficulty recalling the details of this high profile murder case and called for the assistance of Jose Manuel Ortega Aceves, Director of the AG's legal department. Sr. Ortega informed the CG and AG that the investigation of the torture allegations was completed, but he could not remember the details. AG Pinon instructed Sr. Ortega to cooperate fully with the ConGen and recommended that he start by sending the CG all documents related to this investigation. When the CG reminded the two officials of the failure of the PJE to notify the ConGen following Ms. Kiecker's detention, the AG responded by instructing Mr. Ortega to distribute a memorandum reminding PJE

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officials to notify the consulate following all future arrests of American citizens.

5. A messenger delivered a package to CG Parker's hotel on March 26, containing hundreds of pages of documents ostensibly related to the investigation into Ms. Kiecker's allegation of torture. After close scrutiny by ACS staff, most of the documents were found to be copies of Chihuahua state court documents related to Ms. Kiecker's judicial process, with no evidence of an investigation having taken place. These documents revealed that on August 23, 2003, eighteen days after Sr. Ortega sent the Consulate General the letter stating that the AG was conducting a full investigation into Ms. Kiecker's allegations of torture, former AG Solis reversed direction and ordered his staff to cease the investigation until after the

completion of her trial.

6. During their meeting, the CG asked AG Pinon and his assistant about the status of the pending DNA tests reportedly performed on the remains of the corpse alleged to be that of Viviana Rayas Arellanes, whom Ms. Kiecker and Mr. Perzabal are accused of killing. The CG noted that post received information indicating that the disinterred remains were those of a 30 year old woman, and not those of the 16 year old victim. Post heard from Ms. Kiecker's Mexican attorney that DNA samples were reportedly collected from the remains to positively identify them as those belonging to Viviana. At this point, the AG became more involved in the conversation and replied that DNA samples were collected from the remains, but his office did not have the results. The AG stated that his office (PGJE) in Chihuahua has a fully equipped DNA lab and trained professionals to conduct the required analysis. However, to ensure the integrity of this sensitive review of Viviana's DNA, the specimens were sent to Guanajuato, Mexico for analysis. He continued by stating that the DNA samples were not necessary, because the remains were easily identifiable. According to AG Pinon, Viviana's parents viewed the remains and claimed them for burial. He said that Viviana's parents are completely satisfied that their child's remains have been located and given a proper burial. Comment: Viviana's father stated at a hearing in Ms. Kiecker's trial that he was no longer certain that the human remains he had earlier identified were those of his daughter (ref A). End comment.

7. Before departing the PGJE to attend a dinner hosted by Chihuahua Governor Patricio Martinez, CG Parker asked AG Pinon the status of the PJE's investigation into the murder of 300 women in Ciudad Juarez. Pinon started by indicting the actions

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of all NGOs, particularly Amnesty International, that have criticized the PGJE's efforts to properly investigate the murders. He stated that the PGJE and PJE have conducted thorough investigations of these crimes, but admitted there are difficulties examining cold cases. He reminded the CG that there is ample evidence of guilt in justifying the arrests of the Egyptian Abdel Latif Shariff Shariff and "Los Rebeldes" (ref B) for the murder of some of the victims. He became animated in describing the ongoing efforts of the U.S.-Mexico law enforcement working group in Ciudad Juarez/El Paso. AG Pinon stated that PJE officials had learned a lot from both classroom and on-the-job training by the El Paso Homicide Section. He continued by stating that in consultations with FBI El Paso, he was strongly encouraged to pursue certain leads in the latest murder of a woman discovered on March 10, 2004. He stated that the FBI informed him to interview prostitutes and drug addicts in old town Juarez who knew the victim. AG Pinon stated that interview techniques provided by the FBI assisted his office in gaining valuable information, which led the PJE to possible suspects in the murder.

Comment

8. CG Parker plans to send a follow-up letter of protest to AG Pinon, in response to what appears to be an act of deception on the part of the former state Attorney General Jesus Solis, regarding the investigation of Ms. Kiecker's allegations of torture. The CG will request a prompt response to our initial protest letter dated June 2003. Once again, post will cite the lack of consular notification and the failure of the AG to conduct a thorough investigation of Ms. Kiecker's allegation of torture, as promised in their letter to post on August 18, 2003. Post is requesting an immediate response to our letter. Post is concerned that the Chihuahua state government is in no hurry to resolve this case. The state government will hold elections on July 4, 2004, and most principal employees of the offices of the state AG and the state courts who are familiar with the Cynthia Kiecker case will leave their positions following the installation of a new state administration in October 2004.

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