

ACTION OCS-01

RELEASED IN FULL

INFO LOG-00 NP-00 ALS-01 CA-01 CIAE-00 INL-00 DODE-00
 WHA-00 DS-00 UTED-00 TEDE-00 INR-00 NSAE-00 EPAU-00
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 TO SECSTATE WASHDC 9278
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CA/OCS/ACS/WHA JANIE A. FRIEDLEIN

E.O. 12958: N/A
 TAGS: CASC, PREL, PHUM, ASEC, ALOW
 SUBJECT: ARREST UPDATE: WITNESS AGAINST AMCIT RECANTS, CLAIMS POLICE
 TORTURED HIM

REF: A) CDJ 4919, B) CDJ 2373, C) CDJ 0891, D) CDJ 0379

1. SUMMARY: After two and a half months in custody, AMCIT Cynthia Kiecker and her LPR Mexican husband are standing trial for the alleged murder of a sixteen-year-old girl in Chihuahua City. Kiecker and her husband, longtime residents of Chihuahua, both claimed to have been tortured by Chihuahua police to obtain confessions. On the first day of hearings, one of the state's main witnesses, a homeless man, recanted his earlier statement and claimed that he too was tortured by Chihuahua police to incriminate Kiecker and her husband. END SUMMARY

2. On August 15, 2003, the acting ACS Chief and consular assistant traveled to Chihuahua City to attend the first of several hearings in a case involving AMCIT Cynthia Louise Kiecker. Kiecker and her LPR husband are accused of murdering a 16-year-old girl (see reftels). Manuel Lopez, a homeless man, appeared as one of the main witnesses for the state. The case was heard in the First State Penal Court with Judge Fabio Valdes Bensasson presiding. The legal secretary read to the court the statement obtained from Lopez weeks ago by the Chihuahua state Attorney General's office (PGE -Procuraduria General del Estado). Lopez was asked if the statement was accurate. He stated the statement was not true. Lopez indicated that the PGE obtained the statement by torturing him. He said that PGE officers picked him up on May 31, 2003 on the streets of

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Chihuahua City. Lopez told the court that the police officers put him in a white van and took him to the old Police Academy or "La Academia." He stated that the police put a towel around his neck and strangled him while interrogating him repeatedly about his relationship with Cynthia Louise Kiecker and her husband Ulysis Perzabal. The court heard Lopez describe the police wetting his body and applying electric shocks to his back and genitals while asking him leading questions about Kiecker and Perazabal. Once he understood what they wanted him to say, and after a grueling session of torture, Lopez said that he made a statement to the effect that Ulysis Perzabal was a drug-addicted satan worshiper and that his wife, Cynthia, had killed the 16-year-old victim with a metal pipe. Lopez said he will never forget the sound emitted by the electrical device used to send electric currents through his body while inflicting severe pain, a device called a "chicharra" (cicada). Lopez also claimed that he could hear the cries of the other witnesses being tortured with this device in a room next to his holding cell. After three days of torture, Lopez was released but he said that PJE officers warned him not to return if asked to confirm or deny his testimony. He explained that he fled to the city of Creel to clear his mind and returned to Chihuahua City in early July.

3. Lopez described himself as a homeless artist. He said that he sketches to support himself. He first met Cynthia Kiecker and Ulysis Perzabal several years ago when they owned a restaurant he frequently patronized. He stated that in the time he knew Cynthia and Ulysis, they struck him as being good people, and he never saw Ulysis use drugs or consume alcohol. On the contrary, Lopez claims he often heard Perzabal advise young students who frequented their "New Age" shop to stay away from drugs and alcohol. Lopez said that he had read press reports to the effect that the defense attorneys had paid him to retract his first testimony. He wanted to go on the record in court to say that he had nothing to gain by retracting his initial testimony. Lopez said that he is a homeless wanderer and could have easily left town and never returned. However, his conscience would not let him rest and he felt he needed to set the record straight because he strongly feels that Cynthia and Ulysis are innocent.

4. The acting ACS chief met with the secretary of the First Penal Court prior to the hearing. The secretary was very helpful and provided dates and times of all the hearings scheduled in this case, as well as a list of witnesses for both the prosecution and the defense. The secretary mentioned that the First Penal court intended to give this case high priority due to high profile nature of the case. She mentioned that Kiecker and Perzabal would be allowed to be present at all court hearings. The acting ACS Chief and the consular assistant were

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allowed to meet with Kiecker prior to the hearing. As explained in ref A, the Kiecker/Perzabal case was recently transferred from the Eighth Penal Court at the request of Kiecker's attorney, who felt that the presiding judge would not provide a fair trial. Judge Valdes appeared to offer fair and impartial responses to objections raised by the prosecution and the defense in the course of the hearing. Post will continue to monitor this case and either the acting ACS Chief or the Consular Section Chief will travel to Chihuahua City weekly to attend selected hearings.

5. On August 19, the Consular Section Chief sent a second letter of protest to the Chihuahua state Attorney General, urging that the on-going investigation into the allegations of torture be completed as soon as possible. This is in follow-up to previous communications and a personal visit. The consular section chief has also been in contact with Chihuahua Governor

Patricio Martinez' Ciudad Juarez representative to urge action in this case.

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