

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	MEDE-00	UTED-00	TEDE-00	INR-00	LAB-01
	NSAE-00	PA-00	IRM-00	SSO-00	SS-00	TEST-00	ASDS-00
	DSCC-00	DRL-00	G-00	SAS-00	/004W		

-----97B713 241630Z /38

R 241128Z AUG 03
 FM AMCONSUL CIUDAD JUAREZ
 TO SECSTATE WASHDC 9372
 INFO AMCONSUL CIUDAD JUAREZ
 AMEMBASSY MEXICO

UNCLAS CIUDAD JUAREZ 006271

CA/OCS/ACS/WHA JANIE A. FRIEDLEIN

E.O. 12958: N/A

TAGS: CASC, PREL, PHUM, ASEC, ALOW

SUBJECT: ARREST UPDATE: INCONSISTENCIAS IN CHIHUAHUA STATE'S MURDER
 CASE AGAINST AMCIT

REF: A) CDJ 0514, B) CDJ 4919, C) CDJ 2373, D) CDJ 0891, E) CDJ 0379

1. THE ACTING ACS CHIEF AND CONASST ATTENDED HEARING IN CHIHUAHUA CITY AUGUST 19-20. SCHEDULED TO TESTIFY FOR THE PROSECUTION WAS DR. LEONOR MATA ROCHA, THE FORENSIC DOCTOR WHO PERFORMED STUDIES ON THE REMAINS ALLEGED TO BE THOSE OF 16-YEAR-OLD BIBIANA RAYAS. DR. MATA FAILED TO APPEAR FOR THE HEARING. THE COURT RE-SCHEDULED HER FOR A HEARING ON SEPTEMBER 19, 2003. KIECKER'S ATTORNEY MIGUEL ZAPIEN TOLD THE ACTING ACS CHIEF THAT THE DENTAL X-RAYS OF THE REMAINS, PRESENTED AS AN EXHIBIT FOR THE PROSECUTION, DID NOT APPEAR TO BE THOSE OF A 16-YEAR-OLD. THE DENTAL RECORDS OF THE REMAINS SHOWED THE EMERGENCE OF THE BACK MOLARS, UNUSUAL FOR ADOLESCENTS. ZAPIEN FOUND FURTHER INCONSISTENCIAS REGARDING THE PHYSICAL CHARACTERISTICS OF THE REMAINS, RECOVERED IN AN ADVANCED STATE OF DECOMPOSITION ON MAY 28, 2003. ZAPIEN SAID THAT BIBIANA RAYAS WEIGHED 43 KILOS (APPROXIMATELY 90 LBS) AND STOOD ABOUT 5 FEET TALL. THE DECOMPOSED REMAINS ALONE WEIGHED 43 KILOS. ZAPIEN BELIEVES THAT THE REMAINS WERE THOSE OF AN ADULT WOMAN MUCH LARGER THAN BIBIANA RAYAS.

2. ON AUGUST 20, DR. SAMUEL FRANCISCO VILLA TESTIFIED FOR THE PROSECUTION. HE WAS THE MEDICAL EXPERT APPOINTED BY THE DISTRICT ATTORNEY TO EXAMINE CYNTHIA KIECKER AND OTHERS HELD AT THE OLD POLICE ACADEMY OR "LA ACADEMIA." VILLA SAID THAT ON MAY 31, 2003 HE RECEIVED A CALL FROM AN AGENT OF THE STATE JUDICIAL

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POLICE, DIRECTING HIM TO GO TO THE OLD POLICE ACADEMY TO EXAMINE SOME DETAINEES. WHEN HE ARRIVED AT LA ACADEMIA, HE SAW MANY MEMBERS OF THE STATE JUDICIAL POLICE. IN CROSS EXAMINATION, DR. VILLA SAID THAT THREE DETAINEES WERE EXAMINED IN THE DORMITORY AREAS (THE AREA WHERE KIECKER AND OTHERS SAID THEY WERE TORTURED). THERE WERE BOTH MEN AND WOMEN IN THIS AREA. UPON EXAMINING ULISES PERZABAL (KIECKER'S HUSBAND), VILLA FOUND SEVERAL INJURIES IN THE GENITAL AREA. VILLA CLAIMED THAT PERZABAL TOLD HIM THAT HE (PERZABAL) HAD THE INJURIED BEFORE HE WAS DETAINED. THE ACTING ACS CHIEF SAW PERZABAL SHAKE HIS HEAD IN DISSAPPROVAL AT THE DOCTOR'S STATEMENT. IN HIS TESTIMONY,

VILLA ACKNOWLEDGED THAT PERZABAL'S INJURIES HAD BEEN THERE MORE THAN 24 HOURS AND LESS THAN 72 HOURS. HE ADMITTED THAT HE FAILED TO REPORT THE INJURIES IN THE MEDICAL CERTIFICATION. TURNING TO THE QUESTION OF KIECKER'S MEDICAL EXAMINATION, VILLA SAID KIECKER TOLD HIM SHE DID NOT HAVE ANY INJURIES AND REFUSED TO TAKE OFF HER CLOTHES FOR AN EXAMINATION. VILLA NOTED THAT THE CO-ED DORM AREA WAS NOT AN APPROPRIATE PLACE TO CONDUCT A MEDICAL EXAM. FOLLOWING THE TESTIMONY, KIECKER'S ATTORNEY TOLD ACTING ACS CHIEF THAT HE FELT VILLA HAD VIRTUALLY BECOME A WITNESS FOR THE DEFENSE, IN PART BECAUSE VILLA CONFIRMED IN HIS TESTIMONY THAT THE DETAINEES WERE EXAMINED AT LA ACADEMIA, AND NOT AT THE DISTRICT ATTORNEY'S OFFICE AS HE INDICATED IN EARLIER STATEMENTS.

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