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ACTION OCS-01

RELEASED IN FULL

INFO LOG-00 WHA-00 DS-00 UTED-00 TEDE-00 DHS-00 SSO-00
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R 112003Z SEP 03
 FM AMCONSUL CIUDAD JUAREZ
 TO SECSTATE WASHDC 9796
 INFO ALL US CONSULATES IN MEXICO COLLECTIVE
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 AMEMBASSY MEXICO

UNCLAS CIUDAD JUAREZ 008599

CA/OCS/ACS/WHA FOR JANIE FRIEDLEIN

E.O. 12958: N/A
 TAGS: CASC, PREL, PHUM, ALOW, ASEC
 SUBJECT: ARREST UPDATE: ANOTHER WITNESS RETRACTS ORIGINAL STATEMENT

DESPITE INTIMIDATION BY STATE PROSECUTORS

1. SUMMARY: Erika Perez, a friend of Amcit Cynthia Kiecker on trial for murder, testified that Chihuahua state police concocted a lurid story of satanic rituals, drug use, and murder. She said the police threatened to send her to prison for 8-10 years if she did not sign a statement accusing Kiecker of murder. In the face of blatant intimidation, e.g., a false threat to arrest her as she was being sworn in, Perez chose to follow her conscience. END SUMMARY
2. On September 9, Erika Perez, a friend of Amcit Cynthia Kiecker and her Mexican husband, testified in their murder trial in Chihuahua City. Except for a brief May 2003 chance encounter in the supermarket, Kiecker had not seen Perez for over two years. Perez is one of three witnesses who gave initial statements incriminating Kiecker and her husband, only to later recant alleging police torture. A statement that Perez had signed on May 30, 2003 was read back to the court. The statement spoke of an alleged party at Kiecker's house sometime in March 2003, during which all the participants were allegedly using drugs. Kiecker allegedly became angry because her husband Ulises Perzabal was showing affection towards young Viviana Rayas, the daughter of a powerful union leader. Rayas disappeared March 16. Perez' statement alleged that Viviana was at the party.
3. According to the statement, Perez, who had known Kiecker and

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Perzabal years before, stated that the couple practiced satanic rituals, "spoke like in Latin," addressed idols, sacrificed roosters, dressed in black for rituals, and "believed in Aztec gods" with their attendant need for human sacrifice. Asked by the defense if she could confirm this version of events, and under intense pressure (see below), Perez said no and proceeded to retract her May 30 statement.

4. Perez said that she signed the statement because the police tortured her psychologically. This alleged torture consisted in the police threatening to send her to prison for "8-10 years," which would result in a devastating separation from her toddler son. Perez related many of the same occurrences as the other witnesses in this case (see reftels) as regards police questioning at "The Academy." She claims she heard others being tortured, but did not claim that she herself was physically tortured.

5. In a sometimes rambling and repetitious testimony, she claimed that the police made her repeat a story to the effect that she saw Kiecker hit young Viviana over the head with a rod (a jeweler's tool for measuring rings). Perez said that she was not allowed to read the May 30 statement, which she nevertheless signed.

6. Perez said she was released on June 1. Two days later, she was approached on the street by a policeman who told her that he had to take her to his house to prevent her talking to the press. She was allowed to take her child. Perez claimed that she was held until June 7 at the policeman's home, during which time the policeman's wife served her and her child meals. She claimed no mistreatment. She described in detail the neighborhood, the street, location of the house, and the interior decor.

7. After she was released, on or about June 9, the Chihuahua state Attorney General's office summoned Perez and her lawyer to their offices to look at photographs of girls who had disappeared in recent months. As Perez and her lawyer left the building, a man later described by her lawyer as Chihuahua state Attorney General Jesus Jose Solis Silva spoke to her lawyer. Solis allegedly told Perez' lawyer not to worry, that the remains found in the desert were not Viviana's and therefore Kiecker and Perzabal would be released. Solis referred to a May 29 article in "El Herald," in which the AG's spokesman was quoted as saying that the remains found were those of a woman 35-40 years of age. (Note that on May 30, transportation worker union leader Jose Cirilo Rayas threatened to paralyze all public construction projects if his 16-year-old daughter's disappearance was not solved. The AG's office quickly concluded

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that the remains were Viviana's and conveniently forgot their initial statement that the remains were those of a 35-40 year-old).

8. Prosecution questioning initially centered on an incident two years earlier in which Perzabal took a minor with him to a concert in Guadalajara without the consent of the girl's parents. The questioning then turned toward a press conference held in July, at which state witnesses recanted saying they had been tortured by police (see reftels). Perez made statements at that conference. The prosecution's inquiries seemed to call into question the ethics of the defense lawyers for having used the press to influence the case. As on previous occasions, the prosecutors seemed little concerned with the prime issue at hand, namely, Kiecker's and Perzabal's guilt or innocence.

DESPITE INTIMIDATION BY STATE PROSECUTORS

Instead, the prosecution displayed a tendency to attack perceived enemies of the state.

9. In the September 9 proceedings, Perez was under intense pressure. Accompanied by her lawyer, Perez was notified at the outset that there was a warrant for her arrest. She was given no explanation as to the reason for the putative arrest. The following day the authorities said they had made a mistake and there was no warrant. Often on the verge of tears due to tactics such as this, Perez nevertheless retracted. Conoff observed the more aggressive of the two prosecutors as he moved from chair to chair to better position himself to stare at Perez. His gaze was especially intense as the prosecution repeatedly asked Perez to explain how she knew the man she saw at the AG's office on or about June 9 was AG Solis. As on previous occasions, the state of Chihuahua's representatives engaged in tactics designed to intimidate witnesses providing testimony damaging to the state's case.

10. Perez' original statement, alleged to have been concocted by the Chihuahua authorities, was a key element in their charging Kiecker with murder. Perez would originally have been a key witness for the state of Chihuahua, which apparently had no doubts about her character. Nevertheless, following her retraction the state did an about face and attacked Perez' character. Under questioning, Perez admitted that she "was on drugs" at times in the past. She said she has used and/or uses peyote, cocaine, marijuana, and "tachas," a concoction she described as containing elephant tranquilizer, rat poison, and amphetamines. When she claimed to have been "in rehabilitation" for the three months prior to May 2003, the prosecution asked what institution she checked into. Perez claimed that she

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stopped using drugs by herself. Further questioning dealt with the single mother's education level (8th grade) and her means of support (claims her grandfather supports her and her child).

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