

ACTION WHA-00

RELEASED IN FULL

INFO LOG-00 NP-00 CA-00 CIAE-00 INL-00 DEAE-00 SRPP-00
 DS-00 OIGO-00 UTED-00 H-00 TEDE-00 INR-00 L-00
 OCS-00 PA-00 IRM-00 TEST-00 ASDS-00 FMP-00 DSCC-00
 DRL-00 SAS-00 /000W

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P R 222211Z JUN 04
 FM AMCONSUL CIUDAD JUAREZ
 TO AMEMBASSY MEXICO PRIORITY
 SECSTATE WASHDC PRIORITY 3333
 INFO AMCONSUL CIUDAD JUAREZ

UNCLAS CIUDAD JUAREZ 008748

DEPT FOR WHA/MEX AND CA/OCS/ACS/WHA

E.O. 12958: N/A
 TAGS: CASC, ASEC, PHUM, SNAR, KJUS, MX
 SUBJECT: STATE REAFFIRMS CYNTHIA KIECKER'S GUILT WHILE FOX DECLARES
 HER INNOCENT

REF: A. CDJ 7888
 B. CDJ 7401
 C. 03 CDJ 6631
 D. 03 CDJ 14067

 Summary

1. The week of June 14 saw a flurry of activity in the case of Cynthia Kiecker and her husband Ulises Perzabal. On June 16, 2004, the state Attorney General's office responded to a letter of protest from the Consulate dated June 9, 2003, in which post initially reported Ms. Kiecker's credible allegations of torture. The Attorney General's report concluded that neither Kiecker, nor her husband, showed any evidence of having been tortured during their detention by Chihuahua state authorities. On June 19, the local press reported that the state's DNA test results had returned, positively identifying the human remains as those of Viviana Rayas, Cynthia Kiecker's alleged murder victim. On June 18, Mexican President Vicente Fox met with U.S. Senator Norm Coleman (D-MN) and discussed the case of Ms. Kiecker. During the meeting a GOM representative reportedly informed Senator Coleman that on June 11, Chihuahua state officials had decided to drop the charges against Kiecker and Perzabal. A senior Chihuahua State judicial official has denied that the charges against Ms. Kiecker will be dropped, but he

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will receive confirmation from the state Attorney General and respond to post soonest. Post is reviewing these various developments and will continue to advise of any changes in the status of Kiecker's case.

Torture Investigation

2. Officials from the state Attorney General's office visited Cynthia Kiecker in prison on June 10, to officially present her with the results of their investigation into her allegations of torture (ref A). A copy of the investigation report, complete with Kiecker's signature acknowledging receipt, was sent to the Consulate on June 18. The report concludes that contrary to the accusations of Kiecker and Perzabal, none of injuries present on their bodies immediately following their arrest resulted from electrical shocks, as they had claimed. The AG's office concluded that the wounds were either self-inflicted, the result of bumps and bruises prior to their arrest, or the marks left by handcuffs. Studies conducted on the clothing of Kiecker and Perzabal showed paint stains, but no marks of electric shock, burns, or blood.

3. Also on June 18, ACS Section Chief Elizabeth Power visited Chihuahua City and met with Cynthia Kiecker. Ms. Kiecker told the ACS Chief that she was angered, but not surprised, by the investigation's conclusions. She stated that she has very little faith in any legal process conducted by the state of Chihuahua. Ms. Kiecker was particularly upset by statements in the report attributed to a psychologist who examined her during the investigation, who concluded that she has limited impulse control, is narcissistic, emotionally immature, and an exhibitionist. Comment: These characteristics do not match the impressions several consular officers have formed of Kiecker over the last year after visiting her and observing her during court hearings. These negative characterizations do, however, conveniently support the prosecution's argument that Kiecker killed teenager Viviana Rayas in a jealous rage. End comment.

DNA Test Results

4. The prosecution's second set of DNA test results on the human remains suspected of being those of Viviana Rayas were returned to the court on June 17 (ref B). The initial tests had been returned to the prosecution with an "inconclusive" result. This time the test positively identified the remains as those of Rayas.

A government laboratory located in Guanajuato, Mexico, conducted both DNA tests. The Attorney General apparently held the

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results for several days and released the information via the press on the morning of June 19, to coincide with the Kiecker family's scheduled press conference. Kiecker's lawyer Miguel Zapien had expected this result, and is now submitting a request to exhume the purported remains of Rayas so that the defense can conduct an independent DNA test. Zapien stated during the press conference that he does not trust either the laboratory that performed the state's test, or the prosecutor's office, which maintained control of the tissue and bone samples from the remains and took samples from Rayas' parents. Comment: The state's strategy of releasing the overdue DNA results and the Attorney General's findings into Kiecker's allegations of torture appear to have been calculated to overshadow and discredit any claims presented by the Kiecker family and Mr. Zapien during the press conference regarding the state's conduct of the murder investigation and trial. End comment.

Press Conference

5. The Kiecker family and defense team held a press conference on June 19 that was well attended by representatives of the Juarez and Chihuahua media. During his initial presentation, defense attorney Zapien described inconsistencies in both the police investigation into the disappearance of Viviana Rayas and the information surrounding the human remains presented as evidence and to her parents as the alleged victim (ref C). He also described the methods used to torture Kiecker and Perzabal and compared them to the torture alleged by David Meza (ref D) and other possible suspects in the Juarez women's murder cases. Zapien also stated that Federal Commissioner to Eradicate and Prevent Violence Against Women Guadalupe Morfin had stated that the torture and the inconsistencies in the case clearly showed that Perzabal and Kiecker were innocent. Following his presentation, Zapien's partner spoke about the state's negligence and corruption in the case of David Meza. Meza's mother and the mother of his alleged victim spoke on his behalf.

Two other mothers of girls who have disappeared from Chihuahua in recent years also detailed their struggles for justice against the state. Finally, Cynthia Kiecker's sister, Claire Kiecker, read a statement on behalf of her parents and brother, all of whom were also present. Her statement focused on the innocence of Ms. Kiecker and Mr. Perzabal in the disappearance and supposed murder of Viviana Rayas. She urged the state to give a quick resolution to this case that would result in their being freed from prison.

Fox / Coleman Meeting

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6. On June 18, Mexican President Vicente Fox had a meeting with U.S. Senator Norm Coleman (D-MN), during which Cynthia Kiecker's case was discussed. According to a June 19 article in the Minneapolis Star Tribune regarding that meeting, President Fox announced that Mexican authorities had decided on June 11 not to prosecute Cynthia Kiecker and her husband. The article went on to say that Cynthia Kiecker and her husband remain in custody due to a victim's rights law, while the state determines its next course of action. It stated that Ms. Kiecker and Mr. Perzabal could be released soon. Post contacted a U.S. participant in the meeting who confirmed that these comments were made, but not by President Fox. The participant recalled that the comments were stated either by Mexican Ambassador to the U.S. de Icaza or Undersecretary for Foreign Affairs Gutierrez. Nevertheless, this startling information contradicts every action taken by Chihuahua state authorities in recent weeks- - most compellingly, public statements last week by Attorney General Pinon claiming that all evidence in the case demonstrates that Kiecker and Perzabal were guilty of murder and who stated further that they would be sentenced soon.

7. In an attempt to solve this confusing turn of events, post contacted Chihuahua Deputy Attorney General Eduardo Gomez Arriaga to inquire about the accuracy of the report from President Fox's team to Sen. Coleman. AG Gomez Arriaga stated that he was unaware of this reported development and was also not aware of any contact between his office and Mexican federal authorities regarding this case. Mr. Gomez Arriaga promised to speak to AG Pinon and respond to post's inquiry soonest. Post has not yet received a response twenty-four hours later.

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