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	NSCE-00	OMB-00	PA-00	PM-00	PRS-00	ACE-00	P-00
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 FM AMCONSUL CIUDAD JUAREZ
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E.O. 12958: N/A
 TAGS: CASC, PREL, PHUM, MX
 SUBJECT: EACT FW: FEDERAL AMPARO FILED IN KIECKER CASE

REF: A. CDJ 12549
 B. CDJ 6631
 C. CDJ 12329

1. SUMMARY: On November 24, Amcit Cynthia Kiecker's lawyer filed a federal amparo requesting the review of the Chihuahua State court's denial of her conditional release on bail. Kiecker's legal team expects that a decision on the amparo will be made within two months, and that a final decision in her murder trial may come sooner than the July 2004 deadline. Kiecker and her family have increased their contact with another defendant for murder, David Meza, and her lawyer suspects that there may be ties between the murders of the young victims in the two cases, both of which are considered by many in the press and the public to be part of the larger series of cases of murdered and disappeared women in Ciudad Juarez and Chihuahua.

 Court Proceedings

2. On December 2, ACS Chief and ACS Assistant met with Cynthia's mother Carol Kiecker, and lawyers Miguel Zapien and Adrian Arzate, in Chihuahua City. In discussing the federal amparo, Zapien stated that he expected a decision in one to two months; the amparo will be considered by the First District Federal Court in Chihuahua, whose judge he considers "good and

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fair." This amparo is essentially an appeal of the decision reached by the state court, which on November 7 denied a motion for Kiecker's conditional release on bail (ref A). If the amparo is granted, Kiecker and her U.S. resident husband Ulises Perzabal would be free on bail pending the final decision in their murder trial. Zapien does not expect the amparo to be granted, but wants to exhaust every legal possibility of gaining Kiecker's release.

3. Although the state court has repeatedly stated that they do not anticipate reaching a decision in the Kiecker/Perzabal case until July 2004, the maximum time allowed under Mexican law, Zapien feels that the decision might actually be given some months earlier. Due to their insistence on pushing ahead hearing dates, following up on all court and prosecution requests in a timely manner, and quick submission of all evidence, the trial is already at a later stage than anticipated. The defense and the prosecution will be submitting their concluding arguments shortly, following which the judge will review the case and make a final decision. In addition, the court had expected to be dealing with the high-profile sexual abuse case of Sergio Andrade, manager of rock star Gloria Trevi, but last week his trial was assigned to a different judge, so the court no longer has that pretext for prolonging the Kiecker case. Finally, Zapien believes that the state of Chihuahua might be eager to have the Kiecker case concluded prior to the gubernatorial elections in the fall, and so might pressure the court to issue a decision sooner than July. He claims that the court's Secretary of Projects, the influential manager of the trial prior to the judge's review, told him that Kiecker and Perzabal are clearly innocent of the charges against them, so he is hopeful of a favorable decision.

 Connection with Meza Case

4. Zapien spoke at length about another of his clients, David Meza. Meza is also being held in CERESO Chihuahua, on trial for the murder of his cousin Neyra Argueta Cervantes, who disappeared in Chihuahua in May, around the same time as Viviana Rayas, the victim in the Kiecker case, disappeared. Argueta's death is considered by many in the local human rights organizations and the press to be a part of the serial-type disappearances and deaths that have occurred in the state of Chihuahua. Meza also claims to have been tortured by Chihuahua state police, and he is viewed by many NGOs and some in the international press as a victim of the state, just as Kiecker and Perzabal. The families of Meza, Argueta, and Kiecker have all been in regular contact; Kiecker sees Meza and his relatives

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every Sunday at the prison, and Carol Kiecker and Meza's mother have plans to organize a group that will include the mothers of those who have been unjustly blamed for the murders of women in Chihuahua.

5. Aside from these personal contacts, Zapien feels that there might be overlap in the murders of the victims in the Meza and Kiecker cases. He told us that his office arranged for the examination of Argueta's body by an anthropologist from Mexico City, which resulted in the discovery that small bones were missing from the inner corners of Argueta's corpse (which he states has been positively identified through DNA). According to Zapien, the anthropologist stated that removal of those bones would have required a delicate surgical procedure, which is normally only done for corneal transplants. He is now concerned about the possibility that Argueta was killed for her vital organs, and wonders whether the corpse in the Kiecker case is missing the same bones. He has requested the exhumation of the

corpse for further investigation, but has thus far not had any response to his request. Zapien still doubts that this corpse is actually the body of Viviana Rayas. The prosecutor's office has tissue samples from this body that they are willing to run DNA tests on, but they have been unable to get DNA samples from Rayas' parents. Zapien advised her parents not to cooperate with the prosecutor's office because he is concerned that their samples will be manipulated to "prove" that the body is Rayas, when in fact it is likely the body of an older, taller woman (ref B).

Press Coverage

6. Carol Kiecker has been active in engaging the U.S. and international press in her daughter's story. A news program aired in London in November on the Ciudad Juarez and Chihuahua murders; approximately one third of the program was devoted to the story of Kiecker and Perzabal. Kiecker's mother has also given interviews to press in Germany, Mexico, and throughout the United States, and in January she plans to return to Chihuahua to visit her daughter with reporters from her hometown paper in Minneapolis. She has vowed to continue the media attention to her daughter's case until she is freed or exonerated; her increasing connection with the Meza family and others in the NGOs community dealing with the murders indicates that the growing international media coverage of the victims and their families will only continue.

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Comment

7. The organ trafficking argument has been batted around before in the debates over the murder of women in Ciudad Juarez and Chihuahua; most reliable sources state that the arguments and evidence supporting a theory of organ trafficking are not credible (ref C). We will continue to monitor developments in the Meza case, particularly any mention of organ trafficking. Both Carol Kiecker and Zapien encouraged Secretary Powell and other senior State officials to continue their efforts to make Mexican government officials aware of the plight of Cynthia Kiecker.

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