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FM AMCONSUL CIUDAD JUAREZ
TO AMEMBASSY MEXICO PRIORITY
SECSTATE WASHDC PRIORITY 3373
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DEPT FOR WHA/MEX AND CA/OCS/ACS/WH

E.O. 12958: N/A
TAGS: CASC, ASEC, PHUM, SNAR, KJUS, MX
SUBJECT: CHIHUAHUA STATE WILL NOT WITHDRAW CHARGES AGAINST CYNTHIA KIECKER

REF: A. CDJ 8748
   B. WHA/MEX (DUNCAN) EMAIL, 6/23/04

SUMMARY

1. AFTER REPEATED CONVERSATIONS WITH VARIOUS CHIHUAHUA STATE OFFICIALS, POST HAS LEARNED THAT DESPITE THE CLAIMS OF MEXICAN FEDERAL OFFICIALS, THE STATE HAS NO INTENTIONS OF WITHDRAWING MURDER CHARGES AGAINST AMCIT CYNTHIA KIECKER AND HER HUSBAND ULISES PERZABAL. IT SEEMS THAT DISCUSSIONS OVER THE LEGAL PROCESS SURROUNDING THE STATE'S OFFICIAL INVESTIGATION INTO KIECKER'S ALLEGED TORTURE WERE CONFUSED WITH THE STATE'S MURDER TRIAL. THE RESULTING STATEMENTS BY MEXICAN PRESIDENT FOX'S DELEGATION TO SENATOR COLEMAN OF MINNESOTA ARE THEREFORE INACCURATE. THE KIECKER CASE REMAINS ACTIVE IN THE STATE'S FIRST PENAL COURT.

STATE REAFFIRMS COMMITMENT TO TRIAL

2. ON JUNE 23, 2004, CHIHUAHUA'S DEPUTY ATTORNEY GENERAL EDUARDO GOMEZ ARRIPA STA STATED TO POST THAT NEITHER HE NOR ATTORNEY GENERAL PINON HAD KNOWLEDGE OF ANY MOTION TO WITHDRAW CHARGES AGAINST KIECKER AND PERZABAL IN THE MURDER CASE OF VIVIANA RAYAS. GOMEZ ARRIPA STA WAS ALSO UNAWARE OF HOW MEXICAN
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FEDERAL GOVERNMENT OFFICIALS MIGHT HAVE RECEIVED SUCH ERRONEOUS INFORMATION. AS RECENT PRESS REPORTS INDICATE (REF A), THE STATE REMAINS COMMITTED TO TRYING KIECKER AND PERZABAL IN THIS CASE; PINON HAS PUBLICLY DECLARED HIS BELIEF THAT THE TRIAL WILL RESULT IN THEIR BEING FOUND GUILTY OF MURDER.


POSSIBLE CONFUSION WITH TORTURE INVESTIGATION


CURRENT STATUS OF CASE

5. KIECKER'S DEFENSE IS CURRENTLY PREPARING TO CONDUCT ITS OWN DNA TEST ON THE PURPORTED REMAINS OF VIVIANA RAYAS, FOLLOWING THE STATE'S RESULTS INDICATING A POSITIVE IDENTIFICATION (REF
A). THIS DNA TEST IS THE LAST REMAINING MAJOR PIECE OF EVIDENCE IN THE TRIAL, AND THE DEFENSE WILL LIKELY BE GIVEN SIX WEEKS TO PROVIDE RESULTS TO THE COURT. THERE ARE SOME MINOR HEARINGS THAT ARE LIKELY TO TAKE PLACE IN THE MEANTIME, AND THEN THE PROSECUTION AND THE DEFENSE WILL MAKE FINAL ARGUMENTS. THEREFORE, KIECKER'S CASE IS UNLIKELY TO GO BEFORE THE JUDGE FOR A DECISION BEFORE EARLY SEPTEMBER AT THE EARLIEST.

Puccetti

Parker

NNNN