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DEPT FOR CA/OCS/ACS/WHA AND WHA/MEX
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E.O. 12958: N/A
 TAGS: CASC, PHUM, ASEC, PREL, MX
 SUBJECT: KIECKER'S DEFENSE PRESENTS FORENSIC SPECIALIST

REF: CDJ 9698

1. (U) SUMMARY: Cynthia Kiecker's defense has presented Lori Baker of Baylor University to the Chihuahua State court as the forensic expert who will conduct an independent DNA test of the victim's remains in early August. The defense is also considering submitting a request to the court that Kiecker and her husband Ulises Perzabal be examined by the PGR under the Istanbul Protocol. END SUMMARY.
2. (U) On July 16, Lori Baker, Associate Professor of Forensic Science at Baylor University, presented her credentials to Chihuahua's First Penal Court. She was accepted as the defense's expert and will conduct both DNA testing on the victim's remains and oversee a full forensic examination of the remains to determine the victim's age, height, and cause of death. Arrangements for Dr. Baker to serve as the defense expert were made by Laurie Freeman, Associate for Mexico and Drug Policy with the Washington Office on Latin America, who coordinated between Kiecker's lawyer, Dr. Baker, and the Kiecker family. Post understands that Dr. Baker has also been proposed as a forensic specialist to assist in the identification of remains in the Juarez murdered women cases.
3. (SBU) During her initial viewing of the vertebrae from which the prosecution had taken DNA samples, Dr. Baker noted that the bones appeared to be those of a 35 year old woman. The purported victim, Viviana Rayas, was a 16 year old girl. Dr.

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Baker also commented on the appalling manner in which the state had maintained the remains and other evidence alleged to be the personal belongings of the victim. The prosecution had overseen the washing and apparent cutting of the hair found on the human remains, claiming that the dirt and smell from the hair was overwhelming. In addition, teeth had been cut and some removed from the skull. There was no indication of proper handling or storage of any of the physical evidence in the case, and no documentation of chain of custody, normally standard in law enforcement procedures.

4. (U) The court is expected to approve the defense's request for exhumation of the remains and independent DNA testing on August 2, following which a date will be set for the exhumation and sample collection. Dr. Baker will oversee every step of the exhumation, sample collection, and examination of the remains, and post plans to be present as well. The defense has been given an open date to return the DNA test results, which are not expected before early September. Post also plans to attend the August 3-4 hearings of two State Judicial Police officers accused of having tortured Cynthia Kiecker, her LPR husband Ulises Perzabal, and the state's three witnesses against them.

5. (U) In a July 19 meeting with Rafaela Herrera, USAID's Rule of Law advisor at the Embassy, and ACS Chief, Kiecker's lawyers provided information about the current status of the case and their strategy for securing the absolution and release of Kiecker and Perzabal. They also expressed interest in having their clients examined by the Federal Attorney General's Office (PGR) under the Istanbul Protocol, and stated that they would pursue this process through the Chihuahua state court where the case is being tried.

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