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ACTION OCS-01

RELEASED IN FULL

INFO LOG-00 AMAD-00 CA-01 WHA-00 FBIE-00 UTED-00 TEDE-00
 DHS-00 TFBI-00 SSO-00 SS-00 TEST-00 R-00 SAS-00
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R 071558Z OCT 03
 FM AMCONSUL CIUDAD JUAREZ
 TO SECSTATE WASHDC 0033
 INFO ALL US CONSULATES IN MEXICO COLLECTIVE
 AMCONSUL CIUDAD JUAREZ
 AMEMBASSY MEXICO

UNCLAS CIUDAD JUAREZ 010418

CA/OCS/ACS/WHA JANIE A. FRIEDLEIN

E.O. 12958: N/A
 TAGS: CASC, PREL, PHUM, MX
 SUBJECT: ARREST UPDATE: POSSIBLE MOTION FOR KIECKER'S RELEASE

REF: CIUDAD JUAREZ 8599 AND PREVIOUS

1. SUMMARY: WHILE AMCIT CYNTHIA KIECKER REMAINS IN PRISON IN CHIHUAHUA, ON TRIAL FOR MURDER, HER LAWYER IS PLANNING TO REQUEST HER RELEASE UNDER A PROVISION OF CHIHUAHUA STATE LAW THAT AUTHORIZES PAROLE FOR ACCUSED PERSONS WHO APPEAR TO BE EXONERATED BY EVIDENCE PRESENTED IN COURT. POST WILL CONFIRM WITH THE COURT THE STATUS OF ANY SUCH MOTION ON OCTOBER 9, WHEN WITNESS MELITO PEREZ IS SCHEDULED TO TESTIFY AND PRESENT EVIDENCE INDICATING HIS TORTURE AT THE HANDS OF THE POLICE. END SUMMARY.

2. ON OCTOBER 1, LIC. MIGUEL ZAPIEN DE LA TORRE, MS. KIECKER'S ATTORNEY, INFORMED POST THAT HE PLANS TO MAKE A MOTION REQUESTING THAT THE FIRST PENAL COURT JUDGE RELEASE MS. KIECKER AND HER MEXICAN HUSBAND ON PAROLE. ACCORDING TO ARTICLE 426 BIS OF THE PENAL PROCEDURES CODE OF THE STATE OF CHIHUAHUA, A PERSON ACCUSED OF A SERIOUS CRIME HAS THE RIGHT TO BE RELEASED ON BAIL IF INFORMATION RAISED IN INITIAL COURT PROCEEDINGS INDICATES THE EXISTENCE OF EVIDENCE WHICH WOULD EXCLUDE THE ACCUSED FROM INCRIMINATION. MR. ZAPIEN BELIEVES THERE ARE NOW GROUNDS TO REQUEST MS. KIECKER'S IMMEDIATE RELEASE ON PAROLE UNDER THIS ARTICLE, BASED ON THE FOLLOWING EVIDENCE: TESTIMONY BY MS. KIECKER, HER HUSBAND, AND MAIN WITNESSES IN WHICH THEY RECANTED THEIR EARLIER STATEMENTS TO THE POLICE AND CLAIMED TO HAVE BEEN TORTURED INTO MAKING FALSE CONFESSIONS; THE MEDICAL CERTIFICATES ISSUED BY PRISON AUTHORITIES TO MELITO PEREZ, ONE OF THE MAIN

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WITNESSES, STATING THAT HE SHOWED SIGNS OF HAVING BEEN TORTURED; AND INCONSISTENCIES BETWEEN THE PHYSICAL CHARACTERISTICS OF THE HUMAN REMAINS PRESENTED BY THE PROSECUTION AND CHARACTERISTICS OF THE 16 YEAR OLD FEMALE VICTIM (REFTEL). ONCE A MOTION FOR RELEASE IS MADE UNDER ARTICLE 426 BIS, THE COURT WILL HAVE 15 WORKING DAYS TO ISSUE A DECISION.

3. A SECOND HEARING FOR WITNESS MELITO PEREZ HAS BEEN RESCHEDULED FOR OCTOBER 9, FOLLOWING HIS FAILURE TO APPEAR AT COURT ON SEPTEMBER 18. ACCORDING TO HIS LAWYER, HE HAS BEEN IN HIDING DUE TO POLICE THREATS TO ARREST HIM; THE PROSECUTION SEEMS TO BE USING SIMILAR INTIMIDATION TACTICS AS APPLIED TO WITNESS ERIKA PEREZ, WHO ALSO FACED THREATS OF ARREST DURING HER HEARING (REFTEL). MR. PEREZ'S LAWYER HAS BEEN ASSURED BY THE COURT'S SECRETARY OF PROJECTS THAT THERE IS NO OUTSTANDING WARRANT FOR HIS ARREST, SO HIS ATTENDANCE AT THE OCTOBER 9 HEARING SEEMS FAIRLY LIKELY. POST'S ACS CHIEF AND CONSULAR ASSISTANT WILL ATTEND THIS HEARING AND CONTINUE TO MONITOR THE CASE VERY CLOSELY.

PARKER

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