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Former Spymaster Faces New Trial For Trafficking Arms

by LADB Staff

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Former Peruvian spymaster Vladimiro Montesinos went on trial on Jan. 20 on charges he directed a scheme to parachute-drop 10,000 rifles into the hands of Colombian guerrillas. Montesinos, the security adviser to former President Alberto Fujimori (1990-2000) through the 1990s, faces dozens of charges ranging from corruption to drug trafficking and authorizing murder. In this trial, prosecutors are seeking a 20-year sentence for Montesinos and are trying him along with 36 other co-defendants.

Another trial for Montesinos began on Jan. 22, accusing him of paying the sensationalist press to defame Fujimori's opponents. These are Montesinos' fifth and sixth trials. Fujimori is currently residing in Japan. A child of Japanese parents, he enjoys citizenship there, and Peru lacks an extradition treaty with that country's government. In February, Peruvian authorities will send a delegation to Tokyo to explain their technical and juridical arguments for Fujimori's extradition.

Longer sentence threatened for arming Colombian rebels

The arms-trafficking charge is probably the most important Montesinos has faced, since it would carry the heaviest sentence yet handed down to the ex-spymaster. He is already serving nine years on relatively minor corruption charges and is locked up in a high-security naval prison he helped design for Peru's most feared guerrillas.

The 58-year-old former de facto head of the Servicio de Inteligencia Nacional (SIN) was found guilty in 2002 of "usurping the functions" of his position, using extortion, political favors, and state-sponsored violence to manipulate lawmakers and the media (see NotiSur 2002-07-05, 2003-03-07). He has generally refused to testify, but prosecutors are hoping the prospect of a longer sentence will compel him to talk.

In a case that reads like a spy thriller, men allegedly working for Montesinos posed as Peruvian military representatives to purchase Soviet-era AK-47 assault rifles in Jordan and then delivered them in 1999 to the Fuerzas Armadas Revolucionarias de Colombia (FARC). The arms scandal first came to light in August 2000 when Fujimori and Montesinos announced that Peruvian authorities had broken up a gunrunning ring led by brothers Jose Luis and Luis Frank Aybar, both Peruvian army veterans. But that version of events quickly unraveled under skepticism from Colombian and Jordanian officials.

The Aybar brothers implicated Montesinos as their boss, and Sarkis Soghanalian, the US-based international arms dealer who brokered the deal with Jordan, told Peruvian investigators he personally negotiated the deal with Montesinos. Soghanalian, a Turkish-born Lebanese citizen and 20-year resident of the US, is listed as one of the case's 36 co-defendants. He has not been extradited to Peru and is being tried in absentia.

Ronald Gamarra, the special prosecutor in the case, believes Soghanalian has cut a deal with US authorities to avoid extradition. Soghanalian is known as "the merchant of death" for providing arms to Saddam Hussein during the Iran-Iraq war and to the Nicaraguan contras.

The New York Times calls Soghanalian a longtime ally of US intelligence and an occasional target of law-enforcement agencies. He denies any wrongdoing, maintaining that he thought he was brokering a legitimate transaction between Jordan and Peru. Times writer Peter Landesman has found that Peru is a popular false destination for arms traffickers filing end-user certificates, certificates required for the legal sales of weapons to a legitimate government. The weapons were reportedly bought in three lots and delivered on four flights between March and August 1999 by a Ukraine-registered military-surplus cargo jet.

Prosecutors believe the FARC paid US\$750,000 for the rifles with funds raised in an US\$8 million cocaine deal with a Brazilian drug trafficker. The original plan had apparently been to sell 40,000 more rifles to the rebels, but Jordan canceled the deal in mid-1999 when the Central Intelligence Agency (CIA) tipped it off that the rifles were turning up in the hands of captured Colombian guerrillas.

On Jan. 6, the chief of Interpol in Lima announced the capture of one of Montesinos' collaborators in Berlin. Ukrainian citizen Yevgen Nepochatov is accused of being one of the pilots who transported arms Montesinos bought in Jordan and sold to the FARC. Peruvian newspaper La Republica published transcriptions of an interrogation of Soghanalian where he described a US\$78 million deal with Montesinos for 50,000 AK-47 assault rifles and 1,000 Russian SAM-7 anti-aircraft missiles. In the interrogation, he claims Jordan got "the green light" from the US to deliver the weapons.

US denies CIA involvement

Investigators have called for testimony from a US diplomat and an alleged CIA agent, along with other witnesses. Prosecutor Gamarra told the Peruvian newspaper El Comercio that the CIA approved of Montesinos smuggling the weapons because it hoped to justify applying Plan Colombia more broadly. He said the agency sought to radicalize sentiment in Peru against the FARC and expand the US anti-narcotics fight in the Andean region.

Gamarra is quoted saying, "Vladimiro Montesinos would have counted on the CIA's support. We don't have factual proof, but several indications might prove this relationship." He reasoned that Montesinos "would not have run the risk of being discovered, unless he had felt protected by an important foreign organism, like the CIA, to which he had been linked ever since he was a military man."

Gamarra pointed to Atef Halasa of the Foreign Relations Ministry in Jordan. Halasa told a Peruvian congressman who was investigating the case in Jordan that "the American government knew about this. The CIA had authorized it."

The US Embassy denied CIA participation in arms trafficking to Colombian guerrillas. In a statement, the embassy in Lima said any "suggestion that any agency of the US government is involved in the trafficking of arms or drugs, which this trial refers to, has no basis." Gamarra said there was no proof that the CIA knew beforehand that the arms would wind up in the hands of the rebels. He said Peru's anti-corruption tribunal would seek additional testimony from CIA director George J. Tenet and the CIA officer in Lima at the time, Robert Gorelick. Montesinos' lawyer, Estela Valdivia, has denied that her client had a direct deal with the CIA.

Toledo denies link to scandal

Even from prison, Montesinos managed to cast his shadow over the office of President Alejandro Toledo. The newspaper Peru 21 published transcripts of a yet-unreleased audiotape revealing that Cesar Almeyda, advisor and lawyer to Toledo and former chief of the national intelligence agency, had made deals with Gen. Oscar Villanueva, who was collaborating with Montesinos. Villanueva killed himself in September 2002 after being accused of acts of corruption during Fujimori's government. The denunciations also touched Peru's Ambassador to Spain Fernando Olivera, leader of the Frente Independiente Moralizador (FIM), one of the ruling-coalition parties in Peru.

Toledo has called for a "deep and rigorous" investigation and denied any knowledge of collaboration between his advisor and Montesinos' helpers. Lawmakers call court decision "grave setback" in anti-corruption fight. The anti-corruption struggle in Peru suffered "a grave setback," said legislators responding to a judgment from the Special Penal Board of the Corte Suprema de Justicia (CSJ). The decision allowed an ex-congressman convicted of receiving bribes from Montesinos, Agustin Mantilla, to receive partial liberty after serving only a third of his sentence.

Peruvian lawmakers declared their outrage at the judgment and presented a constitutional denunciation of "prevarication" against three court magistrates: Eduardo Palacio Villar, Jovino Cabanillas Saldivar, and Julio Biaggi Gomez. They claimed the decision could open the jail cell doors for dozens of people tied to the mafia Montesinos ran. They also said the decision ran contrary to a July 2002 law, which established that no person who committed crimes of corruption could ask for release before completing two-thirds of their sentence.

Palacio Villar argued that the court had acted within the Code of Penal Execution, which favors inmates, and he thought the congressional denunciation was meddling and posed "a grave threat" to judicial autonomy.

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