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Case Number: S199900030

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Chile Project (#S199900030)
U.S. Department of State
Release Excise _____ Deny _____
Declassify: In Part _____ In Full
Exemption(s) _____

PAGE 01 SANTIA 03798 01 OF 02 132142Z
ACTION OCS-06

INFO LOG-00 COPY-01 ADS-00 H-01 ARA-00 L-03 CA-02
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P 132138Z JUN 86
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 6562

~~CONFIDENTIAL~~ SECTION 01 OF 02 SANTIAGO 03798

DEPARTMENT FOR CA/OCS/EMR - JIM RITCHIE

E.O. 12356: DECL:OADR
TAGS: CI, CASC (WEISFEILER, BORIS)
SUBJECT: W/W: CASE OF BORIS WEISFEILER

REF: (A) SANTIAGO 03191

1. SUMMARY: THE EMBASSY HAS RECEIVED A LONG, DETAILED REPORT FROM THE CARABINEROS OF CHILE ON THE STEPS THAT ORGANIZATION HAS TAKEN TO LOCATE MISSING U.S. CITIZEN BORIS WEISFEILER. THE REPORT RAISES AS MANY QUESTIONS AS IT ANSWERS, PARTICULARLY IN RELATION TO THE CARABINEROS ACTIONS ON THE NIGHT OF JANUARY 4, 1985. THE REPORT, FIRST SENT TO CHILEAN LAWYER ALFREDO ETCHEBERRY, WAS ACCOMPANIED BY A CURT COVER LETTER FROM CARABINERO GENERAL OSCAR TORRES. SUBSEQUENT TO REPORT RECEIPT BY THE EMBASSY, CONSUL GENERAL HAD LONG DISCUSSION AND CASE EVALUATION SESSION WITH ATTORNEY ETCHEBERRY. END SUMMARY.

2. IN LATE JANUARY 1986 CHILEAN ATTORNEY ALFREDO ETCHEBERRY, ACTING ON BEHALF OF THE U.S. EMBASSY, REQUESTED A WRITTEN REPORT FROM THE CARABINEROS DETAILING THE STEPS THEY HAVE

~~CONFIDENTIAL~~

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PAGE 02 SANTIA 03798 01 OF 02 132142Z

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CONFIDENTIAL

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Case Number: S199900030

TAKEN TO LOCATE MISSING U.S. CITIZEN BORIS WEISFEILER. ON MAY 26 THE REPORT WAS DELIVERED TO ETCHEBERRY WITH A COVER LETTER FROM CARABINERO GENERAL OSCAR TORRES RODRIGUEZ, AND ON JUNE 4 A COPY OF THIS REPORT WAS HAND DELIVERED BY THE CARABINEROS TO THE EMBASSY. COPIES POUCHED TO ARASC.

3. THE REPORT COVERS LITTLE NEW GROUND, FOR IT IS ESSENTIALLY A REITERATION OF THE INFORMATION CONTAINED IN A GOC DIPLOMATIC NOTE OF APRIL 1985. THE ONLY NEW INFORMATION CONVEYED IS THAT ON MARCH 19, 1986, GENERAL TORRES ORDERED UNIT OS-7 (WHICH SPECIALIZES IN NARCOTIC INVESTIGATIONS) TO LOOK FOR WEISFEILER IN THE NUBLE REGION, WHICH WAS DONE "WITHOUT POSITIVE RESULTS." PRIOR TO MARCH 1986, THE ACTION OFFICE ON THE CASE HAD ALWAYS BEEN CARABINERO UNIT OS-3.

4. THIS REPORT CONSTITUTES THE FIRST TIME THAT THE CARABINEROS HAVE DIRECTLY ADMITTED TO THE EMBASSY THAT THEIR PERSONNEL SEARCHED FOR WEISFEILER ON JANUARY 4. ALL PREVIOUS COMMUNICATION FROM THEM STATED THAT THEY WERE FIRST MADE AWARE OF WEISFEILER'S PRESENCE IN THE REGION ON JANUARY 15, WHEN WEISFEILER'S BACKPACK WAS DISCOVERED.

5. THE REPORT, IN ITS DISCUSSION OF THE CARABINERO SEARCH OF JANUARY 4, PRESENTS DETAILS THAT THE GOC DIPLOMATIC NOTE DID NOT MENTION. THE REPORT STATES THAT AT 2000 HOURS THE CARABINEROS OF RETEN EL ROBLE WERE INFORMED OF THE PRESENCE OF A STRANGER IN THE AREA BY LUIS LOPEZ, AND UPON HEARING THIS NEWS THE CHIEF OF THE RETEN ALONG WITH TWO UNDERLINGS PROMPTLY WENT OFF TO SEARCH FOR

~~CONFIDENTIAL~~

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PAGE 03 SANTIA 03798 01 OF 02 132142Z

WEISFEILER. THE REPORT FURTHER STATES THAT THE THREE CARABINEROS DEPARTED THE RETEN AT 2100 HOURS, "PROCEEDING TO INVESTIGATE", AND THEN LOCATED ONLY FOOTPRINTS "MADE FROM SHOES WITH TANK SOLES" AT THE BANK OF THE LOS SAUCES RIVER. THE FOOTPRINTS "SEEMED TO BELONG TO SOMEONE WHO HAD INTENDED TO CROSS THE RIVER".

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~
n/a

Case Number: S199900030

6. THIS VERSION OF WHAT CONSPIRED ON THE NIGHT OF JANUARY 4 IS HIGHLY IMPROBABLE. CONSIDER THE FOLLOWING:

-- (A) THE CARABINEROS INITIATED THEIR SEARCH AT 2100 HOURS. IT WAS DARK.

-- (B) THE CARABINEROS HAD TO TRAVEL APPROXIMATELY 20 KM. TO THE POINT WHERE WEISFEILER'S FOOTPRINTS WERE ALLEGEDLY FOUND. HOW COULD THEY HAVE PINPOINTED THE FOOTPRINTS ON A DARK NIGHT, WHEN THEY DID NOT EVEN KNOW WHERE TO START LOOKING FOR THEM?

-- (C) THE "ROAD" (ACTUALLY A STEEP MOUNTAIN PATH) BETWEEN THE RETEN AND THE SPOT WHERE LUIS LOPEZ SIGHTED WEISFEILER FOLLOWS THE CREST OF A MOUNTAIN WHICH OVERLOOKS THE RIVER. THE CARABINEROS MOST PROBABLY FOLLOWED THIS PATH FROM THE RETEN TO THE SPOT WHERE WEISFEILER WAS SIGHTED. WHAT MADE THEM SUDDENLY LEAVE THE "ROAD" AND TURN TOWARDS

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PAGE 01 SANTIA 03798 02 OF 02 132144Z

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THE RIVER, WHERE THERE IS NO PATH?

-- (D) IT IS EXTREMELY UNLIKELY THAT THE CARABINEROS, INSTEAD OF TAKING THIS ROAD, WADED WITH THEIR HORSES THROUGH THE RIVER IN THE SEARCH FOR WEISFEILER, AS THE RIVER IS TREACHEROUS AND DANGEROUS EVEN IN THE LIGHT OF DAY. THE SPOT WHERE WEISFEILER'S FOOTPRINTS WERE ALLEGEDLY FOUND IS KNOWN TO ALL INHABITANTS AS A PARTICULARLY DANGEROUS PART OF THE RIVER THAT NOT EVEN HORSES CAN FORGE. WHY WOULD THE CARABINEROS UNDERTAKE A LIFE-ENDANGERING OPERATION (I.E., GOING DOWN THE RIVER ON HORSEBACK) WHEN (1) THEY DID NOT HAVE ANY PARTICULAR REASON TO SUSPECT WEISFEILER WAS LOCATED ON OR NEAR THE RIVER, AND (2) THEIR PRIORITY WAS SPEED (I.E., LOCATING THE STRANGER AS QUICKLY AS POSSIBLE)?

7. IN ITS ACCOUNT OF THE EVENTS OF JANUARY 4, THE CARABINEROS' REPORT RAISES MORE QUESTIONS THAN IT ANSWERS. IT ALSO CONTRADICTS THE GOC DIPLOMATIC NOTE OF APRIL 1985;

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 03798 02 OF 02 132144Z

ACCORDING TO THE DIP NOTE, THE CARABINEROS INITIATED THEIR SEARCH FOR WEISFEILER AT 1700 HOURS (WHEN IT IS STILL LIGHT), NOT 2100 HOURS. FURTHERMORE, IT IS WORTH

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Case Number: S199900030

NOTING THAT PRIOR TO THIS REPORT THE CARABINEROS CLAIMED TO HAVE DISCOVERED WEISFEILER'S FOOTPRINTS ON JANUARY 15, NOT JANUARY 4.

8. UPON CLOSE INSPECTION, THE CARABINERO'S DESCRIPTION OF THE NIGHT OF JANUARY 4 IS DUBIOUS, AT BEST. YET, THE CARABINEROS HAVE PROVIDED US WITH THIS INFORMATION, SEEMINGLY SECURE THAT THE EMBASSY'S OPTIONS FOR COUNTERING THEIR CLAIMS ARE LIMITED.

9. ON JUNE 12 CONSUL GENERAL HAD LONG AND PRODUCTIVE DISCUSSION WITH CHILEAN ATTORNEY ALFREDO ETCHEBERRY ABOUT GENERAL TORRES' REPORT. ETCHEBERRY FOUND IT MOST IMPRECISE AND UNSATISFACTORY AND, IN FACT, USED THE WORD "PERFUNCTORY" TO DESCRIBE IT. HE FEELS STRONGLY THAT THIS IS THE END OF THE ROAD ON THE WEISFEILER CASE AND SAID WHAT WAS NEEDED WAS A LITTLE "NOTORIETY" (HIS WORD) TO GET THINGS MOVING. HE SAID WITHOUT SOME EXPRESSION OF PUBLIC DISPLEASURE WITH THE CARABINERO INVESTIGATION BEING CONVEYED TO THE CHILEAN GOVERNMENT, HE FEELS THE CASE WILL DIE. ETCHEBERRY'S PROFESSIONAL ASSESSMENT IS THAT THERE IS INSUFFICIENT HARD LEGAL EVIDENCE ON WHICH TO BASE A REQUEST FOR RE-OPENING. AS WELL, HE SAID WITHOUT CARABINERO COOPERATION FURTHER JUDICIAL INQUIRY WOULD BE FRUITLESS AS QUOTE "A JUDGE IS NOT A DETECTIVE BUT IS THERE TO REVIEW PRESENTED FACTS" UNQUOTE. FURTHER, HE ALLUDED TO THE CURRENT SPATE OF CRITICISMS OF LACK OF JUDICIAL INDEPENDENCE BEING LEVIED AGAINST THE CHILEAN COURTS AND SAID THAT A JUDGE WOULD BE LOATHE TO TAKE ON A WEAK CASE. THE COURT SYSTEM IS IN DESPERATE NEED OF

~~CONFIDENTIAL~~

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PAGE 03 SANTIA 03798 02 OF 02 132144Z

KUDOS. A CASE SUCH AS THIS WOULD BE A NO-WIN WITHOUT OUTSIDE PRESSURE BEING BROUGHT AGAINST THE GOVERNMENT TO EVINCE CARABINERO COOPERATION. CONGEN TOLD ETCHEBERRY OF VISIT IN LATE MAY OF WASHINGTON POST CORRESPONDENT BRADLEY GRAHAM. IT WAS EXPLAINED THAT RECONTACT HAS NOT BEEN MADE DESPITE PROMISE OF RETURN TO CHILE (HE'S BASED IN BUENOS AIRES) THE FIRST WEEK OF JUNE. ETCHEBERRY THOUGHT ARTICLE IN U.S. PUBLICATION OF MAJOR STATURE WOULD INDEED BE HELPFUL IN BREAKING CASE LOGJAM. MEETING CONCLUDED WITH CONGEN PROMISING TO STAY IN TOUCH WITH ETCHEBERRY AND

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~
CONFIDENTIAL

Page: 23

n/a
Case Number: S199900030

OF COURSE, BRINGING TO HIS ATTENTION ANY NEW DEVELOPMENTS,
IF AND WHEN THEY OCCUR.

10. COMMENT. WHEN AND IF GRAHAM WILL RECONTACT THE
EMBASSY IS UNKNOWN. EMBASSY WILL NOTIFY SOONEST IF THIS
TAKES PLACE. JONES

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Page: 23