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INFO: PE (02) DAND (01) SPA (01) PMC (01) RJ (01) RSG (01) RJC (01)  
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----- 22/143ZZ A1 00 (TOTAL COPIES: 013)  
ACTION WA-09

LIMA 13841 01 OF 20 221429Z 036117 0661827  
MAXIMUM SENTENCE WAS INCREASED TO LIFE IMPRISONMENT, AND THE PRESIDENT INITIATED PROCEEDINGS TO USE THE DEATH PENALTY FOR TERRORISM. ABINAEI GUZMAN, THE FOUNDER AND LEADER OF THE SENDERO LUMINOSO (SL) GUERRILLAS, WHO WAS ARRESTED SEPTEMBER 12, WAS TRIED IN OCTOBER UNDER THESE PROCEDURES. ALONG WITH OTHER SENDERO LEADERS, HE WAS FOUND GUILTY IN A SECRET TRIAL AND SENTENCED TO LIFE IMPRISONMENT. GUZMAN NEVER DENIED HIS RESPONSIBILITY FOR THE 12 YEAR WAR; HIS LAWYER, HOWEVER, PROTESTED THE SUMMARY NATURE OF THE TRIAL ITS MILITARY VENUE, AND HIS INABILITY TO CALL WITNESSES.

INFO LOG-00 ACDA-17 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00  
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-----713179 221430Z /38  
P 221423Z OCT 92  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC PRIORITY 2793

LIMITED OFFICIAL USE SECTION 01 OF 20 LIMA 13841

FOR WA, ARA/AMD, AND S/IL

E.O. 12356; DECL: OADR  
TAGS: PHUN, ELAB, PE  
SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

1. LOU - NOFORN -- ENTIRE TEXT.
2. FOLLOWING IS THE 1992 COUNTRY HUMAN RIGHTS REPORT FOR PERU.
3. TWELVE YEARS OF DEMOCRATIC GOVERNMENT IN PERU ENDED ON APRIL 5 WHEN PRESIDENT FUJIMORI DISSOLVED CONGRESS, REORGANIZED THE JUDICIARY, AND SUSPENDED PORTIONS OF THE 1979 CONSTITUTION.

THE PRESIDENT SOUGHT TO JUSTIFY HIS ACTIONS ON THE CORRUPTION, INEFFICIENCY, AND UNPOPULARITY OF PERU'S INSTITUTIONS AND POLITICAL PARTIES. THE GOVERNMENT CLAIMED THAT POLITICAL PARTIES WERE SYSTEMATICALLY SEEKING TO DISRUPT GOVERNMENT PROGRAMS; POLITICAL PARTIES ASSERTED THAT THE GOVERNMENT HAD CONSISTENTLY REBUFFED EFFORTS AT DIALOGUE.

PERU'S ARMED FORCES SUPPORTED THE RELATIVELY PEACEFUL COUP, AS DID MUCH OF THE PUBLIC. FOLLOWING INTERNATIONAL CONDEMNATION OF THE COUP, PRESIDENT FUJIMORI CALLED FOR THE ELECTION OF A CONSTITUENT CONGRESS (CCO) FOR NOVEMBER 22, TO BE OBSERVED BY THE ORGANIZATION OF AMERICAN STATES (OAS). THE CCO IS TO APPROVE A NEW CONSTITUTION AND SERVE AS PERU'S LEGISLATIVE AUTHORITY UNTIL JULY 1995. THE CCO'S ABILITY TO FUNCTION AS A SOVEREIGN BRANCH OF GOVERNMENT WILL BE CRUCIAL TO THE EFFECTIVENESS AND CREDIBILITY OF PERU'S RETURN TO DEMOCRATIC INSTITUTIONS. DESPITE CRITICISMS OF THE ELECTION RULES AND CCO FUNCTIONS, MANY POLITICAL FORCES CONTESTED THE ELECTIONS; THE TWO LARGEST PARTIES, HOWEVER, DID NOT. ALMOST ALL PARTIES HAVE SAID THEY WILL PARTICIPATE IN THE JANUARY 1993 MUNICIPAL ELECTIONS.

SEVERAL GOVERNMENT ACTIONS UNDERScoreD THE POTENTIAL THREAT TO JOURNALISTS. ON APRIL 5, MILITARY PERSONNEL DETAINED JOURNALIST GUSTAVO GORRITI, A RESPECTED JOURNALIST WHO HAD CRITICIZED THE PRESIDENT AND HIS INTELLIGENCE ADVISER, VLADIMIRO MONTESINOS. IN AUGUST, A COURT RULED AGAINST "CARETAS" PUBLISHER ENRIQUE ZILERI FOR DEFAMATION OF MR. MONTESINOS. IN SEPTEMBER, POLICE ARRESTED MAGNO SOSA OF THE DAILY "LA REPUBLICA" FOR ALLEGED SENDERO TIES, WHICH REPUTABLE OBSERVERS REJECT. ALSO OF

CONCERN IS A VAGUELY WORDED 25475 DECREE LAW THAT PUNISHES PROPAGATION OF TERRORIST PROPAGANDA.

PERU HAS A MIXED ECONOMY THAT COMBINES FREE MARKET CAPITALISM WITH STATE OWNERSHIP OF SOME MAJOR INDUSTRIES. MINERALS EXTRACTION AND PROCESSING ACCOUNT FOR HALF OF THE FOREIGN EXCHANGE EARNINGS. PRESIDENT FUJIMORI'S ADMINISTRATION HAS PURSUED A RIGOROUS ECONOMIC STABILIZATION AND STRUCTURAL ADJUSTMENT PROGRAM IN AN ATTEMPT TO REVERSE DECADES OF ECONOMIC DECLINE. IT HAS PURSUED FISCAL AUSTERITY AND TIGHT MONETARY POLICY WHILE INSTITUTING A WIDE ARRAY OF MARKET-ORIENTED REFORMS TO OPEN THE ECONOMY TO TRADE AND INVESTMENT, PRIVATIZING STATE-OWNED FIRMS. THE PROGRAM HAS REDUCED INFLATION AND SHOULD PROVIDE THE BASIS FOR

RULING BY DECREE LAW, THE PRESIDENT MADE

WHOLESALE CHANGES IN JUDICIAL AND PROSECUTORIAL PERSONNEL. NEW LAWS PROVIDED FOR MILITARY COURTS TO TRY MOST TERRORISM CASES WITHIN 10 DAYS AS "TREASON AGAINST THE STATE." THE

940407 17436  
UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: SAM A. MOSKOWITZ  
DATE/CASE ID: 9 JUL 1999 199300683

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ARA/NEA REARCS

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INFO: A2A (01) PPC (01) OAS (01) PPA (01) RJ (01) RSG (01) RSC (01)  
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ACTION WA-09

INFO LOG-00 ACDA-17 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00  
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P 221423Z OCT 92  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC PRIORITY 2794

LIMITED OFFICIAL USE SECTION 02 OF 20 LIMA 13841

FOR HA, ARA/AND, AND S/IL

E.O. 12356: DECL; OADR  
TAGS: PHUM, ELAB, PE  
SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

SUSTAINABLE ECONOMIC GROWTH. RECESSION CONTINUES, HOWEVER, AND IT IS ESTIMATED THAT AT LEAST ONE-THIRD OF PERUVIANS LIVE IN CRITICAL POVERTY.

PUBLIC SECURITY RESPONSIBILITIES ARE SHARED BY THE POLICE AND THE MILITARY. THE INTERIOR MINISTRY AND ITS POLICE SERVICES HAVE THE

PRIMARY COUNTERTERRORIST ROLE IN THE CAPITAL CITY OF LIMA AND IN THE 74 PERCENT OF PERU NOT UNDER A STATE OF EMERGENCY. THE MILITARY LEADS THE EFFORT TO COMBAT SUBVERSION IN THE EMERGENCY ZONES OUTSIDE LIMA. OVER 1991/1992, THE PERUVIAN MILITARY INCREASINGLY CONCENTRATED ON COMBATING THE INTERNAL SUBVERSIVE THREAT, DEDICATING A LARGER PERCENTAGE OF THEIR MILITARY EXPENDITURES TO INTERNAL OPERATIONS RATHER THAN ON FORCES TRADITIONALLY DEPLOYED FOR EXTERNAL DEFENSE. PRESIDENT FUJIMORI'S EMPHASIS ON DEFEATING SUBVERSION BY 1995 WOULD IMPLY AT LEAST AN INTENTION TO INCREASE MILITARY EXPENDITURES IN THE FUTURE, RESOURCES PERMITTING. AT YEAR'S END, 53 PROVINCES AND PARTS OF 3 OTHERS WERE UNDER A STATE OF EMERGENCY. AN ESTIMATED 48 PERCENT OF PERU'S 22 MILLION PEOPLE LIVED IN DECLARED EMERGENCY ZONE AREAS, INCLUDING SOME 8 MILLION IN METROPOLITAN LIMA. THE STATE OF EMERGENCY PLACES ALL EXECUTIVE BRANCH AUTHORITY IN THE HANDS OF THE LOCAL MILITARY COMMANDER; SUSPENDS RESTRICTIONS ON ARBITRARY DETENTION AND THE REQUIREMENT FOR SEARCH WARRANTS, AND RESTRICTS THE RIGHTS OF MOVEMENT AND ASSEMBLY. THE POLICE AND THE MILITARY IN THE EMERGENCY ZONES ARE UNDER THE AUTHORITY OF THE EMERGENCY ZONE COMMANDER, NOT CIVILIAN AUTHORITIES.

BY FAR, THE LARGEST VIOLATOR OF HUMAN RIGHTS IN

PERU IS THE COMMUNIST PARTY OF PERU - SENDERO LUMINOSO (SHINING PATH). SENDERO REGULARLY ASSASSINATES PERSONS PERCEIVED TO BE OPPONENTS OR MERELY UNCOOPERATIVE, FROM GOVERNMENT LEADERS

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AND OTHER OFFICIALS TO RELIGIOUS WORKERS AND PEASANTS. WITHIN LIMA, SENDERO GREATLY INCREASED NOT ONLY INDISCRIMINATE CAR BOMBS, BUT ALSO SELECTED ASSASSINATIONS OF UNARMED, CIVILIAN OPPONENTS. THE SECURITY FORCES OFTEN RESORTED TO HUMAN RIGHTS VIOLATIONS THEMSELVES, PARTICULARLY IN THE HUANCAYO AREA, THE MILITARY AND POLICE APPEAR TO HAVE SELECTIVELY KIDNAPPED AND KILLED DOZENS OF PERSONS THEY SUSPECTED WERE SENDERO MEMBERS. THE CONTINUING PATTERN OF MILITARY AND POLICE ABUSES SUGGESTS THAT THEY ARE TACITLY ENCOURAGED BY SENIOR LEADERSHIP. ACCORDING TO "CONSTITUTION AND PEACE," RENAMED FROM THE DISSOLVED CONGRESS' COMMISSION ON PACIFICATION, 2,289 PEOPLE, INCLUDING COMBATANTS AND CIVILIANS, WERE KILLED IN OVERALL TERRORIST-RELATED VIOLENCE IN 1992 (FO SEPT); 791 TERRORISTS AND 337 SOLDIERS AND POLICE. ARMED CLASHES WITH GOVERNMENT FORCES ACCOUNTED FOR THE BULK OF CASUALTIES AMONG TERRORISTS. AS FOR DEATHS OUTSIDE OF COMBAT, PERU'S INDEPENDENT AND RESPECTED COORDINADORA FOR HUMAN RIGHTS REPORTED THAT SENDERO WAS RESPONSIBLE FOR 408 ASSASSINATIONS IN 1992, INCLUDING GRASS ROOTS LEADERS, RELIGIOUS AND DEVELOPMENT WORKERS AND SECURITY FORCE MEMBERS. THE SECURITY FORCES, RURAL SELF DEFENSE ORGANIZATIONS (RONDAS) AND

PARAMILITARY GROUPS POSSIBLY CONNECTED TO ELEMENTS WITHIN THE GOVERNMENT WERE BELIEVED RESPONSIBLE FOR 49 EXTRA-JUDICIAL EXECUTIONS, DISAPPEARANCES, MOSTLY ATTRIBUTED TO SECURITY FORCE MEMBERS, WERE REPORTED AS HIGH AS 145 IN 1992. (IN SUM, GOVERNMENT ASSOCIATED VIOLATIONS WERE MUCH LOWER THAN VIOLATIONS CLEARLY ATTRIBUTABLE TO SENDERO LUMINOSO.)

IN 1992 SENDERO STEPPED UP TERRORIST ATTACKS IN LIMA, BUT MAINTAINED ITS PRESENCE IN RURAL AREAS. SENDERO TACTICS INCLUDED A NUMBER OF LARGELY EFFECTIVE "ARMED" STRIKES -- STRIKES ENFORCED BY THE USE OR THREAT OF ARMED TERROR; ASSASSINATIONS (OVER 145 GRASS-ROOTS LEADERS WERE KILLED IN THE LARGE SLUM AREAS SURROUNDING THE CAPITAL CITY ALONE, INCLUDING THE GRUESOME MURDER OF MARIA ELENA MOYANO ON FEBRUARY 15); AND OVER 43 CAR BOMBS THROUGHOUT THE COUNTRY (38 IN LIMA ALONE). HOWEVER, ON SEPTEMBER 12

*a.p.p.m.c.*

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INFO: PE (02) DAND (01) SPA (01) PMC (01) RJ (01) RSC (01) RJC (01)  
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ACTION HA-09

INFO LOG-00 ACDA-17 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00  
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P 221423Z OCT 92  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC PRIORITY 2755

LIMITED OFFICIAL USE SECTION 03 OF 20 LIMA 13841

FOR HA, ARA/AND, AND S/IL

E.O. 12356; DECL: OADR  
TAGS: PHUM; ELAB, PE  
SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

COUNTERTERRORISM POLICE CAPTURED SENDERO CHIEF ABIMAEI GUZMAN ALONG WITH OTHER TOP SENDERO LEADERS. THOUGH A CONSIDERABLE BLOW TO SENDERO, THE ORGANIZATION REMAINS A SERIOUS THREAT TO PERUVIAN INSTITUTIONS. OTHER POLICE AND MILITARY ACTIONS IN 1992 SEVERELY HURT THE MRTA. BOTH SL AND MRTA CONTINUED TO CONTEST CONTROL OVER PARTS OF PERU'S MAJOR COCA-GROWING REGION, THE UPPER HUALLAGA VALLEY (URV).

THERE WERE CONTINUED CREDIBLE REPORTS OF SUMMARY EXECUTIONS, DISAPPEARANCES, ARBITRARY DETENTIONS, TORTURE, AND RAPE BY THE MILITARY AND POLICE. MOST OF THESE ABUSES OCCURRED IN RURAL EMERGENCY ZONES. PRESIDENT FUJIMORI CONTINUED TO PUBLICLY STRESS THE NEED FOR THE SECURITY FORCES TO IMPROVE RESPECT FOR HUMAN RIGHTS IN 1992. HE ALSO, HOWEVER, VARIOUSLY REITERATED STRONG CRITICISMS OF INTERNATIONAL HUMAN RIGHTS GROUPS AS APOLOGISTS FOR TERRORISTS AND TOOK CREDIT FOR THEIR HAVING BEGUN CRITICISM OF TERRORIST VIOLENCE, ALTHOUGH CALLING IT "TIMID." STATISTICS FROM THE NATIONAL COORDINATING COMMITTEE FOR HUMAN RIGHTS (COORDINADORA) AND THE PUBLIC MINISTRY (AN AUTONOMOUS OFFICE OF THE ATTORNEY GENERAL) CONFIRMED THAT THE NUMBER OF UNRESOLVED DISAPPEARANCES IN 1992 REMAINED AT, OR SLIGHTLY BELOW, 1991 LEVELS. THE FUJIMORI ADMINISTRATION CONTINUED TO AUTHORIZE ACCESS BY CIVILIAN PROSECUTING ATTORNEYS TO ALL MILITARY FACILITIES THROUGHOUT THE COUNTRY TO DETERMINE THE PRESENCE AND CONDITION OF PERSONS REPORTED TO BE DETAINED. SIMILARLY, THE MINISTRIES OF INTERIOR AND DEFENSE ALSO CONTINUED TO GRANT THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) DE FACTO ACCESS TO ALL POLICE FACILITIES AND MILITARY INSTALLATIONS OF UNITS WHICH CONDUCT COUNTERTERRORISM OPERATIONS, INCLUDING THOSE IN

THE EMERGENCY ZONES.

POLICE STORMED CANTO GRANDE PRISON IN MAY TO REESTABLISH CONTROL OVER CELL BLOCKS THAT THE

TERRORIST INMATES HAD TURNED INTO TRAINING AND COMMAND CENTERS. THERE ARE CREDIBLE REPORTS THAT POLICE MEMBERS ASSASSINATED AT LEAST FOUR HIGH LEVEL SENDERO INMATES AFTER GOVERNMENT CONTROL HAD BEEN REESTABLISHED. THE ICRC DID MAINTAIN REGULAR ACCESS TO A PROVISIONAL NATIONAL REGISTER OF DETAINEES AT MILITARY FACILITIES. IN AUGUST, THE ICRC SUSPENDED VISITS TO THE PRISONS HOLDING THE MAJORITY OF TERRORIST DETAINEES UNTIL THE GOVERNMENT AGAIN GRANTED THEM FORMAL ACCESS TO THE PRISONS; VISITS TO LIMA'S CANTO GRANDE PRISON WERE SUSPENDED THROUGHOUT MOST OF THE YEAR. MILITARY AND POLICE FORCES INCORPORATED FORMAL HUMAN RIGHTS COMPONENTS INTO REGULARLY SCHEDULED AND SPECIAL TRAINING COURSES; THE ICRC AND LOCAL HUMAN RIGHTS GROUPS WERE INVITED TO PARTICIPATE IN THESE COURSES.

MILITARY AND POLICE INVESTIGATIONS INTO HUMAN RIGHTS VIOLATIONS COMMITTED BY MEMBERS OF THEIR OWN ORGANIZATIONS WERE SPORADIC AND RARELY RESULTED IN EFFECTIVE CRIMINAL PROSECUTIONS. CLAIMS BY SECURITY FORCES THAT THERE WERE SIGNIFICANT NUMBERS OF DISMISSALS FOR VARIOUS

TYPES OF ABUSES WERE DIFFICULT TO VERIFY SINCE THE MILITARY HAS SEALED THE RELEVANT RECORDS. IN OCTOBER, PRESIDENT FUJIMORI MOVED TO WITHDRAW PERU FROM THE SAN JOSE TREATY. WHILE THE STATED PURPOSE WAS TO FACILITATE THE DEATH PENALTY FOR TERRORISM, THE MOVE WOULD ALSO END INTERAMERICAN COURT JURISDICTION OVER PERU.

RESPECT FOR HUMAN RIGHTS

SECTION 1: RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

THE COORDINADORA ESTIMATED THAT SENDERO WAS RESPONSIBLE FOR A TOTAL OF 460 POLITICAL AND OTHER EXTRAJUDICIAL KILLINGS OF CIVILIANS IN 1992: THE SECURITY FORCES FOR 36; THE MRTA FOR 9; AND PARAMILITARY FORCES FOR 4 AND RURAL/LOCAL

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IN AYACUCHO DEPARTMENT, MURDERING AT LEAST 48 VILLAGERS INCLUDING THE ELDERLY, WOMEN AND CHILDREN, AND SACKING OR BURNING A LARGE PORTION OF THE COMMUNITY. THE SCALE OF THE MASSACRE WAS CONSIDERED SECOND ONLY TO THE 1983 MASSACRE OF 83 PEASANTS IN LUCANAMARCA, ALSO IN AYACUCHO DEPARTMENT.

ACTION HA-09  
INFO LOG-00 ACDA-17 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00  
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A SECOND TERRORIST GROUP, THE MRTA, SUFFERED SERIOUS SETBACKS IN 1992. SCHISM SHOOK THE ORGANIZATION EARLY IN THE YEAR AND POLICE DETENTIONS OF SENIOR MRTA LEADERS, INCLUDING ITS HEAD, VICTOR POLAY CAMPOS, IN JUNE CRIPPLED THE GROUP. THE MRTA WAS LARGELY MARGINALIZED DESPITE SPORADIC HIGH VISIBILITY/LOW RISK ACTIONS, SUCH AS THE JULY 6 FOUR HOUR RAID ON JAEN, CAJAMARCA DEPARTMENT; THE AUGUST AMBUSH OF AN ARMY TRUCK IN LIMA, IN WHICH FIVE SOLDIERS AND ONE CIVILIAN DIED; AND A SERIES OF INEFFECTIVE MORTAR ATTACKS IN MID-OCTOBER AGAINST THE PRESIDENTIAL PALACE, THE U.S. AMBASSADOR'S RESIDENCE AND THE MINISTRY OF ARMY.

P 221423Z OCT 92  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC PRIORITY 2796

PARAMILITARY GROUPS CONTINUED TO OPERATE IN PERU, ALBEIT ON A REDUCED SCALE, IN 1992. ON

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FOR HA, ARA/AND, AND S/IL

E. O. 12356; DECL: OADR  
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JULY 20, A GROUP OF UNIDENTIFIED GUNMEN ATTEMPTED TO ASSASSINATE JORGE CARTAGENA AT HIS OFFICE IN CENTRAL LIMA. CARTAGENA IS A MEMBER OF THE SENDERISTA LEGAL FRONT GROUP, THE ASSOCIATION OF DEMOCRATIC LAWYERS (AAD). GOVERNMENT AND SECURITY OFFICIALS, AS WELL AS INDEPENDENT OBSERVERS, BELIEVE THAT FORMER INTERIOR MINISTER AND APRA LEADER AGUSTIN MANTILLA, DETAINED DURING THE APRIL 5 COUP, WAS CONNECTED TO THE NOW DEFUNCT COMMANDO RODRIGO FRANCO PARAMILITARY GROUP THAT OPERATED DURING THE ALAN GARCIA ADMINISTRATION IN THE LATE 1980'S. HOWEVER, MANTILLA'S DETENTION WAS GENERALLY VIEWED AS UNCONNECTED TO HIS POSSIBLE PARAMILITARY ACTIVITIES. THE GOVERNMENT HAS BEEN UNABLE, AND APPEARS UNWILLING, TO SUCCESSFULLY INVESTIGATE AND PROSECUTE A SINGLE IMPORTANT PARAMILITARY INCIDENT. NO PROGRESS WAS REPORTED IN THE INVESTIGATION INTO THE NOVEMBER 3, 1991 MASSACRE OF 17 PERSONS IN THE BARRIOS ALTOS NEIGHBORHOOD OF LIMA, DESPITE STRONG INDICATIONS THAT THE AUTHORS OF THIS

SELF DEFENSE GROUPS (RONDAS) FOR 9. THERE WERE 52 OTHER APPARENT POLITICAL KILLINGS BY UNKNOWN PERSONS. THE RATIO OF POLITICAL ASSASSINATIONS AND EXTRA-JUDICIAL KILLINGS DIRECTLY ATTRIBUTABLE TO SENDERO AND THE SECURITY FORCES WAS OVER 10:1. POLITICAL ASSASSINATIONS AND EXTRAJUDICIAL KILLINGS DECREASED IN 1992 BY 30 PERCENT. DUE TO THE ISOLATION OF MANY RURAL AREAS WHERE SENDERO IS MOST ACTIVE, THE NUMBER

OF VICTIMS IS PROBABLY UNDERREPORTED. THE COORDINADORA ALSO REPORTED THAT 592 PERSONS HAD DIED IN COMBAT, INCLUDING: 211 SENDERISTAS; 161 MRTA; 77 SOLDIERS; 47 POLICE; AND 95 CIVILIANS. THERE WERE 76 DEATHS CLASSIFIED BY THE COORDINADORA AS "NOT CLARIFIED."

SENDERO LUMINOSO HAS ASSASSINATED TEACHERS, CLERGY, ENGINEERS, DEVELOPMENT AND HUMAN RIGHTS WORKERS -- IN FACT, ANY GROUP INVOLVED IN SELF HELP OR DEVELOPMENT WORK COULD CONSIDER ITSELF A TARGET FOR SENDERO LUMINOSO -- INDIANS, PEASANTS, POLITICAL ACTIVISTS, PUBLIC SERVANTS, AS WELL AS MEMBERS OF THE SECURITY FORCES. SENDERO STEPPED UP VIOLENT POLITICAL ACTIVITY IN URBAN CENTERS WITH PARTICULAR EMPHASIS ON LIMA'S SURROUNDING SLUM AREAS, KILLING OVER 145 GRASS-ROOTS LEADERS IN 1992. SOME OF THESE KILLINGS WERE CARRIED OUT IN A FASHION SO AS TO INTIMIDATE OTHER PERSONS WHO MIGHT OPPOSE SENDERO.

ON FEBRUARY 15 A SENDERO ASSASSINATION TEAM ATTACKED MARIA ELENA MOYANO, A LEADER IN LIMA'S VILLA EL SALVADOR SHANTYTOWN. IN THE PRESENCE OF HER CHILDREN, SENDERO MEMBERS SHOT HER, PLACED DYNAMITE ON HER CHEST AND BLEW HER TO PIECES. SENDERO CONTINUED TO TARGET FOREIGN RELIGIOUS AND DEVELOPMENT WORKERS. ON OCTOBER 2, A SENDERO UNIT KIDNAPPED ITALIAN SILESIAN

BROTHER GIULIANI ROCCA FROM HIS ORDER'S HOUSE NEAR HUARAZ, ANCASH DEPARTMENT AND LATER KILLED HIM WITH A SHOT TO THE HEAD. ON OCTOBER 10, A SENDERO COLUMN ATTACKED THE HAMLET OF HUAYLLAO,

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INFO: PE (07) DAND (01) SPA (01) PHC (01) RJ (01) RSC (01) RJC (01)  
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ACTION NA-09

AND TERRORISTS, AS WELL AS SERVING OTHER FUNCTIONS SUCH AS BASIC COMMUNITY SELF-HELP WORK. HOWEVER, CREDIBLE REPORTS INDICATED THAT SOME RONDAS WERE INVOLVED IN NUMEROUS HUMAN RIGHTS ABUSES, INCLUDING THE TORTURE AND EXTRAJUDICIAL KILLING OF TERRORIST SUSPECTS.

INFO LOG-00 ACDA-17 AID-09 AMAD-01 ARA-09 CIAE-00 DODE-00  
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P 221423Z OCT 92  
FM ANEMBASSY LIMA  
TO SECSTATE WASHDC PRIORITY 2797

THERE WAS LITTLE PROGRESS IN THE SANTA BARBARA QUANCAVELICA DEPARTMENT CASE WHERE AN ARMY OFFICER AND FIVE NONCOMMISSIONED OFFICERS WERE CHARGED IN THE JULY 4, 1991 DEATHS OF 14 PEASANTS WHOSE BODIES WERE FOUND IN AN ABANDONED MINE. THE TRIAL OF 14 CASHIERED POLICE PERSONNEL IMPLICATED IN THE JUNE 23, 1991 DEATHS OF A MEDICAL STUDENT AND TWO TEENAGED BROTHERS IN CALLAO WAS PROCEEDING AND WAS EXPECTED TO CONCLUDE BY NOVEMBER. THE INVESTIGATING FISCAL (PROSECUTOR) IN THE MARCH 15 LETTER BOMB ATTACK ON HUMAN RIGHTS LAWYER DR. AUGUSTO ZUNIGA PAZ SUSPENDED FURTHER ACTION ON THE CASE UNTIL FURTHER EVIDENCE CAME TO LIGHT ON APRIL 27. DR. ZUNIGA'S REPRESENTATIVES WERE REPORTEDLY UNAWARE OF THIS UNTIL SEPTEMBER, AND HAVE FILED A FURTHER SUIT IN THIS CASE. AS IN 1991, MILITARY OFFICIALS ASSERT THAT A NUMBER OF ENLISTED MEN AND OFFICERS WERE PROSECUTED IN THE MILITARY

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FOR HA, ARA/AMD, AND S/IL

E.O. 12356: DECL: OADR  
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MASSACRE MAY HAVE BEEN LINKED TO THE SECURITY FORCES; THE GOVERNMENT POINTEDLY INSISTED THE ASSAILANTS COULD WELL HAVE BEEN COMMON CRIMINALS AND SHOWED NO DESIRE TO FULLY AND PROPERLY INVESTIGATE THE CASE.

JUSTICE SYSTEM ON CHARGES RELATING TO HUMAN RIGHTS VIOLATIONS. HOWEVER, SUCH ASSERTIONS WERE DIFFICULT TO CONFIRM BECAUSE THE MILITARY COURTS SEALED RELEVANT RECORDS. NEITHER THE IDENTITIES OF THESE INDIVIDUALS, THE NATURE OF THEIR OFFENSES, NOR THE EXACT SENTENCES IMPOSED HAVE BEEN MADE PUBLIC.

HUMAN RIGHTS GROUPS REPORTED POLICE AND MILITARY FORCES COMMITTED AT LEAST 36 EXTRA-JUDICIAL

B. DISAPPEARANCE

KILLINGS AS OF SEPTEMBER 1992. THE MAJORITY OF THESE INCIDENTS OCCURRED IN EMERGENCY ZONES. THIS NUMBER IS LIKELY UNDERREPORTED, GIVEN BASIC AND WELL-FOUNDED DISTRUST OF THE STATE BY THE COMMUNITY AT LARGE AND THE OPAQUE NATURE OF THE PERUVIAN JUSTICE SYSTEM. THE SECURITY FORCES HAVE GENERALLY BEEN UNABLE OR UNWILLING TO INVESTIGATE AND PROSECUTE CASES IN WHICH THEIR OWN MEMBERS ARE IMPLICATED. THE PERUVIAN CODE OF MILITARY JUSTICE CONTAINS NO LANGUAGE FOR DEALING WITH CASES OF KILLING, KIDNAPING, OR TORTURE -- ONLY "NEGLIGENCE" AND "ABUSE OF AUTHORITY." THE CURRENT CODE DOES ALLOW MILITARY COURTS TO USE RELEVANT PORTIONS OF THE CIVILIAN PENAL CODE TO TRY CRIMES WHICH ARE NOT COVERED UNDER THE CODE OF MILITARY JUSTICE. HOWEVER, THIS IS RARELY DONE. A REVISED VERSION OF THE MILITARY CODE THAT MIGHT ADDRESS THIS SHORTCOMING WAS BEING STUDIED AND COULD BE IMPLEMENTED IN 1993. THE MILITARY HAS REPEATEDLY USED ITS COURT SYSTEM TO PREEMPT CIVILIAN INVESTIGATION AND PROSECUTION OF CASES INVOLVING MILITARY ABUSES; UNDER THE LAW, PERSONS TRIED UNDER A MILITARY COURT CANNOT SUBSEQUENTLY BE TRIED IN CIVILIAN COURTS FOR THE SAME OFFENSE.

THE PUBLIC MINISTRY REPORTED 145 NEW UNRESOLVED DISAPPEARANCE CASES IN 1992; THE COORDINADORA, USING DIFFERENT CASE TRACKING METHODS, REPORTED 113. THE NUMBER OF 1992 DISAPPEARANCE CASES WAS ROUGHLY THE SAME, OR SLIGHTLY LOWER, THAN 1991 LEVELS. ACCORDING TO COORDINADORA AND PUBLIC MINISTRY FIGURES, UNRESOLVED DISAPPEARANCES AVERAGED 33 AND 29 PER MONTH RESPECTIVELY FROM JANUARY THROUGH JULY 1991, AND THEN FELL TO AN AVERAGE OF 14 AND 16 PER MONTH, RESPECTIVELY, FROM AUGUST THROUGH DECEMBER. THE COORDINADORA

IN 1992 PRESIDENT FUJIMORI REPEATEDLY POINTED TO GOVERNMENT SUPPORTED RONDAS CAMPESINAS (PEASANT SELF-DEFENSE GROUPS) AS A FUNDAMENTAL PART OF

HIS ANTI-SUBVERSIVE STRATEGY AGAINST SENDERO LUMINOSO. THE RONDAS, MANY ORGANIZED AND EQUIPPED BY THE MILITARY, PROVIDE A RUDIMENTARY AND SOMEWHAT EFFECTIVE WEAPON AGAINST BANDITS

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IN 1991 TO COUNTER PERVASIVE SENDERO LUMINOSO  
INFLUENCE ON THE CAMPUS.

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FOR HA, ARA/AND, AND S/IL

E.O. 12356: DECL: OADR  
TAGS: PHUM, ELAB, PE  
SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

REPORTED AN AVERAGE OF 14 DISAPPEARANCES PER  
MONTH DURING 1992; THE PUBLIC MINISTRY'S FIGURE  
FOR 1992 IS 20 PER MONTH.

THE PUBLIC MINISTRY REPORTED THAT THE MAJORITY  
OF ITS FORMAL DISAPPEARANCE COMPLAINTS  
IMPLICATED MEMBERS OF THE SECURITY FORCES IN THE  
EMERGENCY ZONES. MOST NEW CASES WERE REPORTED

IN SAN MARTIN, JUNIN, AND AYACUCHO DEPARTMENTS.  
HOWEVER, THE NUMBER OF CASES REPORTED IN  
METROPOLITAN LIMA INCREASED DRAMATICALLY, FROM  
SOME 3 PERCENT OF ALL CASES IN 1991 TO ABOUT 15  
PERCENT IN 1992. TESTIMONY FROM SURVIVORS  
INDICATES THAT MOST VICTIMS ARE TAKEN TO  
MILITARY BASES FOR INTERROGATION. SOME OF THOSE  
HELD ARE EVENTUALLY TURNED OVER TO THE CIVILIAN  
COURT SYSTEM TO BE RELEASED DUE TO LACK OF  
EVIDENCE OR TO BE IMPRISONED ON TERRORISM  
CHARGES; OTHERS NEVER REAPPEAR. SELF-DEFENSE  
GROUPS, OR RONDAS CAMPESINAS, FIGURED  
INCREASINGLY IN THE NUMBER OF REPORTED  
DISAPPEARANCES -- RONDAS WERE ALLEGED TO HAVE  
BEEN INVOLVED IN APPROXIMATELY 3 PERCENT OF  
DISAPPEARANCE CASES IN 1991 AND 13 PERCENT IN  
1992. COMBINED MILITARY/RONDA PATROLS WERE  
IMPLICATED IN ANOTHER 10 PERCENT OF  
DISAPPEARANCE CASES IN 1992. AN UNKNOWN NUMBER  
OF "DISAPPEARED" PERSONS MAY BE UNACCOUNTED FOR  
BECAUSE THEY JOINED THE RANKS OF THE MRTA OR  
SENDERO, EITHER VOLUNTARILY OR INVOLUNTARILY.  
IT IS BELIEVED THAT THE NUMBER OF PERSONS  
"DISAPPEARED" OR FORCIBLY RECRUITED BY SENDERO  
IS UNDERREPORTED.

ON JULY 18, PROFESSOR HUGO MUÑOZ SANCHEZ AND  
NINE STUDENTS WERE REPORTEDLY DETAINED BY THE  
MILITARY DURING A SWEEP OPERATION AT THE ENRIQUE  
GUZMAN Y VALLE NATIONAL EDUCATION UNIVERSITY (LA

CANTUTA) DORMITORIES. THE MILITARY DENIES IT  
DETAINED THEM AND TO DATE THEY HAVE NOT BEEN  
SEEN. WRITS OF HABEAS CORPUS HAVE BEEN  
UNSUCCESSFUL. THE MILITARY OCCUPIED LA CANTUTA

AT 2:00 AM ON JUNE 24, UNIDENTIFIED ARMED AND  
UNIFORMED ARMY PERSONNEL REPORTEDLY BROKE INTO  
THE HOME OF JOURNALIST PEDRO YAURI BUSTAMANTE IN  
HUACHO, LIMA DEPARTMENT. THE MEN REPORTEDLY  
BOUND AND GAGGED YAURI AND HIS FATHER, BEAT  
THEM, AND DROVE AWAY WITH YAURI IN A PICKUP  
TRUCK. THE HUACHO POLICE REFUSED TO LET YAURI'S  
FATHER FILE A COMPLAINT AND THE COURT IN HUACHO  
DENIED A WRIT OF HABEAS CORPUS. IN MAY, CHARGES  
OF ILLEGAL DETENTION AND ABUSE OF AUTHORITY WERE  
FILED AGAINST FIVE POLICEMEN IN THE  
DISAPPEARANCE CASE OF MANUEL PACOTAYPE, MAYOR OF  
CHUSCHI IN AYACUCHO DEPARTMENT, AND THREE OTHER  
MEN. THE VICTIMS DISAPPEARED ON MARCH 14, 1991  
AND HAVE NOT BEEN SEEN SINCE.

THE CONTINUING PATTERN OF KILLINGS AND  
DISAPPEARANCES ATTRIBUTED TO THE MILITARY AND  
POLICE, AND THE GOVERNMENT'S INABILITY OR  
UNWILLINGNESS TO INVESTIGATE THEM, SUGGESTS THAT  
SOME LEADERS AT A MINIMUM TACITLY ENCOURAGE  
KILLINGS AND DISAPPEARANCES OF ALLEGED

*approve*

TERRORISTS.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR  
DEGRADING TREATMENT OR PUNISHMENT

ALTHOUGH THE CONSTITUTION PROHIBITS TORTURE AND  
INHUMAN OR HUMILIATING TREATMENT, CHARGES OF  
BRUTAL TREATMENT OF DETAINEES ARE COMMON. HUMAN  
RIGHTS GROUPS CHARGE THAT SUSPECTED SUBVERSIVES  
HELD BY THE GOVERNMENT SECURITY FORCES WERE  
ROUTINELY TORTURED AT MILITARY DETENTION  
CENTERS; LAWYERS AND OTHERS FAMILIAR WITH THE  
POLICE AND JUDICIAL SYSTEM CONCUR.

IT DOES NOT APPEAR THAT SUSPECTS ARE TORTURED AT  
PERU'S MAIN COUNTERTERRORISM DETENTION CENTER,  
RUN BY DINCOTE, THE POLICE COUNTERTERRORISM  
DIRECTORATE, IN LIMA. IN 1992 THERE WERE  
RELIABLE ACCOUNTS FROM RELEASED DETAINEES,  
HOWEVER, OF TORTURE OR MISTREATMENT BY SOME  
OTHER ELEMENTS OF THE POLICE AND MILITARY.  
THERE CONTINUED TO BE CREDIBLE REPORTS OF RAPE

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THE BACK. IN CONTRAST WITH 1990, WHEN MORE THAN 65 INMATES IN LIMA'S PRISONS DIED DUE TO SEVERE MALNUTRITION, NO SUCH DEATHS WERE REPORTED IN 1992. HUMAN RIGHTS GROUPS REPORT THAT IN JUNE TWO SENDERISTA INMATES DIED OF EXPOSURE AT THE MAXIMUM SECURITY PRISON IN PUNO FOLLOWING THEIR TRANSFER TO THAT FACILITY AFTER POLICE REGAINED CONTROL OF LIMA'S CANTO GRANDE PRISON IN MAY. PRESIDENT FUJIMORI CONTINUED HIS PROGRAM OF PHASED RELEASE OF UNCONVICTED PRISON INMATES AWAITING TRIAL, ESPECIALLY THOSE WHO HAVE ALREADY BEEN IN CUSTODY FOR A TIME GREATER THAN THE SENTENCE OF THE CRIME WITH WHICH THEY HAVE BEEN CHARGED.

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FOR HA, ARA/AND, AND S/IL

E. O. 12356: DECL: OADR  
TAGS: PRUM, ELAB, PE  
SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

BY ELEMENTS OF THE SECURITY FORCES IN THE EMERGENCY ZONES.

D. ARBITRARY ARREST, DETENTION, OR EXILE

THE CONSTITUTION, THE PENAL CODE, AND ANTI-TERRORIST LEGISLATION DELINEATE THE ARREST AND DETENTION PROCESS. HOWEVER, MOST, IF NOT ALL, OF THESE PROTECTIONS ARE SUSPENDED IN PRACTICE IN THOSE AREAS UNDER A STATE OF EMERGENCY.

WHEN TORTURE OCCURS, IT OFTEN TAKES PLACE IN THE PERIOD IMMEDIATELY FOLLOWING DETENTION. THE LAW REQUIRES THAT PERSONS DETAINED FOR TERRORISM BE INTERROGATED IN THE PRESENCE OF A PUBLIC MINISTRY PROSECUTOR. RELIABLE REPORTS OF

VIOLATIONS OF THESE STANDARDS ARE FREQUENT, ESPECIALLY IN THE EMERGENCY ZONES. THE REQUIREMENT THAT AN ATTORNEY BE PRESENT AT THE INITIAL STAGES OF DETENTION AND INTERROGATION IN TREASON CASES WAS RESTRICTED BY DECREE LAW IN 1992.

IN AREAS NOT SUBJECT TO A STATE OF EMERGENCY, A WARRANT APPROVED BY A JUDGE TYPICALLY IS REQUIRED FOR ARREST, UNLESS A PERPETRATOR IS CAUGHT IN THE ACT. PERSONS ARRESTED MUST BE ARRAIGNED WITHIN 24 HOURS, EXCEPT IN CASES OF DRUG TRAFFICKING, TERRORISM, OR ESPIONAGE, FOR WHICH THE LIMIT WAS CHANGED IN 1992 FROM 15 TO 30 DAYS. DETAINEES HAVE THE RIGHT TO CHOOSE THEIR OWN ATTORNEY, OR THE GOVERNMENT MUST PROVIDE COUNSEL AT NO COST. ARRESTED PERSONS ARE ENTITLED TO HAVE AN ATTORNEY PRESENT WHEN THEY MAKE STATEMENTS TO THE POLICE.

MANY VICTIMS OF SENDERO TERRORISM ALSO SHOW SIGNS OF HAVING BEEN TORTURED BEFORE DEATH. TORTURE OF THESE VICTIMS OFTEN FOLLOWS A BRIEF "PEOPLE'S TRIAL," NORMALLY HELD IN THE PRESENCE OF VILLAGERS AS A METHOD OF INTIMIDATION. THERE ARE CREDIBLE ACCOUNTS THAT SENDERO TORTURES VICTIMS TO DEATH BY MEANS SUCH AS SLITTING THROATS, STRANGULATION, STONING, AND BURNING. MUTILATION OF THE BODY IS COMMON BOTH BEFORE AND AFTER DEATH.

A PROVISIONAL NATIONAL LISTING OF DETAINEES HELD BY BOTH THE MILITARY AND POLICE FOR TERRORISM AND OTHER SECURITY CRIMES WAS WORKING FOR MOST OF 1992; THE FULL SYSTEM IS SCHEDULED TO BECOME OPERATIONAL BY DECEMBER. POLICE DETENTION CENTERS DO NOT MAINTAIN PUBLICLY AVAILABLE REGISTERS DETAILING DETENTIONS, CHARGES, TRANSFERS AND RELEASES OF DETAINEES. THE ICRC, HOWEVER, HAS ACCESS TO LOCAL POLICE DETENTION RECORDS AND TO THE NATIONAL MILITARY REGISTRY OF DETAINEES. LOCAL HUMAN RIGHTS ORGANIZATIONS ARE

PERUVIAN PRISON CONDITIONS ARE APPALLING. PRISONERS ARE EXPOSED TO UNSANITARY FACILITIES, POOR NUTRITION AND HEALTH CARE, AS WELL AS HARSH TREATMENT BY BOTH PRISON STAFF AND FELLOW PRISONERS. CORRUPTION IS RAMPANT AMONG PRISON STAFF, WHO HAVE BEEN IMPLICATED IN A MULTITUDE OF OFFENSES, FROM SEXUAL BLACKMAIL AND THE SELLING OF NARCOTICS AND WEAPONS TO INMATES, TO ARRANGING PRISON ESCAPES. THERE WERE CREDIBLE REPORTS OF ROUTINE BEATINGS AND TORTURE OF INMATES BY PRISON GUARDS. BESIDES BEATINGS,

COMMON METHODS OF TORTURE REPORTEDLY INCLUDE ELECTRIC SHOCKS TO SENSITIVE AREAS OF THE BODY, WATER TORTURE, ASPHYXIATION, AND BEING HUNG ON A HOOK FROM A ROPE ATTACHED TO HANDS TIED BEHIND

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EXAMINATION UPON DELIVERING HIM INTO CIVILIAN JUDICIAL CUSTODY. A PUBLIC PROSECUTOR MUST BE PRESENT AT THE RELEASE OF ANY PRISONER FROM MILITARY DETENTION. THROUGHOUT 1992, PUBLIC PROSECUTORS GENERALLY CONTINUED TO HAVE ACCESS TO A NUMBER OF MILITARY INSTALLATIONS IN THE EMERGENCY ZONES, WITH SOME SPORADIC PROBLEMS. THE ICRC ALSO CONTINUED UNANNOUNCED VISITS TO NUMEROUS MILITARY AND POLICE PLACES OF DETENTION IN 1992, USING THE PROVISIONAL REGISTRIES IN LIMA AND THOSE KEPT AT THE FACILITIES TO CROSS CHECK INFORMATION AND ENSURE ITS EFFECTIVENESS.

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FOR RA, ARA/AND, AND S/IL

E.O. 12356: DECL: OADR  
TAGS: PHUM, ELAB, PE  
SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

TO HAVE ACCESS TO THE NATIONAL REGISTRY OF DETAINEES IN MILITARY AND POLICE FACILITIES THROUGH THE OFFICE OF THE NATIONAL FISCAL FOR HUMAN RIGHTS. THERE IS NO FUNCTIONING BAIL SYSTEM; A FORM OF PROVISIONAL LIBERTY IS AVAILABLE, MORE IN THEORY THAN IN PRACTICE, FOR PERSONS NOT ACCUSED OF TERRORISM, ESPIONAGE, OR NARCOTICS OFFENSES.

ARREST PROCEDURES ARE DIFFERENT IN THE EMERGENCY ZONES. THE ARMED FORCES DO NOT NEED AN ARREST WARRANT, AND DETAINEES ARE OFTEN DENIED ACCESS TO AN ATTORNEY DURING INTERROGATION AND TO FAMILY MEMBERS DURING THEIR IMPRISONMENT. ALL DETAINEES, INCLUDING THOSE IN THE EMERGENCY ZONES, HAVE THE RIGHT TO SEEK JUDICIAL DETERMINATION OF THE LEGALITY OF THEIR DETENTION, BUT THIS RIGHT IS OFTEN DISREGARDED BY MILITARY COMMANDERS IN THE EMERGENCY ZONES. OF THE DETAINEES HELD BY THE MILITARY INSIDE THE EMERGENCY ZONES, HUMAN RIGHTS GROUPS KNOW OF VERY FEW WHO WERE TURNED OVER TO CIVILIAN AUTHORITIES FOR PROSECUTION. INCOMMUNICADO DETENTION OF SUSPECTS WAS A COMMON PRACTICE BY GOVERNMENT FORCES OPERATING IN THE EMERGENCY ZONES. DOZENS OF PERSONS OF WHOSE DETENTION THE GOVERNMENT'S SECURITY FORCES HAD DENIED KNOWLEDGE INITIALLY NONETHELESS LATER WERE FOUND TO HAVE BEEN HELD IN MILITARY DETENTION CENTERS (POST WILL UPDATE WITH 1992 CASES.).

IN MID 1991 THE GOVERNMENT ISSUED A LEGISLATIVE DECREE GRANTING CIVILIAN PUBLIC PROSECUTORS ACCESS TO ALL MILITARY BARRACKS AND DETENTION CENTERS, INCLUDING THOSE IN THE EMERGENCY ZONES. THE DECREE SPECIFIES THAT THE PROSECUTOR MAY PRIVATELY INTERVIEW A DETAINEE IMMEDIATELY UPON HIS DETENTION AND EXAMINE HIM OR HER FOR

SIGNS OF PHYSICAL ABUSE. WHERE APPLICABLE, THE PROSECUTOR MAY ORDER THE PRISONER REMANDED INTO THE CIVILIAN COURT SYSTEM. IF REMANDED TO THE COURTS, THE PROSECUTOR IS TO ACCOMPANY THE PRISONER AND REQUIRE A FORMAL MEDICAL

THE CONSTITUTION PROHIBITS FORCED INVOLUNTARY EXILE, AND THERE HAVE BEEN NO KNOWN CASES OF IT IN THE PAST 10 YEARS. FORMER PRESIDENT ALAN GARCIA PEREZ VOLUNTARILY SOUGHT ASYLUM IN COLOMBIA FOLLOWING THE APRIL 5 COUP.

E. DENIAL OF FAIR PUBLIC TRIAL

THE LEGAL SYSTEM IS BASED GENERALLY ON THE NAPOLEONIC CODE. DEFENDANTS HAVE THE RIGHT TO

BE PRESENT AT THE TRIAL, AT WHICH VERDICTS ARE RENDERED BY A JUDGE OR A PANEL OF JUDGES FOLLOWING AN INVESTIGATION AND THE FILING OF CHARGES. SENTENCES MAY BE APPEALED, AND JUDGES MAY SEND CASES BACK TO LOWER COURTS FOR ADDITIONAL INVESTIGATION. PRIOR TO THE APRIL 5 COUP, THE 28 SUPREME COURT JUDGES WERE NOMINATED BY THE PRESIDENT FROM SLATES SUPPLIED BY AN ADVISORY COMMITTEE AND HAD TO BE APPROVED BY THE SENATE. AFTER THE COUP, 14 SUPREME COURT JUDGES WERE DISMISSED AND 3 OTHERS RESIGNED IN PROTEST. NEW JUDGES WERE SUBSEQUENTLY NAMED BY THE EXECUTIVE IN A DE FACTO MANNER TO A NEW SUPREME COURT CONSISTING OF 18 MEMBERS. THE COURT OF CONSTITUTIONAL GUARANTEES AS WELL AS THE ADVISORY COMMITTEE (CONSEJO DE LA MAGISTRATURA), WHICH WAS MANDATED BY THE 1979 CONSTITUTION TO NOMINATE JUDGES, WERE BOTH DISBANDED. A SEPTEMBER DECREE LAW, HOWEVER, CREATED A JUDICIAL CAREER SYSTEM, IN WHICH FUTURE ENTRY LEVEL JUDGES WILL BE CHOSEN FROM THE GRADUATES OF THE STILL-TO-BE-CREATED ACADEMY OF HIGHER STUDIES IN THE MINISTRY OF JUSTICE.



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POST-GRADUATE ACADEMY TRAINING WILL ALSO BE A REQUIREMENT FOR PROMOTION THROUGHOUT THE JUDICIAL CAREER, INCLUDING THE SUPREME COURT. (AID TO HELP PUBLIC MINISTRY WITH SELECTION OF JUDGES 90 DAYS ESAN TEAM JIM OR EDITH)

COURTS FACE SEVERE BACKLOGS, A PRODUCT OF INEFFICIENCY, ARCHAIC CASE LAW AND CRIMINAL

PROCEDURAL LAW, AND THE SHARP INCREASE IN TERRORISM CASES. THE CASE BACKLOG IN THE SUPREME COURT ALONE WAS 28,000. NO ONE KNOWS THE SIZE OF THE BACKLOG FOR THE ENTIRE JUDICIAL SYSTEM, BUT ESTIMATES RANGE BETWEEN 250,000 AND 500,000 FOR ALL TYPES OF CASES. HUMAN RIGHTS GROUPS HAVE DOCUMENTED HUNDREDS OF CASES OF PERSONS WHO HAVE BEEN DETAINED WITHOUT BAIL WHILE AWAITING TRIAL FOR PERIODS OF UP TO 4 YEARS OR LONGER. THERE WERE ALSO WIDESPREAD CHARGES OF CORRUPTION AND THE SUBORNING OF JUDGES, POLICE AND WITNESSES AT ALL STAGES OF THE JUDICIAL PROCESS.

THE VAST MAJORITY OF HUMAN RIGHTS COMPLAINTS MADE TO THE PUBLIC PROSECUTOR'S OFFICE DURING THE PAST 10 YEARS HAVE NOT BEEN INVESTIGATED ADEQUATELY DUE TO LACK OF POLICE AND MILITARY COOPERATION, RESOURCES AND OFFICIAL SUPPORT. PROVINCIAL PROSECUTORS ATTEMPTING TO INVESTIGATE COMPLAINTS IN THE EMERGENCY ZONES HAVE BEEN THREATENED, OBSTRUCTED, AND REFUSED INFORMATION BY MEMBERS OF THE ARMED FORCES. FOLLOWING A PRESIDENTIAL DECREE IN LATE 1991, ACCESS AND SUPPORT FOR HUMAN RIGHTS PROSECUTORS HAS IMPROVED, BUT THE SECURITY FORCES COOPERATION WITH CIVILIAN PROSECUTOR INVESTIGATIONS IS STILL LIMITED. THE PROSECUTORS THEMSELVES HAVE SOMETIMES NOT BEEN AGGRESSIVE IN PRESSING INVESTIGATIONS.

SENDERO AND MRTA THREATS AND INTIMIDATION OF JUDGES HANDLING TERRORISM CASES ALSO ACCOUNT IN PART FOR THE LOW CONVICTION RATE OF ACCUSED

TERRORISTS. SINCE 1981 ONLY 571 PEOPLE HAVE BEEN TRIED AND CONVICTED FOR TERRORISM; ACCORDING TO THE PUBLIC MINISTRY -- A CONVICTION RATE OF APPROXIMATELY 10 PERCENT. THE EXTREMELY LOW RATE OF CONVICTION IN TERRORISM CASES CONTRIBUTES TO POLICE/MILITARY FRUSTRATION WITH THE JUDICIAL PROCESS AND TO PUBLIC TOLERANCE OF ABUSES COMMITTED BY SECURITY FORCES OPERATING AGAINST PRESUMED TERRORISTS. IN MAY, A DECREE LAW MANDATED THE CREATION OF SPECIAL COURTS TO TRY TERRORISM CASES IN WHICH THE IDENTITY OF THE JUDGES WOULD REMAIN SECRET. A DECREE IN AUGUST CLASSIFIED NEARLY ANY TERRORIST ACT AS TREASON, SUBJECT TO TRIAL BY MILITARY TRIBUNAL WITH A MAXIMUM SENTENCE OF LIFE IMPRISONMENT WITH FORCED LABOR. THE CIVILIAN COURTS WITH SECRET JUDGES BEGAN OPERATING IN SEPTEMBER, AT THE SAME TIME AS THE MILITARY COURTS BEGAN TO HANDLE TERRORISM CASES.

WITH MOST TERRORISM TRIALS NOW FALLING UNDER MILITARY COURT JURISDICTION, MOST OF THE PROCEEDINGS IN EFFECT BECAME HIDDEN FROM PUBLIC SCRUTINY. DECREE LAWS WERE PASSED IN 1992 DESIGNED TO SPEED CASE PROCESSING AND ELIMINATE

BACKLOGS AND WAITING PERIODS IN TERRORISM CASES. AFTER A 30 DAY INITIAL DETENTION AND INVESTIGATION PERIOD (DOUBLED FROM THE PREVIOUS 15 DAY MAXIMUM ALLOWED), MOST CASES APPEAR TO NOW FALL UNDER THE JURISDICTION OF MILITARY TRIBUNALS WHO MUST PASS JUDGMENT ON THE CASES WITHIN 10 DAYS. AN APPEAL CAN BE MADE TO THE WAR COUNCIL WHICH HAS 10 DAYS TO DECIDE ON THE APPEAL. A FINAL APPEAL TO THE SUPREME COURT OF MILITARY JUSTICE WOULD BE ACTED UPON WITHIN FIVE DAYS.

ON SEPTEMBER 22, A SPECIAL MILITARY TRIBUNAL SENTENCED JUAN CARLOS QUISPE AND EDILBERTO MACALUPU TO LIFE IMPRISONMENT FOR TREASON IN THE SENDERO ASSASSINATION OF POLICE CAPTAIN CARLOS VERAU. THE LEGAL PROCEEDINGS REPORTEDLY TOOK A RECORD 20 DAYS, REFLECTING STILL OTHER DECREE LAWS DESIGNED TO DRAMATICALLY SPEED UP THE LEGAL PROCESSING OF TERRORISM CASES.

ON OCTOBER 7, SENDERO FOUNDER ABIMAEEL GUZMAN WAS

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FOR HA, ARA/AND, AND S/IL

E.O. 12356: DECL: OADR  
TAGS: PHUM, ELAB, PE  
SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

SENTENCED BY SECRET MILITARY TRIBUNAL TO LIFE IMPRISONMENT AND ASSESSED 25 BILLION DOLLARS PLUS INTEREST IN CIVIL DAMAGES FOR "TREASON AGAINST THE STATE." OTHER SENIOR SENDERO LEADERS CAPTURED ALONG WITH GUZMAN ON SEPTEMBER 12 WERE ALSO SENTENCED TO LIFE IN PRISON UNDER THE NEW DECREES. DEFENSE LAWYERS COMPLAINED THE TRIAL PROCEDURES WERE TOO ABBREVIATED, THAT THEY WERE UNABLE TO CROSS-EXAMINE WITNESSES, AND THAT

PRESIDENT FUJIMORI HAD IN EFFECT ANNOUNCED THE VERDICT BEFORE THE TRIAL. GUZMAN'S LAWYER ARGUED HE WAS A POLITICAL PRISONER NOT SUBJECT TO CRIMINAL PROSECUTION. HOWEVER, GUZMAN PUBLICLY ADMITTED THAT HE WAS THE "PRESIDENT" OF SENDERO LUMINOSO AND WAS RESPONSIBLE FOR WHAT HE TERMED SENDERO'S "WAR" AGAINST THE PERUVIAN STATE. THE GOVERNMENT DISPLAYED GUZMAN TO THE PRESS PRIOR TO HIS TRIAL IN A LARGE CAGE AND DRESSED IN STRIPPED PRISON GARB (NEVER PREVIOUSLY USED IN PERU). GUZMAN SHOWED NO SIGNS OF PHYSICAL MISTREATMENT; HE WAS ALLOWED TO ADDRESS THE PRESS AT LENGTH ON THIS OCCASION.

WHILE MOST PERUVIANS ACCEPTED THE JUSTICE THAT GUZMAN AND OTHER SENIOR SL LEADERS RECEIVED, THE NATURE OF THEIR TRIALS. -- SECRET, BRIEF, WITH LITTLE APPARENT TIME FOR THE DEFENSE TO ACT -- COMBINED WITH A SYSTEM IN WHICH THE MILITARY MAKES ARRESTS, PROSECUTES, AND JUDGES -- RAISES STRONG QUESTIONS ABOUT PERU'S ABILITY TO FAIRLY JUDGE PERSONS WHO, UNLIKE GUZMAN, PLEAD INNOCENCE.

THE NEW SUPREME COURT APPARENTLY WILL CONTINUE TO DECIDE WHETHER MILITARY AND POLICE OFFENDERS ARE TRIED IN CIVILIAN COURTS OR IN A SEPARATE MILITARY COURT SYSTEM. THE MILITARY GENERALLY ASSERTS ITS JURISDICTION IN CASES INVOLVING ITS PERSONNEL, AND THE SUPREME COURT HAS GENERALLY RULED IN ITS FAVOR. UNDER PERUVIAN LAW, THOSE

TRIED IN MILITARY COURTS MAY NOT BE RETRIED FOR THE SAME OFFENSE IN CIVILIAN COURTS.

IN OCTOBER, PRESIDENT FUJIMORI ANNOUNCED THE GOVERNMENT WOULD WITHDRAW FROM THE SAN JOSE TREATY. THE GOVERNMENT SAID THE PURPOSE WAS TO PERMIT THE DEATH PENALTY FOR TERRORISM CASES. ANOTHER EFFECT, HOWEVER, WOULD BE TO END THE INTERAMERICAN HUMAN RIGHTS COURT'S JURISDICTION OVER PERU.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

THE CONSTITUTION STIPULATES THAT THE POLICE NEED A JUDICIAL WARRANT TO ENTER A PRIVATE DWELLING, AND THIS REQUIREMENT IS GENERALLY RESPECTED. THE REQUIREMENT IS SUSPENDED IN THE EMERGENCY ZONES, HOWEVER, AND SECURITY FORCES IN THOSE AREAS ROUTINELY CONDUCT SEARCHES OF PRIVATE HOMES WITHOUT WARRANTS.

WITH ARMY TRAINING AND ENCOURAGEMENT, A NUMBER OF RURAL COMMUNITIES ORGANIZED RONDAS TO PROTECT THEMSELVES AGAINST TERRORIST AND BANDIT INCURSIONS. RONDAS WERE REPEATEDLY CITED BY PRESIDENT FUJIMORI AS AN INTEGRAL PART OF THE

GOVERNMENT'S RURAL STRATEGY TO DEFEAT THE INSURGENTS AND HAD A NOTICEABLE IMPACT ON CURBING SENDERO'S PRESENCE IN CERTAIN AREAS OF THE COUNTRY. IN SOME PARTS OF THE NATION, RONDAS HAVE EXISTED FOR CENTURIES AS A FORM OF SOCIAL ORGANIZATION AND TO PROTECT RESIDENTS FROM INVADERS AND RUSTLERS. IN MOST CASES PEASANTS JOINED RONDAS VOLUNTARILY TO DEFEND AGAINST SENDERO. HOWEVER, MANY OF THE NEWER RONDAS WERE ACTIVELY ORGANIZED, AND SOMETIMES IMPOSED, UNDER THE DIRECTION OF THE MILITARY AUTHORITIES WITH PEASANTS SOMETIMES COERCED INTO PARTICIPATING IN RONDA ACTIVITIES. CREDIBLE REPORTS INDICATE SOME RONDAS ACT IN SUPPORT OF ILLEGAL ACTIVITIES, FROM CATTLE RUSTLING OF NEIGHBORING COMMUNITIES TO PROTECTION OF THE COCA INDUSTRY. SENDERO WAS ALSO CREDIBLY ACCUSED OF REGULARLY FORCING PEASANTS TO JOIN ITS MILITARY RANKS, OFTEN FOR EXTENDED PERIODS, REQUIRING THEIR INVOLVEMENT IN TERRORIST ATTACKS AND EXECUTIONS. SENDERO GUERRILLAS FREQUENTLY USE COERCED PERSONS IN THEIR RANKS AS CANNON FODDER IN TERRORIST ATTACKS, THUS REDUCING THE

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AND INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS AND THE ICRC TO ACT AS MEDIATORS WITH THE INMATES. AFTER THE A FINAL POLICE ASSAULT, A CONFUSING SERIES OF OFFICIAL AND EXTRA-OFFICIAL CASUALTY REPORTS INDICATED THAT AT LEAST 36 INMATES HAD BEEN KILLED, WITH SOME HUMAN RIGHTS GROUPS ARGUING THE COUNT WAS CLOSER TO, OR HIGHER THAN, 100. FOUR OF THE FIVE SENIOR SENDERO LEADERS AT CANTO GRANDE WERE AMONG THOSE KILLED. THERE ARE CREDIBLE REPORTS THAT THE POLICE DELIBERATELY KILLED THESE FOUR INMATES, AND PERHAPS OTHERS AFTER EFFECTIVE CONTROL OF THE PRISON WAS RE-ESTABLISHED. REPORTS INDICATE ALL FOUR WERE KILLED ABOUT THE SAME TIME ON THE LAST DAY AND ALL HAD RECEIVED BULLET WOUNDS IN THE HEAD, IN ADDITION TO WOUNDS ELSEWHERE. THE GOVERNMENT HAS NOT ISSUED A PUBLIC ACCOUNT THAT FULLY EXPLAINED WHAT OCCURRED AT CANTO GRANDE. AFTER THE ASSAULT, HUMAN RIGHTS ORGANIZATIONS AND THE ICRC WERE DENIED ACCESS TO THE PRISON. SUBSEQUENT ACCOUNTS, ACCEPTED BY HUMAN RIGHTS GROUPS AS CREDIBLE, INDICATE THAT INMATES HAD BEEN HELD IN SUBSTANDARD CONDITIONS.

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FM ANEMBASSY LIMA

TO SECSTATE WASHDC PRIORITY 2803

LIMITED OFFICIAL USE SECTION 11 OF 20 LIMA 13841

FOR HA, ARA/AND, AND S/IL

E.O. 12356: DECL: OADR

TAGS: PHUM, ELAB, PE

SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

NEED TO EXPOSE SENDERO CADRE UNNECESSARILY.

ACCORDING TO THE SENATE'S BERNALES COMMISSION, 2,074 PEOPLE, INCLUDING COMBATANTS AND

G. USE OF EXCESSIVE FORCE AND VIOLATIONS OF HUMANITARIAN LAW IN INTERNAL CONFLICTS

CIVILIANS, WERE KILLED IN TERRORIST-RELATED VIOLENCE IN 1992. THIS IS A 35 PERCENT DECREASE IN TERRORIST-RELATED VIOLENCE COMPARED TO 1991 (ONLY TO AUGUST). THE BERNALES FIGURE INCLUDES 306 POLICE AND MILITARY, 1,029 CIVILIANS, 729 TERRORISTS, AND 10 NARCOTICS TRAFFICKERS. THE COORDINADORA REPORTS THAT SENDERO HAS KILLED 5040 PERSONS SINCE 1983, 3803 OF WHOM WERE ASSASSINATED (408 IN 1992 ALONE).

PERU IS A SIGNATORY OF THE TWO ADDITIONAL PROTOCOLS TO THE GENEVA CONVENTIONS RELATING TO

THE PROTECTION OF VICTIMS OF INTERNATIONAL AND NONINTERNATIONAL ARMED CONFLICT IN JULY 1989. IN SEPTEMBER 1991, THE GOVERNMENT AUTHORIZED ACCESS OF THE ICRC TO ALL MILITARY FACILITIES ENGAGED IN ANTISUBVERSIVE OPERATIONS. THIS ACCESS CONTINUED INTO 1992. THE AUTHORIZATION INCLUDES THE RIGHT TO INTERVIEW DETAINEES PRIVATELY. IN 1992 THE ICRC REGISTERED OVER 2,200 NEW SECURITY DETAINEES PERSONS AT VARIOUS PLACES OF DETENTION THROUGHOUT THE COUNTRY. THE ICRC VISITED SOME 130 POLICE STATIONS, INCLUDING THE COUNTER-TERRORISM POLICE OFFICES IN LIMA AND REGISTERED OVER 1,100 NEW DETAINEES, OF WHOM OVER 300 WERE LATER RELEASED BY THE AUTHORITIES AFTER INVESTIGATION; OVER 135 MILITARY FACILITIES WERE VISITED AND ABOUT 120 NEW DETAINEES WERE REGISTERED, OF WHOM APPROXIMATELY 40 WERE RELEASED AFTER INVESTIGATION. THE ICRC SUSPENDED ITS VISITS TO PRISONS IN AUGUST UNTIL THE GOVERNMENT AGAIN ESTABLISHES A FORMAL PROTOCOL FOR THE VISITS.

HUMAN RIGHTS GROUPS MAINTAIN THAT A SIGNIFICANT BUT UNKNOWN NUMBER OF CAPTURED TERRORISTS AND INNOCENT CIVILIANS WERE SUMMARILY EXECUTED BY THE MILITARY IN 1992. ADDITIONALLY, CLAIMS HAVE BEEN MADE THAT MANY OF THOSE THE MILITARY DESCRIBES AS SUBVERSIVES KILLED IN ARMED CLASHES ARE IN FACT INNOCENT VICTIMS. THESE CLAIMS ARE DIFFICULT OR IMPOSSIBLE TO VERIFY GIVEN DIFFICULTIES IN OBTAINING INFORMATION OR TRAVELING TO MANY OF THESE AREAS OR TRAVEL. SENDERO'S DISREGARD FOR THE RULES OF WAR AND HUMANITARIAN LAW ARE ALSO WELL KNOWN; SENDERO

ON MAY 4-9, THE NATIONAL POLICE STORMED LIMA'S CANTO GRANDE MAXIMUM SECURITY PRISON, WHICH HOUSED THE MAJORITY OF THE COUNTRY'S CONVICTED TERRORISTS. SENDERO AND MRTA INMATES HAD GAINED DE FACTO CONTROL OF THEIR RESPECTIVE CELL BLOCKS, AND SENDERO PROPAGANDA PROCLAIMED THE PRISONS TO BE "SHINING TRENCHES OF COMBAT" THAT SENDERO USED AS TRAINING CENTERS FOR ITS CADRE.

POLICE UNITS INITIALLY SHOWED RESTRAINT, DESPITE THE DEATHS OF TWO POLICEMEN, ONE OF WHOM WAS REPORTEDLY KILLED WITH ACID. THE AUTHORITIES, HOWEVER, REPEATEDLY REFUSED OFFERS FROM LOCAL

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AND PRESIDENT FUJIMORI ON TELEVISION AND RADIO.

ACTION HA-09

INFO LOG-00 ACDA-17 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00  
EB-00 H-01 INRE-00 INR-01 IO-19 LAB-04 L-00  
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LIMITED OFFICIAL USE SECTION 12 OF 20 LIMA 13841

FOR HA, ARA/AND, AND S/IL

E.O. 12356: DECL: OADR  
TAGS: PHUM, ELAB, PE  
SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

ROUTINELY TORTURES, MUTILATES AND MURDERS ITS CAPTIVES.

THERE WERE WIDESPREAD ABUSES BY BOTH SECURITY AND TERRORIST FORCES OF THE RIGHTS OF PRISONERS, ABLE-BODIED, WOUNDED, AND SICK ALIKE. THE MILITARY'S VIOLATIONS OF INTERNATIONAL NORMS RANGED FROM THE ROUTINE BLINDFOLDING OF

PRISONERS, TO THE FREQUENT REFUSAL TO ADMIT THAT CERTAIN PERSONS WERE BEING DETAINED, TO THE LESS FREQUENT SUMMARY EXECUTION OF PRISONERS. FOR ITS PART, SENDERO DOES NOT ACKNOWLEDGE HOLDING ANY GOVERNMENT PRISONERS; IT EXECUTES GOVERNMENT PRISONERS AS A MATTER OF POLICY.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

THE CONSTITUTION PROVIDED FOR FREEDOM OF SPEECH AND THE PRESS. WITH 8 TELEVISION STATIONS, 1 CABLE TELEVISION SYSTEM, 72 RADIO STATIONS, AND 18 DAILY NEWSPAPERS IN LIMA ALONE, PERUVIANS HAVE ACCESS TO A VERY BROAD RANGE OF OPINION AND INFORMATION. THE GOVERNMENT OWNS ONE OF THE THREE NATIONAL TELEVISION NETWORKS, A RADIO NETWORK, AND TWO NEWSPAPERS. MOST MAJOR OPPOSITION PARTIES BOAST THEIR OWN NEWSPAPERS, AND OPPOSITION FIGURES ALSO HAVE FREQUENT ACCESS TO THE GOVERNMENT MEDIA.

OBSERVERS OF THE PERUVIAN PRESS COULD EASILY CONCLUDE THAT IT IS TOTALLY FREE. IN ADDITION TO COVERAGE OF THE PRESIDENT AND GOP OFFICIALS, THE MEDIA GIVES AMPLE COVERAGE TO THE STATEMENTS

OF OPPOSITION POLITICIANS. PRESIDENT FUJIMORI IS REGULARLY DESCRIBED AS A DICTATOR IN THE WRITTEN PRESS. SIMILARLY, OPPOSITION POLITICIANS VOICE SAVAGE CRITICISM OF THE GOP

IN SPITE OF THIS, MANY MEDIA SOURCES EXPRESS CONCERN THAT AN UNFETTERED GOVERNMENT COULD, AT ANY MOMENT, STRIKE HARD WITH ACTIONS LIKE THOSE FOLLOWING THE APRIL 5 COUP. THE GOVERNMENT OCCUPIED PRINT AND BROADCAST MEDIA OFFICES, CLOSED A RADIO STATION AND A WEEKLY LEFTIST NEWSPAPER, AND BRIEFLY JAILED SOME 24 JOURNALISTS. THOUGH THE MEASURES WERE WITHDRAWN WITHIN 48 HOURS WITH AN APOLOGY FROM THE PRESIDENT, NO ONE HAS FORGOTTEN.

THE GOVERNMENT HAS, HOWEVER, SHOWN EXTREME SENSITIVITY ABOUT STORIES WHICH IT FEELS SERVE THE INTERESTS OF SENDERO LUMINOSO. A NUMBER OF REPORTERS HAVE RECEIVED PHONE CALLS FROM UNIDENTIFIED SOURCES WARNING THEM OFF OF STORIES THAT MIGHT REFLECT ADVANCES BY SENDERO OR LACK OF PROGRESS BY THE GOP IN THE FIGHT AGAINST TERRORISM. SHORTLY AFTER THE APPEARANCE OF AN ARTICLE ABOUT SENDERO'S PROGRESS IN PERU, THE GOP'S OFFICIAL DAILY, "EL PERUANO," VISITED THE OFFICES OF THE PRESIDENT OF THE FOREIGN PRESS ASSOCIATION TO COMPLAIN ABOUT THE PIECE,

ASSERTING THAT THE WIRE SERVICES LIE.

ON THE NIGHT OF THE COUP, GUSTAVO GORRITI, A WELL-KNOWN JOURNALIST AND THE AUTHOR OF A BOOK ON SENDERO LUMINOSO, WAS ARRESTED AND TAKEN INTO CUSTODY, REPORTEDLY BY AGENTS FROM THE NATIONAL INTELLIGENCE SERVICE (SIN). GORRITI'S COMPUTER WAS CONFISCATED AND AUTHORITIES SOUGHT OTHER RECORDS AND INFORMATION GORRITI HAD GATHERED FOR THE SEQUEL TO HIS FIRST BOOK. GORRITI WAS RELEASED AFTER TWO DAYS, FOLLOWING INTENSE INTERNATIONAL PROTEST, INCLUDING FROM THE U.S. GOVERNMENT. HUMAN RIGHTS OBSERVERS BELIEVE GORRITI'S DETENTION WAS CONNECTED TO A LONG-STANDING PUBLIC FEUD WITH PRESIDENTIAL SECURITY ADVISER VLADIMIRO MONTESINOS.

INFLUENTIAL WEEKLY NEWS MAGAZINE "CARETAS" PUBLISHER ENRIQUE ZILERI LOST A FINAL APPEAL AGAINST A COURT SUIT FOR LIBEL FILED BY MONTESINOS. ZILERI HAD PUBLISHED AN ARTICLE ABOUT MONTESINOS AND HIS WORK AS A LAWYER FOR A COLOMBIAN DRUG DEALER. A RESTRAINING ORDER PROHIBITED ZILERI AND "CARETAS" FROM MENTIONING MONTESINOS' NAME OR PUBLISHING HIS PHOTO. MANY

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ALSO BOMBED SEVERAL RURAL RADIO STATIONS.  
SENDERO USED THREATS TO INTIMIDATE RADIO  
STATIONS, JOURNALISTS AND PUBLICATIONS.

ACTION HA-09

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THE COLLEGE OF PERUVIAN JOURNALISTS REPORTED THAT AS MANY AS 40 JOURNALISTS HAVE BEEN KILLED IN THE 12 YEARS OF SENDERO VIOLENCE. MANY OF THESE DEATHS ARE UNQUESTIONABLY DUE TO SENDERO VIOLENCE. ON JUNE 5, A SENDERO CAR BOMB EXPLODED OUTSIDE LIMA'S CHANNEL 2 TELEVISION STATION, KILLING AT LEAST FIVE AND INJURING OVER 20 PERSONS. ON AUGUST 3, SANTIAGO JAU GOMEZ WAS KILLED BY A SENDERO ASSASSINATION TEAM FOR HAVING REFUSED TO OBEY AN "ARMED STRIKE" IN BARRANCA, NORTHERN LIMA DEPARTMENT. SOME JOURNALISTS HAVE BEEN JAILED ON SUSPICION OF SUBVERSIVE ACTIVITIES. MAGNO SOSA, FOR EXAMPLE, WAS THE AYACUCHO CORRESPONDENT OF THE "LA REPUBLICA" DAILY. HE WAS JAILED IN SEPTEMBER ON ALLEGATIONS HE BELONGED TO SENDERO LUMINOSO. MOST SENDERO WATCHERS AND HUMAN RIGHTS ACTIVISTS DOUBT SOSA WAS A TERRORIST.

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E.O. 12356: DECL: OADR  
TAGS: PHUM, ELAB, PE  
SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

JOURNALISTS AND LEGAL PROFESSIONALS FELT THIS ACTION HAD NO REAL LEGAL BASIS, SINCE THE BASIC ALLEGATION WAS BACKED UP BY OFFICIAL RECORDS AND THERE WAS NO ARGUMENT THAT THE MATERIAL PUBLISHED MET ANY OF THE BASIC STANDARDS FOR LIBEL.

ACADEMIC FREEDOM IS GENERALLY MORE RESPECTED BY THE GOVERNMENT THAN BY THE SUBVERSIVES, WHO

MEDIA SOURCES EXPRESSED CONCERN OVER LEGISLATIVE

DECREE 25475 THAT HOLDS JOURNALISTS WHO ASSIST SEDITIONARY FORCES IN ANY WAY -- THE INTERPRETATION OF WHAT THAT MIGHT INCLUDE IS NOT CLEAR IN THE TEXT OF THE DECREE -- LIABLE TO CRIMINAL PROSECUTION. IT WAS FIRST PROHULGATED BY THE EXECUTIVE BRANCH BEFORE THE COUP BUT WAS DEROGATED BY CONGRESS. THE PRESIDENT REINSTATED THE DECREE AFTER THE COUP. ITS EXISTENCE, SAY MEDIA REPRESENTATIVES, "HANGS LIKE A SWORD OF DAMOCLES" OVER JOURNALISTS.

STRIVE TO CONTROL MANY UNIVERSITIES. SENDERO AND MRTA RESORT EXTENSIVELY TO THREATS AND ABUSE AGAINST FACULTY, STAFF, AND STUDENTS IN A NUMBER OF UNIVERSITIES WHICH THEY STRIVE TO CONTROL. SUBVERSIVE INFILTRATION WAS MOST NOTABLE AT THE UNIVERSITY OF SAN MARCOS, LA CANTUTA TEACHERS UNIVERSITY, THE NATIONAL ENGINEERING UNIVERSITY (ALL IN LIMA), AND THE UNIVERSIDAD DEL CENTRO IN HUANCAYO. ARMY UNITS ENTERED SAN MARCOS AND LA CANTUTA UNIVERSITIES IN MAY 1991 TO PAINT OUT SENDERO PROPAGANDA AND "RESTORE UNIVERSITY FREEDOM" WITH A SHOW OF MILITARY PRESENCE.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE PERUVIAN GOVERNMENT HAS SEVERAL MEANS, JOURNALISTS REPORT, TO BRING PRESSURE TO BEAR ON THE MEDIA. ONE OF THESE IS THE TAX AGENCY, "SUNAT." SOURCES FROM MEDIA OUTLETS CRITICAL OF THE GOVERNMENT INDICATED THAT SUNAT OFFICIALS HAD VISITED THEM ON A NUMBER OF OCCASIONS. ALTHOUGH THE OFFICIALS DID NOT SUGGEST ANY LINKS BETWEEN THEIR PRESENCE AND ISSUES RELATED TO PRESS FREEDOM, THE IMPLICATION, THE SOURCES SAID, WAS CLEAR. OTHER DIRECT FORMS OF COERCION IS THE GOVERNMENT'S ABILITY TO WITHHOLD OR GRANT CREDIT THROUGH GOVERNMENT-OWNED BANKS TO MEDIA IN NEED OF LOANS TO COVER PAYROLL COSTS, FOR PURCHASING LARGE STOCKS OF PAPER OR TO BUY NEW EQUIPMENT. ANOTHER SOURCE OF GOVERNMENT PRESSURE IS SELECTIVE PLACEMENT OF THE GOVERNMENT'S ADVERTISING BUSINESS.

THESE RIGHTS ARE EXPRESSLY PROVIDED FOR IN THE CONSTITUTION AND ARE NORMALLY RESPECTED IN PRACTICE EXCEPT IN AREAS UNDER A STATE OF EMERGENCY (WHERE THE RIGHT OF ASSEMBLY IS SUSPENDED). PUBLIC MEETINGS IN PLAZAS OR STREETS REQUIRE ADVANCE PERMISSION, WHICH MAY BE DENIED ONLY FOR REASONS OF PUBLIC SAFETY OR HEALTH. MUNICIPAL AUTHORITIES USUALLY APPROVED

IN SEPARATE ACTIONS MRTA AND SENDERO FORCES OCCUPIED THE OFFICES OF SEVERAL RADIO STATIONS AND WIRE SERVICES, FORCING THE MEDIA OUTLETS TO TRANSMIT POLITICAL PROPAGANDA MESSAGES. SENDERO

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FREEDOM OF MOVEMENT IS LEGALLY SUSPENDED WITHIN THE EMERGENCY ZONES, AND TRAVELERS MAY BE DETAINED BY AUTHORITIES AT ANY TIME. LAX CONTROLS AT CHECK POINTS, ALTHOUGH REPORTEDLY SLIGHTLY IMPROVED OVER PREVIOUS YEARS, MEANS INTERNAL TRAVEL IN SECURITY ZONES CAN BE CONDUCTED WITH LITTLE OFFICIAL INTERFERENCE. ON JUNE 10, FOLLOWING A SPATE OF SERIOUS SENDERO TERRORIST ATTACKS IN LIMA, THE GOVERNMENT ORDERED A 10 PM TO 5 AM VEHICULAR CURFEW FOR THE METROPOLITAN AREA. AT LEAST THREE PERSONS WERE SHOT TO DEATH BY SOLDIERS WHEN THEY FAILED TO OBEY COMMANDS TO STOP DURING CURFEW HOURS. PEDESTRIAN TRAFFIC AND LIMITED VEHICULAR TRAFFIC WITH OFFICIAL PASSES IS PERMITTED. OTHER DOMESTIC AND INTERNATIONAL TRAVEL IS NOT RESTRICTED BY THE GOVERNMENT FOR POLITICAL REASONS.

ACTION NA-09

INFO LOG-00 ACDA-17 AID-00 ANAD-01 ARA-00 CIAE-00 DODE-00  
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LIMITED OFFICIAL USE SECTION 14 OF 20 LIMA 13841

FOR HA, ARA/AND, AND S/IL

E.O. 12356: DECL: OADR  
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SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

PERMITS FOR DEMONSTRATIONS IN LIMA AND NONEMERGENCY ZONES. MANY UNAUTHORIZED PUBLIC MEETINGS AND DEMONSTRATIONS ALSO OCCURRED, AND, FOR THE MOST PART, THE GOVERNMENT DEALT WITH THEM IN A NONCONFRONTATIONAL MANNER. THE POLICE HAVE OCCASIONALLY USED CLUBS, TEAR GAS AND WATER CANNONS TO BREAK UP MARCHES OR DISPERSE LARGE CROWDS, BUT THIS HAS BEEN THE EXCEPTION AND NOT THE RULE. THESE TACTICS WERE MOSTLY USED

AGAINST STRIKING PUBLIC SERVICE WORKERS, INCLUDING NURSES, SCHOOL TEACHERS, AND SOCIAL SECURITY WORKERS.

C. FREEDOM OF RELIGION

ROMAN CATHOLICISM PREDOMINATES IN PERU, AND THE CONSTITUTION FORMALLY RECOGNIZES THE CHURCH "AS AN IMPORTANT ELEMENT IN THE HISTORICAL, CULTURAL, AND MORAL DEVELOPMENT" OF THE NATION. THE CONSTITUTION ALSO ESTABLISHES THE SEPARATION OF CHURCH AND STATE AND ENSURES FREEDOM OF RELIGION AND CONSCIENCE. THESE RIGHTS ARE RESPECTED IN PRACTICE.

SENDERO LUMINOSO HAS ISSUED DEATH THREATS AGAINST MEMBERS OF VARIOUS RELIGIOUS ORGANIZATIONS DURING 1992, INCLUDING THE ROMAN CATHOLIC CHURCH. SENDERO IS BECOMING INCREASINGLY ANTAGONISTIC TO ORGANIZED RELIGION IN GENERAL AND TO FOREIGN CLERGY IN PARTICULAR. SEVERAL RELIGIOUS WORKERS WERE KILLED BY SENDERO IN 1991 AND 1992, INCLUDING AN ITALIAN PRIEST IN OCTOBER 1992 AND PERUVIAN PRESBYTERIANS IN (DATE TO BE FOUND).

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

THE CONSTITUTION PROVIDES FOR THE RIGHT OF FREE MOVEMENT, AND THERE ARE NO POLITICAL OR LEGAL CONSTRAINTS ON FOREIGN TRAVEL OR EMIGRATION.

SENDERO CONDUCTED NUMEROUS "ARMED STRIKES" IN VARIOUS PARTS OF THE COUNTRY, DURING WHICH CIVILIANS WERE OBLIGED TO STAY AT HOME OR ELSE RISK REPRISALS. PUBLIC AND PRIVATE VEHICLES OPERATING DURING THE STRIKES WERE SUBJECT TO ATTACK. IN JULY, SENDERO BURNED A TAXI DRIVER

TO DEATH IN HIS VEHICLE IN LIMA. BANDIT AMBUSHES OF VEHICLES, ESPECIALLY INTER-PROVINCIAL BUSES CONTINUED IN 1992. SOME BANDITS WERE FOUND TO HAVE BEEN OFF-DUTY POLICE OFFICERS. IN SEPTEMBER, SENDERO AMBUSHED SEVERAL VEHICLES TRAVELING IN A REMOTE PART OF AYACUCHO ON A MAIN ROUTE, BURNING THE VEHICLES AND KILLING AT LEAST FIVE PERSONS.

SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

PRESIDENT ALBERTO FUJIMORI, IN OFFICE SINCE JULY 28, 1990, INTERRUPTED THE DEMOCRATIC PROCESS ON APRIL 5, 1992 BY DISSOLVING CONGRESS AND SUSPENDING THE INDEPENDENT JUDICIARY WITH MILITARY AND POLICE SUPPORT. FUJIMORI CLAIMED THAT RAMPANT CORRUPTION AND INSTITUTIONAL INEFFICIENCY INSIDE THE GOVERNMENT, AND CONGRESSIONAL OBSTRUCTIONISM FORCED HIM TO ESTABLISH A GOVERNMENT OF EMERGENCY AND NATIONAL RECONSTRUCTION UNDER HIS DIRECT CONTROL. THE PRESIDENT CHARGED THAT THE CONGRESS, THE

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INFO: ARA (01) PPC (01) OAS (01) PPA (01) RJ (01) RSC (01) RSC (01)  
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AMONG THE MAJORITY OF PERUVIANS, ESPECIALLY THOSE FROM THE MORE DISADVANTAGED CLASSES.

ACTION RA-09

INFO LOG-00 ACDA-17 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00  
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THE EXECUTIVE EXERCISED AUTHORITY THROUGH DECREES LAWS ISSUED BY THE PRESIDENT AND APPROVED BY THE COUNCIL OF MINISTERS, WITH UNFETTERED CONTROL OF THE GOVERNMENT, FUJIMORI QUICKLY PASSED A SERIES OF DECREES LAWS AND MEASURES INTENDED TO REFORM THE GOVERNMENT AND THE ECONOMY. MANY OF THESE MEASURES HAD PREVIOUSLY BEEN REJECTED OR MODIFIED BY THE DEPOSED CONGRESS. IN FACT, THE COUP OCCURRED AS THE CONGRESS WAS RESUMING ITS SESSIONS.

P 221423Z OCT 92  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC PRIORITY 2807

THE NEW GOVERNMENT ISSUED 72 DECREE LAWS WITHIN SIXTY DAYS. THE BULK OF THESE DECREES ORDERED SWEEPING PERSONNEL CHANGES IN ALL OFFICES OF THE JUDICIARY AND OTHER GOVERNMENT BODIES. ON APRIL 9 A DECREE REMOVED SIX PROVISIONAL AND 13 SITTING SUPREME COURT JUSTICES OUT OF 28; THREE MORE INCLUDING THE CHIEF JUSTICE RESIGNED ON APRIL 20. THE ATTORNEY GENERAL WAS DISMISSED AND THE AREQUIPA-BASED TRIBUNAL OF CONSTITUTIONAL GUARANTEES, THE HIGHEST COURT OF APPEALS IN THE COUNTRY, WAS SUSPENDED. MORE

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FOR WA, ARA/AND, AND S/IL

E.O. 12356: DECL: OADR  
TAGS: PHUM, ELAB, PE  
SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

THAN 50 OF THE NEW DECREES SPECIFICALLY DENIED THOSE AFFECTED THE RIGHT TO SEEK LEGAL RELIEF. DESPITE THE SEVERE PERSONNEL SHIFTS IN THE JUDICIARY AND COURTS, MANY OBSERVERS AGREE THAT INEFFICIENCY AND CORRUPTION REMAIN LARGELY UNCHANGED.

POLITICAL PARTIES, AND THE JUDICIARY HAMSTRINGED HIS ABILITY TO EFFECTIVELY ADDRESS THE NATION'S MOST IMPORTANT PROBLEM: THE GROWING THREAT POSED BY SENDERO LUMINOSO. OPPOSITION POLITICAL PARTIES CLAIMED THAT REPEATED EFFORTS TO UNDERTAKE A DIALOGUE WITH THE GOVERNMENT WERE REBUFFED. THE APRIL 5 COUP OCCURED AS CONGRESS WAS INITIATING AN INDEPENDENT INVESTIGATION OF CORRUPTION CHARGES MADE BY MRS. FUJIMORI AGAINST

MEMBERS OF THE PRESIDENT'S FAMILY. THOSE CHARGES WERE SUBSEQUENTLY DISMISSED BY THE FUJIMORI-CONTROLLED JUDICIARY.

THE NET EFFECT OF THE NEW DECREE LAWS WITH REGARD TO COUNTERING SUBVERSION WAS TO STRENGTHEN THE HAND OF THE SECURITY FORCES AND PLACE CIVILIAN GOVERNMENT AND PRIVATE INSTITUTIONS EVEN MORE FIRMLY UNDER THE MILITARY IN EMERGENCY ZONES. A FLURRY OF DECREES INCREASED PENALTIES FOR TERRORISM AND CONDITIONS FOR SERVING THOSE SENTENCES TO A MAXIMUM OF LIFE IN PRISON WITH HARD LABOR, ONE YEAR INITIAL ISOLATION, AND VISITS RESTRICTED TO IMMEDIATE FAMILY LIMITED TO ONCE A MONTH WITH NO PERSONAL CONTACT. DECREES IN SEPTEMBER CONTAINED VAGUE LANGUAGE THAT COULD RESULT IN VIRTUALLY ALL TERRORISM CASES BEING TRIED IN SECRET IN

PRESIDENT FUJIMORI'S COUP WAS MARKED BY AN ABSENCE OF VIOLENCE AND THE BREVITY OF THE EXTRA SECURITY MEASURES THAT WERE IMPOSED. ON APRIL 5, TROOPS AND ARMORED VEHICLES OCCUPIED, INTER ALIA, THE CONGRESS, THE PALACE OF JUSTICE AND PUBLIC MINISTRY, SEVERAL OPPOSITION PARTY OFFICES AND OFFICES OF THE PRINT AND BROADCAST MEDIA. THE NATION'S ENTIRE JUDICIAL SYSTEM WAS ESSENTIALLY SHUT DOWN. AT LEAST 48 PERSONS WERE DETAINED OR PLACED UNDER HOUSE ARREST WITHOUT CHARGES FOLLOWING THE COUP, INCLUDING FORMER GOVERNMENT MINISTERS, PARLIAMENTARIANS, LABOR LEADERS AND AT LEAST 24 JOURNALISTS. WITHIN 10 DAYS, MOST DETAINEES WERE RELEASED WITHOUT HAVING SUFFERED FURTHER VIOLATIONS OF THEIR RIGHTS BEYOND ILLEGAL DETENTION, AND TROOPS HAD LEFT NEARLY ALL NON-GOVERNMENT SITES. FORMER PRESIDENT ALAN GARCIA PEREZ ACCEPTED ASYLUM IN COLOMBIA FOLLOWING A FAILED GOVERNMENT MARCH. THE GOVERNMENT PERMITTED ICRC VISITS TO MOST OF THE DETAINEES. ONLY AGUSTIN MANTILLA, FORMER INTERIOR MINISTER IN THE ALAN GARCIA ADMINISTRATION, REMAINS IN DETENTION. MANTILLA IS CHARGED WITH ILLEGAL POSSESSION OF WEAPONS, BUT MOST OBSERVERS BELIEVE THIS CHARGE IS AN EXCUSE FOR A POLITICALLY MOTIVATED ARREST.

WHILE THERE WAS STRENUOUS CONDEMNATION OF PRESIDENT FUJIMORI'S EXTRA-CONSTITUTIONAL ACTION BY THE INTERNATIONAL COMMUNITY AND MOST OF PERU'S POLITICAL ELITE, THE COUP WAS POPULAR

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ACTION HA-09

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THE ELECTIONS WILL BE MONITORED BY SOME 200 OBSERVERS FROM THE ORGANIZATION OF AMERICAN STATES (OAS); PRESENT AT THE GOVERNMENT'S REQUEST. THERE WERE, AS OF OCTOBER, SOME CREDIBLE ALLEGATIONS THAT THE GOVERNMENT CANDIDATES BENEFITTED FROM GOVERNMENT RESOURCES, WHICH WOULD VIOLATE PERUVIAN LAW. THE REQUIREMENT THAT ALL BUT THE LARGEST PARTIES REGISTER WITH SIGNATURES OF 100,000 VOTERS DIMINISHED THE NUMBER OF CANDIDATES. NEVERTHELESS, A BROAD REPRESENTATION OF POLITICAL IDEOLOGIES WERE PRESENT ON THE BALLOT. PARTIES ALSO EXPRESSED CONCERN THAT THE PRESIDENT WOULD HAVE EXCESSIVE CONTROL OF THE VOTE COUNTING PROCESS, AND THAT THE MILITARY, WHICH UNDER PERUVIAN PRACTICE HAS A LARGE ROLE IN ELECTIONS, IS NO LONGER POLITICALLY NEUTRAL. (NOTE: THIS SECTION WILL TO BE REWRITTEN AS NECESSARY AFTER NOVEMBER 22.)

P 221423Z OCT 92  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC PRIORITY 2808

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FOR HA, ARA/AND, AND S/IL

E.O. 12356: DECL: OADR  
TAGS: PHUM, ELAB, PE  
SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

SENDERO LUMINOSO HAS PERSISTENTLY SOUGHT TO DENY CITIZENS THEIR POLITICAL RIGHTS--PARTICULARLY IN THE MORE REMOTE AREAS--BY KILLING CANDIDATES AND ELECTED OFFICIALS AND INTIMIDATING VOTERS. SENDERO APPLIED THESE TACTICS AS RECENTLY AS THE AUGUST 1991 SUPPLEMENTAL ELECTIONS. MOST

MILITARY COURTS. THERE WAS WIDESPREAD DISCUSSION OF INTRODUCING CAPITAL PUNISHMENT FOR TERRORISM, BUT NO STEPS WERE TAKEN TO FORMALLY DO SO. HOWEVER, THE NEW GOVERNMENT DID NOT PROMULGATE SOME THE MORE SEVERE DECREE LAWS IT HAD PROPOSED AND HAD REJECTED BY THE SITTING CONGRESS -- SUCH AS THE NATIONAL MOBILIZATION DECREE THAT COULD HAVE OBLIGED MOST SECTORS OF SOCIETY TO "MOBILIZE" AGAINST THE SUBVERSIVES

OBSERVERS FEARED A REPEAT OF SENDERO ACTIONS IN OCTOBER AND NOVEMBER IN ORDER TO DISRUPT THE NOVEMBER 22 CCD ELECTIONS.

UNDER EXECUTIVE/MILITARY CONTROL.

SECTION 4 GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

ON APRIL 21, PRESIDENT FUJIMORI ANNOUNCED THAT PERU'S RETURN TO DEMOCRACY WOULD OCCUR BY APRIL 5, 1993. ON MAY 17, THE PRESIDENT TRAVELED TO THE OAS' FOREIGN MINISTERIAL MEETING IN THE BAHAMAS AND REITERATED PROMISES TO RETURN PERU TO FULL DEMOCRACY, BUT SHORTENED THE TIMETABLE TO OCTOBER 1992. AFTER SEVERAL CHANGES IN THE TIMETABLE AND OTHER DETAILS, FUJIMORI ANNOUNCED THAT AN 80 MEMBER DEMOCRATIC CONSTITUENT CONGRESS (CCD) WOULD BE ELECTED ON NOVEMBER 22, 1992, TO REWRITE THE CONSTITUTION, ISSUE NEW LAWS AND REVIEW PREVIOUS LEGISLATION. THE NEW CONGRESS WOULD SERVE OUT THE PREVIOUS CONGRESS' TERM TILL JULY 28, 1995.

A NUMBER OF LOCAL PRIVATE HUMAN RIGHTS ORGANIZATIONS CONSTITUTE THE INDEPENDENT NATIONAL COORDINATING COMMITTEE FOR HUMAN RIGHTS. THESE INCLUDE THE COMMISSION FOR HUMAN RIGHTS (COMISEDH), THE INSTITUTE FOR LEGAL DEFENSE (IDL), THE ASSOCIATION FOR HUMAN RIGHTS (APRODEH), THE CATHOLIC CHURCH'S EPISCOPAL COMMISSION FOR SOCIAL ACTION (CEAS), AND THE CENTER FOR STUDIES AND ACTION FOR PEACE (CEAPAZ). SEVERAL SMALLER GROUPS WORK IN THE DEPARTMENTAL CAPITALS AND OTHER CITIES. THESE GROUPS ARE WIDELY CONSIDERED TO BE CREDIBLE OBSERVERS, INVESTIGATING AND REPORTING ON HUMAN RIGHTS ABUSES TO THE EXTENT POSSIBLE, REGARDLESS

AFTER A DIALOGUE WITH SOME OF THE SMALLER PARTIES, THE PRESIDENT DICTATED DECREES REGULATING THE CCD ELECTIONS. MAJOR OPPOSITION PARTIES BRIEFLY JOINED TALKS WITH THE GOVERNMENT, BUT THEN REFUSED TO ENGAGE FURTHER, CHARGING THE GOVERNMENT WITH NOT ACCEPTING GENUINE DIALOGUE. SEVERAL TRADITIONAL OPPOSITION POLITICAL PARTIES AND NEW INDEPENDENT POLITICAL GROUPINGS EVENTUALLY SOUGHT TO PARTICIPATE IN THE CCD ELECTIONS, MANY WITH RESERVATIONS, WHILE TWO PROMINENT TRADITIONAL PARTIES, THE AMERICAN POPULAR REVOLUTIONARY

ALLIANCE (APRA) AND POPULAR ACTION (AP), REFUSED OUTRIGHT TO PARTICIPATE.



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THAT THEY ARE LIMITED BY THE MILITARY IN THEIR EFFORTS TO INVESTIGATE HUMAN RIGHTS ABUSES IN THE EMERGENCY ZONES AND THAT THEIR REQUESTS TO THE GOVERNMENT FOR INFORMATION ARE USUALLY IGNORED.

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ACTION HA-09

INFO LOG-00 ACDA-17 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00  
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P 221423Z OCT 92  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC PRIORITY 2809

FOLLOWING THE SEPTEMBER 12 ARREST OF SENDERO LUMINOSO LEADER ABIMAEI GUZMAN, THE GOVERNMENT AND THE MEDIA REVEALED THE IDENTITIES OF PRESUMED SENDERISTA LEADERS LIVING ABROAD AND INSIDE PERU. SEVERAL OF THOSE IDENTIFIED WERE RESPECTED MEMBERS OF LOCAL SELF-HELP GROUPS OR HUMAN RIGHTS ORGANIZATIONS. HUMAN RIGHTS GROUPS EXPRESSED CONCERN THAT THE GOVERNMENT WAS TRYING TO LIMIT THEIR EFFECTIVENESS BY TARRING LEGITIMATE HUMAN RIGHTS ACTIVISTS AS SENDERISTAS. FOR EXAMPLE, ON SEPTEMBER 23 THE PUBLIC MINISTRY FILED CHARGES AGAINST AYACUCHO-BASED HUMAN RIGHTS ACTIVIST ANGELICA MENDOZA ALMEIDA FOR PROMOTING SENDERO LUMINOSO IN FRANCE; MENDOZA APPARENTLY VISITED FRANCE BRIEFLY IN 1985. ALSO IN SEPTEMBER, A PERSON CLAIMING TO BE AN OFFICER IN THE NATIONAL COUNTERTERRORISM POLICE CALLED A EUROPEAN EMBASSY TO INFORM THEM THAT CESAR AZABACHE, A

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FOR HA, ARA/AND, AND S/IL

E.O. 12356: DECL: OADR  
TAGS: PHUB, ELAB, PE  
SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

LAWYER AT THE LEGAL DEFENSE INSTITUTE HAD CONNECTIONS TO THE SENDERO LEGAL FRONT ORGANIZATION, THE ASSOCIATION OF DEMOCRATIC LAWYERS. AZABACHE WAS THEN NOT GRANTED VISAS HE REQUIRED TO ATTEND A HUMAN RIGHTS SEMINAR IN EUROPE. LEGITIMATE FEARS OF ATTACKS BY SENDERO ALSO GREATLY LIMIT THE ABILITY OF HUMAN RIGHTS MONITORS TO INVESTIGATE REPORTED CASES OF ABUSE.

OF THE PERPETRATOR.

PRESIDENT FUJIMORI REGULARLY SPOKE OUT DEMANDING GREATER RESPECT FOR HUMAN RIGHTS FROM MEMBERS OF THE SECURITY FORCES, REPEATEDLY REMINDING THE MILITARY AND POLICE THAT THEY MUST EARN THE SUPPORT OF THE CIVILIAN POPULATION FOR THE GOVERNMENT TO SUCCESSFULLY COUNTER AND DEFEAT

THE SUBVERSIVE GROUPS.

ON AUGUST 17, POLICE IN CUZCO ARRESTED JOSE RAMIREZ GARCIA, A LOCAL HUMAN RIGHTS ACTIVIST INVOLVED IN TRACKING POLITICAL VIOLENCE. RAMIREZ WAS DETAINED WHILE PHOTOCOPYING A NEW, INTERNATIONALLY RELEASED BOOK ON SENDERO AND POLICE LATER FOUND DOCUMENTS RELATING TO SUBVERSIVE GROUPS AMONG HIS POSSESSIONS. HE IS CURRENTLY AWAITING TRIAL IN CUZCO AND REPORTEDLY HAS BEEN THREATENED BY SENDERO INMATES AT THE PRISON.

HOWEVER, PRESIDENT FUJIMORI ALSO REPEATEDLY ACCUSED SOME INTERNATIONAL AND NATIONAL HUMAN RIGHTS GROUPS OF FAILING TO CONDEMN EQUALLY THE HUMAN RIGHTS OFFENSES COMMITTED BY THE TERRORISTS, AND THUS SERVING THE ENDS OF TERRORISM. LOCAL HUMAN RIGHTS GROUPS VIGOROUSLY DENIED THESE ALLEGATIONS. THE STATEMENT BY AMNESTY INTERNATIONAL'S ITALIAN BRANCH, THAT ABIMAEI GUZMAN WAS A POLITICAL PRISONER WAS SHARPLY CRITICIZED BY THE GOVERNMENT AS FAVORING SENDERO. LOCAL GROUPS PRODUCED DOCUMENTARY EVIDENCE OF THEIR LONGSTANDING AND STRENUOUS DENUNCIATIONS OF SENDERO AS THE SINGLE LARGEST VIOLATOR OF HUMAN RIGHTS IN PERU, WHILE SIMULTANEOUSLY DENOUNCING THE MANY VIOLATIONS COMMITTED BY MEMBERS OF THE PERUVIAN GOVERNMENT.

SEVERAL FOREIGN NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS SENT REPRESENTATIVES TO PERU

IN AN EFFORT TO REESTABLISH THE DEATH PENALTY IN TERRORISM CASES, PRESIDENT FUJIMORI ANNOUNCED IN OCTOBER THAT PERU WANTED TO MODIFY THE PROHIBITION ON CAPITAL PUNISHMENT IT HAD SUBSCRIBED TO IN THE AMERICAN CONVENTION ON HUMAN RIGHTS. HE ALSO ANNOUNCED AN END TO THE PRESUMPTION OF INNOCENCE IN TERRORISM CASES. LOCAL HUMAN RIGHTS GROUPS POINTED TO THESE ANNOUNCED MOVES AS EXAMPLES CONFIRMING THE PRESIDENT'S ANIMOSITY TOWARDS HUMAN RIGHTS.

PRESIDENT FUJIMORI'S REPEATED ATTACKS ON HUMAN RIGHTS ORGANIZATIONS WAS SYMPTOMATIC OF THE DIFFICULT ENVIRONMENT THESE GROUPS WORK IN IN PERU. LOCAL HUMAN RIGHTS ORGANIZATIONS COMPLAIN

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FOR HA, ARA/AND, AND S/IL

E.O. 12356: DECL: OADR  
TAGS: PHUM, ELAB, PE  
SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

DURING 1992 TO INVESTIGATE THE HUMAN RIGHTS SITUATION. VARIOUS OF THESE VISITORS MET WITH SENIOR GOVERNMENT OFFICIALS AND MILITARY AUTHORITIES. SOME VISITED SITES IN THE EMERGENCY ZONES. FOR INSTANCE, THE PRESIDENT OF THE INTER-AMERICAN HUMAN RIGHTS COMMISSION VISITED PERU IN MAY TO INVESTIGATE THE HUMAN RIGHTS SITUATION; AMERICAS WATCH SENT A DELEGATION IN JULY. THE IAHRC PRESIDENT WAS NOT

GRANTED A MEETING WITH PRESIDENT FUJIMORI AND WAS DENIED ACCESS TO LIMA'S MAXIMUM SECURITY CANTO GRANDE PRISON, BUT WAS ABLE TO MEET WITH PRIME MINISTER OSCAR DE LA PUENTE. THE AMERICAS WATCH DELEGATION WAS ALSO DENIED A MEETING WITH THE PRESIDENT. SEVERAL HUMAN RIGHTS GROUPS AND THE ICRC WERE INVITED TO PARTICIPATE IN SEMINARS AND TO OFFER HUMAN RIGHTS INSTRUCTION AT MILITARY AND POLICE ACADEMIES.

IN AUGUST, THE ICRC SUSPENDED VISITS TO FIVE PRISONS HOUSING TERRORISTS AND ACCUSED TERRORISTS DUE TO THE LACK OF A FORMAL AGREEMENT FROM THE GOVERNMENT TO REGULATE SUCH VISITS IN ACCORDANCE WITH ICRC PRACTICE. THE ICRC CONTINUED TO VISIT OTHER DETENTION CENTERS THROUGHOUT PERU, AND REGISTERED OVER 2,200 SECURITY DETAINEES FOR THE FIRST TIME AS OF AUGUST.

SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION, LANGUAGE, OR SOCIAL STATUS

THE CONSTITUTION GRANTS WOMEN EQUALITY WITH MEN, AND LAWS ON MARRIAGE, DIVORCE, AND PROPERTY RIGHTS DO NOT DISCRIMINATE AGAINST WOMEN. NEVERTHELESS, TRADITION IMPEDES THE ACCESS OF WOMEN TO LEADERSHIP ROLES IN MAJOR SOCIAL AND

POLITICAL INSTITUTIONS. PRESIDENT FUJIMORI APPOINTED BLANCA MELIDA COLAH ATTORNEY GENERAL, AND COMPTROLLER OF THE NATION, BUT HAS NO WOMEN IN HIS CABINET.

SEXUAL VIOLENCE, INCLUDING SPOUSE ABUSE, IS A CHRONIC PROBLEM. A SPECIAL POLICE CENTER, STAFFED BY POLICEMEN, OPERATES IN LIMA TO PROVIDE LEGAL, MEDICAL, AND PSYCHIATRIC ASSISTANCE TO ABUSED SPOUSES AND CHILDREN. POLICE IN LIMA RECEIVE APPROXIMATELY 100 FORMAL COMPLAINTS OF RAPE DAILY. POLICE ESTIMATE, HOWEVER, THAT LESS THAN 10 PERCENT OF ALL RAPE CASES ARE REPORTED. OF THE 2,800 RAPE CASES TRIED IN LIMA IN 1991, ONLY 340 RESULTED IN CONVICTIONS. A NUMBER OF WOMEN'S ORGANIZATIONS AND FEMINIST GROUPS ARE ACTIVE IN PERU.

PERU'S LARGE INDIGENOUS POPULATION AND ITS SMALL BLACK POPULATION ARE SUBJECT TO PERVASIVE SOCIAL DISCRIMINATION. THE INDIGENOUS POPULATION, MOSTLY SPEAKERS OF QUECHUA, AYMARA, AND OTHER NATIVE LANGUAGES, TRADITIONALLY LACKS ACCESS TO PUBLIC SERVICES AND SUFFERS FROM GOVERNMENT NEGLECT. PERU IS A CLASSIC CASE OF DIFFERENTIAL DEVELOPMENT, WITH PUBLIC INVESTMENT TRADITIONALLY FOCUSED ON THE COAST, DRAWING MIGRANTS TO THE CITIES, ESPECIALLY LIMA. RECOGNIZING THIS FACT, THE GOVERNMENT HAS

ANNOUNCED IT DESIRES TO REDIRECT THE FLOW OF RESOURCES AND SERVICES TO POOR, LARGELY INDIAN, RURAL AREAS. DEVELOPMENT EFFORTS, HOWEVER, HAVE BEEN IMPEDED BY THE DIFFICULTY AND COST OF PROVIDING SERVICES TO REMOTE AREAS AND BY THE CONTINUED DELIBERATE DISRUPTION OF THESE EFFORTS BY SENDERO. AS A RESULT OF CURRENT PROBLEMS, AS WELL AS HISTORIC AND CONTINUED PREJUDICE, THE ECONOMIC AND SOCIAL NEEDS OF PERUVIANS OF EUROPEAN ANCESTRY CONTINUED TO BE MET TO A FAR GREATER EXTENT THAN THOSE PERUVIANS OF BLACK, MIXED, OR INDIAN HERITAGE.

SECTION 6 WORKER RIGHTS

THE FREEDOM TO ORGANIZE

THE 1979 CONSTITUTION WILL BE REWRITTEN BY A CONSTITUENT ASSEMBLY ELECTED ON NOVEMBER 22. THE OLD CONSTITUTION PROVIDES FOR FREEDOM OF ASSOCIATION AND, WITH THE EXCEPTION OF JUDICIARY, POLICE, MILITARY, AND MILITARY PARASTATALS, THE RIGHT TO FORM TRADE UNIONS

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B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

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FOR HA, ARA/AND, AND S/IL

E.O. 12356: DECL: OADR  
TAGS: PHUM, ELAB, PE  
SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

WITHOUT PRIOR AUTHORIZATION, LABOR UNIONS MAY BE SUSPENDED OR DISSOLVED UNDER THE 1979 CONSTITUTION ONLY UPON REQUEST OF THE UNION OR CANCELLATION OF ITS REGISTRATION. UNIONS, INDUSTRY-WIDE FEDERATIONS, AND CONFEDERATIONS MAY ALL AFFILIATE WITH INTERNATIONAL LABOR ORGANIZATIONS.

A COMPREHENSIVE LABOR LAW WAS PROMULGATED IN 1992. IT ALLOWS FOR MULTIPLE FORMS OF UNIONS ACROSS COMPANY OR PROFESSIONAL LINES, THUS PERMITTING MULTIPLE UNIONS IN THE SAME COMPANY. WIDE LATITUDE IN UNION ACTIVITIES IS PERMITTED BY THE 1992 LAW, EXCEPT FOR POLITICAL ACTIVITY, COERCION OR ILLEGAL USE OF UNION FUNDS.

PRIVATE AND PUBLIC SECTOR UNIONS IN THE SAME FIELD MAY NOT JOIN TOGETHER. WORKERS IN PROBATIONARY STATUS OR ON ONE YEAR CONTRACTS ARE NOT ELIGIBLE FOR UNION MEMBERSHIP.

IT IS ESTIMATED THAT 60 PERCENT OF THE COUNTRY'S LABOR FORCE WORKS IN THE INFORMAL SECTOR. THE PRESENCE OF ORGANIZED LABOR IN THE FORMAL PERUVIAN ECONOMY CONTINUES TO DECLINE. PROBABLY LESS THAN 15 PERCENT OF THIS LABOR FORCE IS ORGANIZED.

A. THE RIGHT TO STRIKE

THE 1979 CONSTITUTION PROVIDES THE RIGHT TO STRIKE "ACCORDING TO LAW." STRIKES MAY BE CALLED ONLY AFTER APPROVAL BY A MAJORITY OF WORKERS VOTING WITH SECRET BALLOTS. STRIKES IN ESSENTIAL PUBLIC SERVICES MUST PROVIDE SUFFICIENT WORKERS, AS DETERMINED BY THE EMPLOYER, TO MAINTAIN OPERATIONS. CERTAIN TYPES

OF WORKERS ARE PROTECTED AGAINST ARBITRARY DISMISSAL UNDER THE 1992 LABOR LAW.

PERU REMAINS HIRED IN A DEEP ECONOMIC CRISIS. IN THE MOST RECENT SURVEY DONE FOR METROPOLITAN LIMA (DONE AUG-SEPT. 1991, PUBLISHED JULY 1992), ONLY 15.6 OF THE WORKING POPULATION WAS "ADEQUATELY EMPLOYED" AND 78.5 PERCENT WERE CHARACTERIZED AS "UNDEREMPLOYED." THESE STATISTICS ARE THE WORST SINCE RECORDING KEEPING BEGAN IN 1980.

WHILE THE RIGHT TO BARGAIN COLLECTIVELY IS CONSTITUTIONALLY GUARANTEED, THERE ARE RESTRICTIONS. BARGAINING AGREEMENTS ARE NOW CONSIDERED CONTRACTUAL AGREEMENTS VALID ONLY FOR THE LIFE OF THE CONTRACT. PRODUCTIVITY PROVISIONS MUST BE INCLUDED IN ANY COLLECTIVE BARGAINING AGREEMENT. THE CONCEPT OF "ACQUIRED RIGHTS" WHICH CARRY OVER FROM PREVIOUS CONTRACTS HAS BEEN ABOLISHED. THE AMOUNT OF TIME UNION OFFICIALS MAY DEVOTE TO UNION WORK WITH PAY IS LIMITED TO 30 DAYS PER YEAR. IF THERE IS NOT AN EXISTING LABOR CONTRACT AT THE PROFESSIONAL OR INDUSTRY LEVEL, UNLESS AFFECTED EMPLOYERS AGREE TO NEGOTIATIONS OR UNIONS MUST NEGOTIATE WITH

EACH COMPANY INDIVIDUALLY.

UNIONS MUST PRESENT THEIR CONTRACT DEMANDS 30-60 DAYS BEFORE EXPIRATION OF EXISTING CONTRACTS. EMPLOYERS ARE NOW REQUIRED TO DISCLOSE ESSENTIAL FINANCIAL DATA TO UNIONS WHICH UNIONS ARE REQUIRED TO KEEP CONFIDENTIAL. THE UNION CAN REQUEST BINDING ARBITRATION, AND THE LABOR MINISTRY CAN CHOOSE AN ARBITRATOR IF PARTIES CANNOT AGREE.

ALTHOUGH DISCRIMINATION AGAINST UNION MEMBERS OR ORGANIZERS IS ILLEGAL, EMPLOYERS DO MAKE FULL USE OF VARIOUS LEGAL MECHANISMS TO MINIMIZE A UNION PRESENCE. IN PRACTICE OUTRIGHT HARASSMENT OF UNION MEMBERS BY EMPLOYERS IS UNCOMMON. UNION ACTIVISTS HAVE BEEN THREATENED BY TERRORIST GROUPS.

LABOR LAWS AND REGULATIONS ARE APPLIED UNIFORMLY THROUGHOUT THE COUNTRY.

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

DECONTROLLED/UNCLASSIFIED

LIMITED OFFICIAL USE

PRIORITY

~~DECONTROLLED/UNCLASSIFIED~~  
~~LIMITED OFFICIAL USE~~

INCOMING

DEPARTMENT OF STATE  
ARA/NEA REARCS

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INFO: ARA (01) PPC (01) OAS (01) PPA (01) RJ (01) RSG (01) RSC (01)  
PE (02) DAND (01) SPA (01) PMC (01) RJC (01)  
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GOVERNMENT STANDARDS FOR INDUSTRIAL HEALTH AND SAFETY ARE RARELY ENFORCED. EMPLOYERS NORMALLY PROVIDE VOLUNTARY COMPENSATION IN THE EVENT OF INDUSTRIAL ACCIDENTS, HOWEVER.

ACTION HA-09

INFO LOG-00 ACOA-17 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00  
EB-00 H-01 INRE-00 INR-01 IO-19 LAB-04 L-00  
ADS-00 NSAE-00 NSCE-00 OIC-02 PA-01 PRS-01 P-01  
RP-10 SIL-00 SP-00 SR-00 SS-00 STR-18 TRSE-00  
USIE-00 /091W

NOTE TO DEPARTMENT: BY SEPTEL WE WILL ADD SECTIONS ON CHILDREN'S RIGHTS, INDIGENOUS RIGHTS, AND MILITARY EXPENDITURES, RECENTLY ADDED TO THE HUMAN RIGHTS REPORT REQUIREMENTS.

P 221423Z OCT 92  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC PRIORITY 2812

BRAYSHAW#

~~LIMITED OFFICIAL USE SECTION 28 OF 28 LIMA 13841~~

FOR HA, ARA/AND, AND S/IL

E.O. 12356: DECL: OADR  
TAGS: PHUM, ELAB, PE  
SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

THE CONSTITUTIONAL PROHIBITION AGAINST COMPULSORY LABOR IS GENERALLY RESPECTED. THE GOVERNMENT'S PRESENCE OUTSIDE OF METROPOLITAN AREAS IS, HOWEVER, LIMITED. IN THE PAST THERE HAVE BEEN UNVERIFIED REPORTS OF COMPULSORY LABOR ON PLANTATIONS IN REMOTE AREAS. THE SL TERRORIST GROUP HAS ALSO FORCEABLY RECRUITED INDIVIDUALS.

D. MINIMUM AGE FOR EMPLOYMENT OF CHILDREN

CHILDREN UNDER 14 MAY NOT BE LEGALLY EMPLOYED. OLDER CHILDREN BETWEEN 16-21 MAY CONSTITUTE UP TO 15 PERCENT OF A COMPANY'S WORKFORCE AND MAY BE EMPLOYED FOR PERIODS NOT TO EXCEED 18 MONTHS. WORKERS BETWEEN 14-24 MUST HAVE COMPLETED THEIR PRIMARY SCHOOLING BEFORE BEING HIRED IN APPRENTICE PROGRAMS AND ARE ENTITLED TO RECEIVE THE MINIMUM WAGE. IN FACT, GIVEN THE COUNTRY'S DESPERATE ECONOMIC SITUATION, CHILDREN OF ALL AGES WORK IN THE INFORMAL SECTOR.

E. ACCEPTABLE CONDITIONS OF WORK

MOST WAGES LAG THE COST OF LIVING AND MANY PERUVIANS MUST SEEK SECONDARY EMPLOYMENT TO SUPPLEMENT THEIR INCOMES. THE LEGAL MINIMUM WAGE (FEBRUARY 1992) FOR WORKERS IS \$/2.40 PER DAY AND \$/72.00 PER MONTH. ECONOMIC CONDITIONS HAVE NOT IMPROVED SINCE A SEPTEMBER 1990 WORLD BANK REPORT INDICATING THAT 55 PERCENT OF ALL PERUVIANS LIVE IN EXTREME POVERTY.

THE LABOR CODE PROVIDES FOR AN 8 HOUR DAY AND AN OFFICIAL 48 HOUR WORKWEEK FOR MEN AND 45 HOUR WORKWEEK FOR WOMEN, INCLUDING 24 HRS REST PER

WEEK AND 30 DAYS PAID ANNUAL VACATION. GIVEN JOB COMPETITION, HOWEVER, THESE AND OTHER BENEFITS ARE READILY SACRIFICED IN EXCHANGE FOR REGULAR EMPLOYMENT.

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