
LIMITED OFFICIAL USE

Department of State

INCOMING TELEGRAM

LIMITED OFFICIAL USE SECTION 02 OF 16 LIMA 149021

COL PASS LAB/OFR-T. LINDEMAYER

E.O. 12335: N/A
TAGS: PUKH, PE
SUBJECT: DRAFT PERU COUNTRY REPORT ON HUMAN RIGHTS

MILITARY), 1985 WAS THE MOST VIOLENT YEAR SINCE
SERNIREN ANNOUNCED ITS "POPULAR WAR" IN 1980. SERNIREN
ALSO INCREASED ITS CONTROL OVER PERU'S MAJOR
COCA-GROWING REGION, THE UPPER HUALLAGA VALLEY, WHERE
IT BOTH REPRESENTED MAJOR COCA GROUPS IN THEIR
DEALINGS WITH NARCOTICS TRAFFICKERS AND COOPERATED
WITH TRAFFICKERS TO SLOW LAW ENFORCEMENT EFFORTS.
IN ADDITION, SEVERAL OTHER SMALLER TERRORIST GROUPS
WERE ACTIVE. INDEPENDENT HUMAN RIGHTS GROUPS ASSURED
THAT THE TUPAC AMARU REVOLUTIONARY MOVEMENT (TAM)
COMMITTED 21 POLITICAL MURDERS IN 1985 AND THAT THE
RUDRIGO FRANCO COMMAND MURDERED NINE. IT IS BELIEVED
THAT AT LEAST 2,000 PEOPLE WERE KILLED IN
TERRORIST-RELATED VIOLENCE IN 1985.

6. DOCUMENTED CASES OF HUMAN RIGHTS ABUSES BY
GOVERNMENT SECURITY FORCES INCREASED IN 1985 OVER THE
LEVELS OF THE PREVIOUS YEAR. ALTHOUGH PERMISSION WAS
GRANTED IN 1984 TO LAUNCH AN INVESTIGATION (1984)
FOR THE INTERNATIONAL COMMISSION ON THE RED CROSS
(IFRC) TO VISIT THE EMERGENCY ZONES AND KEY PRISONS
AND DETENTION CENTERS, INDEPENDENT INVESTIGATIONS ARE
INCREASINGLY MORE DIFFICULT TO CARRY OUT. THE PUBLIC
MINISTRY REPORTS A RACCOLT DE JUAN DE JUAN CASES
OF DISAPPEARANCES. OVER 400 OF THEM WERE FILED IN THIS
YEAR ALONE. ALTHOUGH THE INCREASING NUMBER OF
ALLEGATIONS OF DISAPPEARANCES, SUMMARY EXECUTIONS AND
DETECTIONS BY THE MILITARY, THERE ARE CREDIBLE
RECOMMENDS OF FREQUENT USE OF TORTURE BY POLICE AND THE
MILITARY. TRIALS OF MILITARY PERSONNEL ACCUSED OF
HUMAN RIGHTS VIOLATIONS MOVE SLOWLY IF AT ALL. A
PUBLIC MINISTRY INVESTIGATOR CONCLUDED THAT THERE WAS
CLEAR MILITARY RESPONSIBILITY FOR THE MAY 1985
MASSACRE OF AT LEAST 35 VILLAGERS IN CAJAR辅, AVAUCOCH, THE ASSASSINATION OF TERRORIST INVESTIGATIVE
INTO THE MURDERS. HOWEVER, CONCLUSIONS HAD BEEN "NO EVIDENCE
COMMITTED ON THE PART OF THE MILITARY," EVEN THROUGH
THE COMMISSION HAS YET TO PRODUCE ITS OFFICIAL
REPORT. AT YEAR'S END, THE INVESTIGATION REMAINED
STALLED. MILITARY PROCEEDINGS AGAINST 19 MILITARY
AND POLICE OFFICERS AND SOLDIERS INDICTED IN THE
JUNE 1985 MASSACRE OF 114 PRISONERS AT LIMA'S
FUGASEN PRISON MOVED FORWARD TO PUBLIC TRIAL IN
LATE AUGUST 1985. A SPECIAL CONGRESSIONAL COMMISSION

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ACTION HA-91

INFO SECT-31 FILE-01 ARA-26 PPQ-01 ECP-01 OAS-21 PPA-01
DUND-01 PC-21 NBS A2 TE

INFO LOG-00 ASS-20 A10-20 NRC-77 35-20 OIC-02 9-11-00
CR-30 CINE-00 N-21 0215 INDE-00 OCA-08 215-00
L-00 TNS-00 PSH-01 STG-10 SLL-01 16R-03 RP-10
USE-00 SP-02 SF-08 PBS-31 P-02 /132 W

6221412 OCT 30
F KAPERNAGY LIMA
TO SECSTATE WASHDC PRIORITY 2251
A/DEPT OF LABOR N-100C

LIMITED OFFICIAL USE SECTION 03 OF 15 LIMA 14662

DOL PASS ILAB/OFR-T. LINDENHAYER

E.O. 12256: N/A
TAGS: PHRM, PE
SUBJECT: DRAFT PEPE COUNTRY REPORT ON HUMAN RIGHTS

ASSASSINATIONS, TO IMPROVE ITS ADMINISTRATIVE CONTROL
OVER CERTAIN AREAS, CARRIES OUT MEDIA KILLS AND
ELIMINATES OPPOSITION. IN THE CITIES, SENDERO USED
ATTACKS MORE FOR PROPAGANDA AND INTIMIDATION
PURPOSES, SUCH AS THE JUNE 3 DYNAMIC ATTACK AGAINST
A BUS CARRYING THE PRESIDENTIAL CEREMONIAL
BATTALION IN LIMA. IN A MAJOR EFFORT TO DEPORT
THE NATION'S JULY 95 MARCH AND APRIL 3099
PRESIDENTIAL ELECTIONS, THE PATTERN OF SENDERO
KILLINGS OF GOVERNMENT AND APRA PARTY OFFICIALS,
WHICH HAD ALREADY GAINED SIGNIFICANCE IN 1995-96,
WAS DRAMATICALLY INCREASED IN 1997 TO INCLUDE
OPPOSITION OFFICIALS AND CANDIDATES FOR PUBLIC
OFFICE, REGARDLESS OF PARTY AFFILIATION.

3. SENDERO ATTACKED AND KILLED SEVERAL FOREIGNERS IN
1995. A EUROPEAN HEALTH PROJECT WAS ATTACKED IN
APRIL. A BRITISH TOURIST WAS KILLED IN MAY. TWO
GERMAN TOURISTS WERE ALMOST CERTAINLY KILLED BY
SENDERO, ALSO IN MAY. ARGENTINE CITIZEN, LONGTIME
PERUVIAN RESIDENT AND JOURNALIST BARBARA D'ACHILLE
WAS STONED TO DEATH BY SENDERO IN JUNE. A BATCH OF
SOVIET FISHERMEN WAS KILLED BY SENDERO IN JULY.
TWO FRENCH DEVELOPMENT WORKERS WERE KILLED BY
SENDERO IN DECEMBER 1993. THE WIFE OF THE MAYOR
OF JERSEY CITY, NEW JERSEY WAS AMONG THOSE KILLED IN
DECEMBER 1, 1997 DEATHMEN OF THE MACUY PICUNU
TOURIST TRAIN, POSSIBLY BY SENDERO.

4. A SECOND TERRORIST GROUP, THE TUPAC AMARU
REVOLUTIONARY MOVEMENT (TAM), HAS EXPANDED BEYOND
ITS ORIGINS LIMA AND ENVIRONS BASE OF OPERATIONS TO
FIELD ITS OWN ARMED TROOPS IN SOME RURAL
ZONES, MOST NOTABLY NORTHERN SAN MARTIN DEPARTMENT.
THOUGH THE MRTA CHIEFLY SEeks THE DESTRUCTION
OF PROPERTY THROUGH THE SELECTIVE BOMBING OF BANKS,
FACTORIES, FOREIGN BUSINESSES, AND DIPLOMAT-
INSTALLATIONS, THESE ATTACKS KILLED 21 PEOPLE IN 1995
VERSUS 6 IN 1993. AMONG THOSE KILLED WAS A POLICE
SERGEANT DURING A SEPTEMBER ATTACK ON THE LIMA
RESIDENCE OF ECONOMY AND FINANCE MINISTER CESAR
VASQUEZ BOZAN.

5. A THIRD TERRORIST GROUP, THE RODRIGO FRANCO
COMMUNE (CRF), ALSO INCREASED ITS ACTIVITIES IN
LIMITED OFFICIAL USE

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ACTION PA-09

INFO SEC-01: FILE-01 JRA-09 PPC-01 ECP-01 CAS-01 PPA-01
GAS-01 10-01 02-01 12-01 04-01 08-01

INFO LQD-01: ID-01 01-01 02-01 03-01 04-01 05-01 06-01 07-01 08-01 09-01 10-01 11-01 12-01

R 0211441 OCT 59
FM EMBASSY LIMA
TO SECEST WASHING PRIORITY 2256
A/D/DEPT OF LABOR WASHDC

LIMITED OFFICIAL USE SECTION 64 OF 16 LIMA 14862

DOE PASS 11842/FOR-T. LINGEMANN

E.O. 12356: N/A
TAGS: PHM, PE

SUBJECT: DRAFT PEER COUNTRY REPORT ON HUMAN RIGHTS

THREATEN HER FATHER. INTERIOR MINISTER JULI ALVA WAS RECENTLY DENIED AN INVOLVEMENT IN THE CBF OR SIMILAR GROUPS. ALTHOUGH SEVERAL SUBJECTS WERE DETAINED AND LATER RELEASED, BY 1970'S END, NO CRIMINAL CHARGES WERE FILED IN CONNECTION WITH ANY ACTIONS UNDERTAKEN BY THE CBF.

16. MINERS FEDERATION SECRETARY GENERAL SOLO MONTOYA WAS KIDNAPPED AND MURDERED BY URBAN HUNTERS IN FEBRUARY 12. IN LATE AUGUST AND EARLY SEPTEMBER, SEVERAL DOZEN BODIES WERE DISCOVERED IN THE SANTA MARIA RIVER NEAR SANTA MARIA IN THE NORTH CENTER DEPARTMENT OF SAN MARTIN. MANY OF THE BODIES HAD BEEN DISMEMBERED AND WERE ALONG THE HANGING BY THEIR FEET. ALTHOUGH NO ORGANIZATION CLAIMED RESPONSIBILITY FOR THE DEATHS, PUBLIC SPECULATION FOCUSED ON THE POSSIBILITy THAT THE MILITARY KILLED THE TRAFFICKERS, SEENORS OR CIVILIANS. OTHERS POINTED TO THE POSSIBILITY OF A WAR BETWEEN RIVAL TRAFFICKERS OR SEENORS HAVING HUMAN RIGHTS OR CIVILIANS. THE INABILITY OF POLICE OR PRIVATE HUMAN RIGHTS GROUPS TO ASCERTAIN RESPONSIBILITY FOR THESE DEATHS, MUCH LESS ARREST THOSE RESPONSIBLE, IS INDICATIVE OF THE LEVEL OF FRICTION TYPICAL ENCOUNTERED IN LAW ENFORCEMENT OR HUMAN RIGHTS WORK IN PEU TOTACO.

17. DISAPPEARANCE

SINCE 1983 THERE HAVE BEEN BETWEEN 2500 AND 3500 CASES OF DISAPPEARANCES IN THE SECURITY FORCES. THE MAJORITY OCCURRED PRIOR TO 1983. LOCAL HUMAN RIGHTS GROUPS REPORT HAVING RECEIVED REPORTS OF APPROXIMATELY 235 DISAPPEARANCES...
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LIMITED OFFICIAL USE SECTION 55 OF 16 LIMA 146225

GOL PASS HJR/GFR-T. LINSMAYER
5:00 12256/7 176
TASS: PHINL, PE
SUBJECT: DRAFT PERU COUNTRY REPORT ON HUMAN RIGHTS

IN 1989, FAR ABOVE THE 120 CASES REPORTED BY THE UNITED NATIONS WORKING GROUP ON DISAPPEARANCES IN

1988, IN THE PERIOD JUNE THROUGH SEPTEMBER 1989 MORE THAN 120 DISAPPEARANCES WERE FILED

JUST IN THE SOUTH OF THE NATION. MOST CASES INVOLVED THE DETENTION OF

PERSONS SUSPECTED OF BEING TERRORISTS IN THE MILITARY ZONES, BUT GOVERNMENT

REPORTS HAVE BEEN INCONVINCING. IN LIMA AS WELL, SEVERAL PROMINENT CASES FROM PREVIOUS YEARS

ALL IN LIMA, REMAIN UNRESOLVED. THOUGH A SMALLER

PERCENTAGE OF THOSE DETAINED BY SECURITY FORCES

WITHIN THE SECURITY ZONES HAVE BEEN FOUND DEAD OR ...

RIGHTS GROUPS BELIEVE THAT MOST OF THE REST ARE EXECUTED AND ...

DISAPPEARANCE VICTIMS ARE RARELY FOUND. BASED ON THE ...

TESTIMONY OF SURVIVORS, IT APPEARS THAT MOST ...

VICTIMS ARE TAKEN TO MILITARY BASES FOR INTERROGATION. SOME ARE ...

TURNED OVER TO THE POLICE AFTER LENIGTHENED ...

DETECTIONS, AND ARE LATER EXECUTED OR FORCED ...

INCORPORATING EVIDENCE. HUMAN RIGHTS GROUPS ARGUE ...

CONVICE WITH THE REST ARE SUMMILY EXECUTED BY ...

THE MILITARY FORCES.

18. A SEPTEMBER 1989 REPORT BY THE PERUVIAN ...

MULTIPARTY SENATE COMMISSION ON VIOLENCE ...

AND PACIFICATION STATED: "THERE ARE ...

VIOLATIONS OF HUMAN RIGHTS, CONSISTING OF CRIMES AGAINST ...

POPULATIONS: EXTRADITIONAL EXECUTIONS, TORTURE, ...

ARBITRARY DETAINMENTS, AND DISAPPEARANCES; AND ...

APPEAR TO BE INVOLVED IN THESE CORDONED OFFS ARE ...

MEMBERS OF THE ARMED FORCES AND THE POLICE."

19. AN UNKNOWN NUMBER OF "DISAPPEARED" PERSONS ARE ...

UNACCOUNTED FOR BECAUSE THEY JOINED THE RANKS OF "SYNDICATE THE ...

OR ARMED, EITHER VOLUNTARILLY OR ...

20. "TORTURE AND CRUEL, INHUMAN, ...

OR DEGRADING TREATMENT OR PUNISHMENT ...

ALTHOUGH THE CONSTITUTION PROHIBITS TORTURE AND ...

INHUMAN OR DEGRADING TREATMENT, CHARGES OF ...

BRUTALITY TOWARD DETAINES ARE COMMON. HUMAN RIGHTS ...

GROUPS CLAIM THAT SUSPECTED SUBVERSIVES HELD BY THE
The constitution, the penal code, and antiterrorist legislation clearly delineate the arrest and detention process. However, these protections are suspended in those areas where the state of emergency. In areas not subject to a state of emergency, a warrant approved by a public ministry prosecutor is required for arrest. Persons arrested must be arraigned within 24 hours, except in cases of drug trafficking, terrorism, or espionage, for which the limit is 15 days. Detainees have the right to choose their own counsel, or the government must provide counsel at no charge. Arrested persons are entitled to have an attorney present when they make statements to the police. Under the 1967 terrorism law, police must also notify the detainees’ family and human rights groups of an arrest, although in practice this is not consistently done. There is no bail or provisional liberty for persons accused of terrorism.
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ACTION NA-93

INFO SECT-01 FILE-01 ARA-95 PPC-91 ESP-91 GAS-92 PPA-91
DANB-91 PPA-91 /016 02 TE

INFO LOO-90 405-90 10-03 196-97 82-93 01C-92 CIAA-98
EJ-93 003-93 NH-90 131-90 HJL-90 GAS-90 NSIE-90
L-90 IEK-90 PR-91 STR-91 S10-91 916-92 RPT-91
GUS-90 92-92 JH-90 PR-91 HJL-92 /010 021 08 08 09 102 00 00

R 892144Z OCT 53
FM AMBASSADOR LINH
TO SECSTATE/INL/HQ/PRIORITY 2150
A/DEPT OF LABOR VIENNO

LIMITED OFFICIAL USE SECTION 87 OF 94 LIMA 14882

OL PASS ILAB/AFR-T. LINHتطوير

E.O. 12356: M/C
TAGS: PHR/PE
SUBJECT: DRAFT PERU COURT REPORT ON HUMAN RIGHTS

23. THE CONSTITUTION PROHIBITS AND THERE HAVE BEEN NO KOWN CASES OF INCULMOUNTARY EXILE IN THE LAST NINE YEARS. WITH REGARD TO FORCED OR CONVIOLATORY LABOR, SEE SECTION 6.2.

24. THE DENIAL OF FAIR PUBLIC TRIAL

THE JUDICIARY IS A SEPARATE BRANCH OF GOVERNMENT. SUPREME COURT JUDGES ARE NOMINATED BY THE PRESIDENT AND RATIFIED BY THE SENATE. ALL JUDGES MAY SERVE UNTIL AGE 70. IN THE PERUVIAN LEGAL SYSTEM, WHICH IS BASED ON THE NAPOLEONIC CODE, CRIMINAL CHARGES ARE FILED, A JUDGE DETERMINES WHETHER PROBABLE CAUSE EXISTS. THE JUDICIAL PROCESS PRIOR TO TRIAL MAY LAST SEVERAL MONTHS. FOLLOWED BY A PUBLIC TRIAL, DEFENDANTS HAVE THE RIGHT TO BE PRESENT AT THE TRIAL. THERE IS NO JURY TRIAL. VERDICTS ARE RENDERED BY ONE OR A PANEL OF JUDGES. SENTENCES MAY BE APPEALED, AND JUDGES MAY SEND CASES BACK TO LOWER COURTS FOR ADDITIONAL INVESTIGATION. THERE ARE TOO FEW PUBLIC DEFENDERS FOR THE LARGE CASELOAD. MANY JUDGES ON THE SUPERIOR AND SUPREME COURTS ARE ACTING IN POLITICAL PARTIES, AND THERE ARE OCCASIONAL CLAIMS THAT DECISIONS HAVE BEEN POLITICALLY MOTIVATED.

30. COURTS FACE SEVERE BACKLOGS, A PRODUCT OF INEPIFICIENCY, INFLUENCE PEDDLING, AND THE SHARP INCREASE IN TERRORISM CASES. THE MINISTRY OF JUSTICE REPORTED IN JULY 1998 THAT THERE WAS A BACKLOG OF NEARLY 45,000 CRIMINAL CASES. HUMAN RIGHTS GROUPS HAVE DOCUMENTED NUMEROUS CASES OF PERSONS WHO HAVE BEEN DETAINED WITHOUT TRIAL, AWAITING TRIAL, FOR PERIODS UP TO FOUR YEARS. THERE ARE ALSO WIDESPREAD CHARGES OF CORRUPTION AND THE SUBSTITUTION OF JUDGES, POLICE, AND WITNESSES AT ALL STAGES OF THE JUDICIAL PROCESS. NARCOTICS TRAFFICKERS REPORTEDLY HAVE BEEN ABLE TO BUY THEIR FREEDOM FROM JAILS.

31. OUSTING MINISTER OF JUSTICE CESAR DELCADO BARRETO ACKNOWLEDGED IN SEPTEMBER THAT FULLY TWO-THIRDS OF ALL PRISON INMATES ARE ONLY ACCUSED OF CRIMES, WITH ONLY ONE-THIRD HAVING EVEN BEEN JUDGED, FOUND GUILTY AND SENTENCED. ONLY 5% OF THE MORE THAN
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ACTION: DD-29

INFO: DEC/01  FILE/01  TRO/04  SEC/01  CAS/01  RPA/01

DATE: 02/01/72  PAGE 09  FILE 12

INFO: LOG/04  -05/04  AIO/04  INR/07  SS/00  OIC/02  C112/08

-00  CDS/00  RPA/01

LS-10  PCE/28  H-01  I-13  HSEC/03  TRO/04  MAS/28

-07  ISC/28  PA-01  STL-01  HME/28  RP-10

UC/16  SED/22  SS/26  PTRA/31  P-22  R/P2  A/02

R 02/21/72 CST 59

FROM: AMBASSADOR LIRA

TO: SECURITAS WASHINGTON

A/DEPT OF LABOR WASHINGTON

LIMITED OFFICIAL USE SECTION 48 OF 16 LIMA 14362

D/d PASS ISLAM/01  L. LIEBERMANN

L.0. 12356: N/A

TAGS: PERU  J/9 E

SUBJECT: CRAFT PERU COUNTRY REPORT ON HUMAN RIGHTS

35. Although the Constitution guarantees that

CIVILIANS BE TRIED IN CIVILIAN COURTS, PRESIDENT

GARCIA PROPOSED IN JULY 1989 THAT CIVILIAN TERRORISTS

BE TRIED BY MILITARY TRIBUNALS THROUGHOUT THE

COUNTRY, IN AND OUT OF EMERGENCY ZONES. BY YEAR'S

END, NO FURTHER ACTION HAD BEEN TAKEN. THE SUPREME

COURT DECIDES WHETHER MILITARY OR POLICE OFFENDERS

ARE TRIED IN CIVILIAN COURTS OR IN A SEPARATE

MILITARY COURT SYSTEM. THE MILITARY GENERALLY

ASSERTS ITS JURISDICTION IN THESE CASES, AND THE

COURT GENERALLY RULES IN ITS FAVOR. THE LAST ATTEMPT

TO HAVE A CIVILIAN COURT TRY A MILITARY OFFICER

OCCURRED IN 1985, AND IT WAS THREATENED WHEN

THE OFFICER FLED TO AVOID TRIAL. THE CIVILIAN COURTS

ARE MAKING SLOW PROGRESS ON SEVERAL CASES INVOLVING

ALLEGED POLICE VIOLATIONS OF HUMAN RIGHTS. ONGOING

CASES INCLUDE THOSE AGAINST POLICE CHARGED IN THE

1982 KILLING IN DETENTION OF CUSCO UNIVERSITY STUDENT

HUMILDO ANGEL ALVAREZ, THE 1982 KILLING OF PRISONERS

IN AN AYACUCHO HOSPITAL, THE 1982 DEATH OF FRANCISCO

NUFIO, AND THE 1986 TORTURE OF DETAINEES IN A CUSCO

POLICE STATION. CONVICTIONS WERE HANDED DOWN AGAINST


36. MILITARY TRIALS MAY BE CLOSED TO THE PUBLIC AT

THE DISCRETION OF THE RULING MAGISTRATE, AND LITTLE

IS KNOWN ABOUT SPECIFIC CASES. ALTHOUGH THE MILITARY

CLAIMS THAT HUMAN RIGHTS OFFENDERS ARE SEVERELY

DISCIPLINED, NO MEMBER OF THE MILITARY FORCES HAS EVER

BEEN CONVICTED IN EITHER MILITARY OR CIVILIAN COURTS

FOR HUMAN RIGHTS VIOLATIONS. CASES REPORTEDLY

PENDING IN MILITARY COURTS INCLUDE CHARGES AGAINST:

A LIEUTENANT FOR THE 1985 MURDER OF 69 PERSONS IN

ANDARINES; AN OFFICER FOR THE 1985 MURDER DEATHS;

OCCUPIED BY THE JUDICIARY; AND MILITARY PERSONNEL INVOLVED IN THE

KILLINGS IN 1984 AT LURIGANCO PRISON. IN THE

LURIGANCO CASE, THE MILITARY PROSECUTOR ASKED FOR

SENTENCES RANGING BETWEEN 15 AND 25 YEARS AGAINST

THE 27 ACCUSED SECURITY FORCE MEMBERS (5 MILITARY

OFFICERS, 28 POLICE OFFICERS, AND 51 POLICE). THE

PROSECUTOR REQUESTED A 25-YEAR SENTENCE FOR POLICE

COMMANDER RUDOLFO ALVAREZ AND 31 YEARS FOR ARMY GENERAL

JORGE RHULAE. THIS CASE IS STILL BEING TRIED.

APPROXIMATELY 1,904 PERSONS, INCLUDING 728 PRESUMED

TERRORISTS, DIED IN ARMY CLASHES IN 1989.

PREVIOUSLY THE GOVERNMENT CLAIMED TO HAVE KILLED 2,500


THOUGH THE MILITARY MAY INFLATE THESE COUNTS,

CONFIRMED KILLINGS OF TERRORISTS MAY ALSO BE

UNDERREPORTED SINCE SENSITIVE ATTEMPTS TO RETRIEVE ALL

DEATHS, INCLUDING FATALITIES, AFTER CLASHES

WITH THE MILITARY. LOCAL HUMAN RIGHTS OFFICIALS

CLAIM THAT A SIGNIFICANT BUT UNKNOWN NUMBER OF CAPTURED

TERRORISTS AND INNOCENT CIVILIANS WERE EXECUTED BY

THE MILITARY. BOTH SENEGAL AND THE MILITARY ARE

KNOWN TO HAVE BLOCKED PASSAGE OF RELIEF SUPPLIES AND

HUMANITARIAN ASSISTANCE. THE INTERNATIONAL RELIEF

ORGANIZATION "MEDICINES SANS FRONTIERES" SUSPENDED ITS

EFFORTS IN THE EMERGENCY ZONES.

35. ABUSE OF THE RIGHTS OF PRISONERS (GAS-LIQUIDATED,

OUNDED AND BODILY HARMED) WAS WIDESPREAD BY BOTH
LIMITED OFFICIAL USE
Department of State

INCOMING TELEGRAM

LIMITED OFFICIAL USE SECTION 09 OF 16 LIMA 14452

SECRET PASS (SDF/PDR-7) LIMINEWATER

E.O. 12334: N/A
TAS: PMI/PC
SUBJECT: DRAFT: PERU COUNTRY REPORT ON HUMAN RIGHTS

SECURITY AND TERRORIST FORCES. THE MILITARY'S VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS CASES FROM THE ROUTINE INDECENTLY OF PRISONERS TO THE FREQUENT REFUSAL TO ADMIT TO HOLDING CERTAIN PERSONS IN DETENTION TO THE LESS FREQUENT SLAVES' EXECUTION OF UNARMED PRISONERS. RESPONSIBLE TO A SENSITIVE MEMBER OF A MILITARY PERSONNEL, FOR EXAMPLE, ARMY HELICOPTERS ON JUNE 19 STRAFED A VILLAGE NEAR GUAYJAVI IN THE UPPER HUALLAGA VALLEY, KILLING OR INJURING AN UNKNOWN NUMBER OF CIVILIANS.

48. SENDERO'S DISREGARD FOR THE RULES OF WAR AND HUMANITARIAN LAW ARE INFERNO. AS MINISTRY INTERNATIONAL REPORTED IN AUGUST, "THE VIOLENT STUDIES OF THE GOVERNMENT ROUTINELY TO TURPITUDE, MUTILATE AND ASSASSINATE THEIR CAPTIVES."

49. NEITHER SIDE TO THE CONFLICT ENGAGED IN THE USE OF CHEMICAL WEAPONS OR THE USE OF OTHER PROHIBITED WEAPONS, ALTHOUGH SENDERO ROUTINELY AND ILLEGALLY ENGAGED THE GOVERNMENT OF PRACTICING "GENOCIDE" THROUGH ITS USE OF TUBERCULOUS DROPS FOR TESTING SUPPLIES FOR CACA ERADICATION PROGRAMS.

50. IN FEBRUARY A DEMONSTRATION OF STRIKING FARMERS IN PUCALPA, UCAJALI (NOT DURING AN EMERGENCY ZONE) WAS BROKEN UP BY POLICE WHO SAY NOT HAVE BEEN NOTIFIED OF THE DEMONSTRATION. EIGHT DIED AND SEVERAL WERE WOUNDED AFTER THE POLICE FIRED TEAR GAS AND BULLETS INTO THE CROWD. SEVERAL PERSONS WERE ARRESTED; MOST HAD BEEN RELEASED. CAMPEOLO ORGANIZERS CLAIM 24 REMAIN UNACCOUNTED FOR AND ARE PRESUMED DEAD.

SECTION 2: HUMAN RIGHTS, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

THE CONSTITUTION PROVIDES FOR FREEDOM OF SPEECH AND THE PRESS, WITH EIGHT TELEVISION STATIONS, SEVERAL OF "NEWSPAPERS AND 15 DAILY NEWSPAPERS IN LIMA. PERUVIANS HAVE ACCESS TO AND INCREASED A RANGE OF
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ACTION NA-81

INFO SSCI-52 FALH-52 ARB-52 PTC-51 LCP-51 032-52 PPA-51

DAN-51 FALH-51 031-51 32 FT

INFO SSCI-52 ARB-52 032-52 LCP-51 031-51 032-52 LCP-51

10-50 10-20 032-52 031-51 032-52 031-51 032-52

R O32142 OCT 9

PM ANDRAGY LIMA

TO SECSTATE WASHC H priority 2312

AV/DEPT OF LABOR WSHDC

LIMITED OFFICIAL USE SECTION 12 OF 15 LIMA 14801

DOL PASS ILAB/DF-1. IWENHAYE

E.O. 123561 N/A

TAGS: PWYX, PF

SUBJECT: BRIEF PEU COUNTRY REPORT ON HUMAN RIGHTS

47. JOURNALISTS were sometimes the victims of violence and threats. Three noted journalists were killed in 1980, although the college of Peruvian journalists reported that as many as 32 persons involved in the media were killed. The Orf is suspected in the January murder of an Ayacucho journalist, along with his wife and two children. In April Tingo Maria Radio personality Guillermo Lopez Salazar was shot to death in his home by suspected CAF terrorists. Several killed Peru's most prominent experimental reporter in May. These were also death threats against journalists. The local MEO correspondent temporarily fled the country in May after a reported threat.

48. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THESE RIGHTS ARE EXPRESSLY PROVIDED FOR IN THE
CONSTITUTION AND WERE PREVIOUSLY RESPECTED IN PRACTICE
IN AREAS NOT UNDER A STATE OF EMERGENCY WHERE THE
RIGHT OF ASSEMBLY IS SUSPENDED. REGISTRATION OF
PRIVATE ORGANIZATIONS IS NOT REQUIRED. PUBLIC
MEETINGS IN PLAZAS OR STREETS REQUIRE ADVANCE
PERMISION, WHICH CAN BE DENIED FOR REASONS OF
SECURITY OR PUBLIC HEALTH. MUNICIPAL AUTHORITIES
USUALLY APPROVE PERMITS FOR DEMONSTRATIONS IN
NON-EMERGENCY ZONES. MANY UNAUTHORIZED
DEMONSTRATIONS ALSO OCCURRED, AND, FOR THE MOST PART,
THE GOVERNMENT DEAL WITH THEM IN A
NONCONFRONTATIONAL MANNER. HOWEVER, AS OPPOSITION
GROUPS ADOPT MORE REPRESSIVE AND VIOLENT TACTICS,
THE GOVERNMENT OFTEN DENIED PERMITS OR BROKE UP
MARCHES. POLICE RESORTED MORE OFTEN TO CLUBS, TEAR

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GROUPS OR KIDNAPPING FOR HOSTAGES, THE GOVERNMENT WITHDREW ITS PLANS TO PUBLISH ADDITIONAL NAMES.

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

PERU IS A DEMOCRACY GOVERNED BY A FREELY ELECTED PRESIDENT AND CONGRESS. THE POLITICAL PROCESS IS OPEN AND ELECTIONS ARE FREELY CONTESTED BY PARTIES RANING FROM CONSERVATIVE TO MARXIST OR LNKHAST. IN THE NOVEMBER 1983 MUNICIPAL ELECTIONS, FOR EXAMPLE, TEN POLITICAL MOVEMENTS FIELD CANDIDATES FOR POSTS OF OFFICE. SENGERO LEADERS PERSISTENTLY SUGGEST TO DEPI CITIZENS "THEIR POLITICAL RIGHTS" PARTICULARLY IN REMOTE MOUNTAIN AREAS -- BY KILLING CANDIDATES AND ELECTED OFFICIALS AND THREATENING VOTERS. SENGERO LEADERS REPEATEDLY AND PUBLICLY STATED THEIR INTENTION TO DISRUPT THE 1985 PRESIDENTIAL ELECTIONS, JUST AS THEY TRIED TO DISRUPT THE NOVEMBER 1983 MUNICIPAL ELECTIONS. THE NATIONAL ELECTIONS BOARD (ON) REPORTED THAT AS OF JUNE 1985, OVER 500 MAYORAL AND CITY ASSESSORS ELECTED IN THE GENERAL MUNICIPAL ELECTIONS OF 1984, HAD BEEN FORCED FROM THEIR POSTS BY TERRORIST THREATS OR VIOLENCE. CLOS TO SIXTY MAYORS AND OTHER MUNICIPAL, DISTRICT AND PROVINCIAL OFFICIALS WERE MURDERED OR ASSASSINATED DURING 1983. AFTER SENGERO ASSASSINATED FERNANDO AVAREAN, THE MAYOR OF RANCASUR CITY, ON SEPTEMBER 15, SENGERO WARNED THAT ANY MAYOR OR CITY ALDERMAN CANDIDATE IN RANCASUR WHO DID NOT WITHDRAW HIS CANDIDACY WITHIN 24 HOURS WOULD ALSO BE KILLED.

54. SUFFRAGE IS BOTH UNIVERSAL AND MANDATORY FOR PERSONS 18 TO 70 YEARS OF AGE, EXCEPT FOR ACTIVE DUTY POLICE OR MILITARY, WHO ARE EXEMPTED FROM VOTING OR HOLDING PUBLIC OFFICE. FAILURE TO REGISTER TO VOTE

55. IN A REPORTED ATTEMPT TO CATCH TAX EVASORS, THE GOVERNMENT IN OCTOBER PUBLISHED A LIST OF 31 CITIZENS WHO HAD TRAVELED POSTAL FIVE OF THEIR FTRES SINCE JANUARY. UNDER A HALL OF CRIMES FOR PUBLICLY INCORPORATING INDIVIDUALS WHO HAD NOT BEEN CORRECTLY ACCUSED OF ANY CRIME, AS WELL AS IDENTIFYING POSSIBLE FUTURE TARGETS FOR THE NATION'S TERRORIST

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HUMAN RIGHTS


Col. Pass [illegible]

Subject: Draft Peru country report on human rights

It is punishable by a fine of 13,000 intis. A violation of the new amount was announced in August. Failure to vote is punishable by a separate fine of 27,000 intis. Balloting is direct and secret; the voter's choice is tallied. Election cards are distributed by the national identity card. A person may vote only once. Election officials are elected every five years for the presidency and the two vice-presidents, as well as for the Senate and Chamber of Deputies. The president is elected from among the candidates for five-year terms of office. Elections for the presidency are held in 1955, 1963, and 1971.

Under Peru's Constitution of 1979 the government is headed by a powerful executive. More than 95 percent of all new laws are enacted through unilateral presidential decree. Nonetheless, the legislature (currently dominated by the APRA Party) freely and openly debates government policies and acts on occasion against government positions.

The political system, although legally open to all, is dominated by Peruvian males of European or mixed European and indigenous background. There are few women or Peruvians of pure Indian heritage in positions of national political leadership, although they enjoy greater access to the political system at the local level.

There are three women in the 50-member Senate and ten in the 150-member Chamber of Deputies. The Senate is a 15-member Senate of the Permanent Council of Ministers. During most of the year, the education minister residing in Lima, shortly thereafter another woman was appointed to the Senate to serve for two and one-half days.
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E.O. 12356: M/A

TAGS: PHUK, PE

SUBJECT: DRAFT PERU COUNTRY REPORT ON HUMAN RIGHTS

BEFORE ALL CHARGES WERE DROPPED AND THE EIGHT WERE RELEASED, HUMAN RIGHTS GROUPS ALSO RECEIVED THREATS FROM TERRORIST GROUPS, MOSTLY FROM Sendero - GRAFFITI TO THE EFFECT "DOWN WITH BOLSHEVIK HUMAN RIGHTS" BECAME A COMMON SIGHT IN THE EMERGENCY ZONES - BUT ALSO FROM THE GAF. DUE TO VIOLENCE AND THE SPECIFIC THREAT OF CONTINUED VIOLENCE, A NUMBER OF HUMAN RIGHTS PROTECTION ORGANIZATIONS WERE FORCED TO CLOSE THEIR OFFICES IN PARTICULAR EMERGENCY ZONES DURING 1985.

62. SEVERAL PRIVATE HUMAN RIGHTS ORGANIZATIONS constitute the independent national coordinator for human rights. These include the national human rights commission, the institute for legal defense, the association for human rights and the catholic church's commission for social action. Other smaller groups work in the departmental capitals and other cities. These groups are generally credible observers, investigating and reporting on human rights abuses to the extent possible, regardless of the perpetrator. Due to the nature of these terrorist groups attacking the government of Peru, as well as due to the non-governmental human rights groups, the latter's advocacy program center primarily though not exclusively on improving the conduct of government, rather than armed opposition forces. LIMA is also the headquarters of the Andean commission of jurists.

63. IN 1988 THE GOVERNMENT REPEATEDLY COMPLAINED that both local and international human rights groups distort or exaggerate Peru's human rights problems. The government's general nonresponsiveness to specific inquiries, however, was done little to improve its credibility.

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

The constitution grants women equality with men, and laws of marriage, divorce and property rights do not discriminate against women. Nevertheless, tradition
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E.O. 13256: V/A

TAGS: PHUM, PE

SUBJECT: DRAFT PERU COUNTRY REPORT ON HUMAN RIGHTS

LIMA, RECOGNIZING THIS FACT, THE GOVERNMENT HAS INCREASED THE FLOW OF RESOURCES AND SERVICES TO POOR, LARGELY INDIAN, RURAL AREAS. DEVELOPMENT EFFORTS, HOWEVER, HAVE BEEN INHIBITED BY THE DIFFICULTY AND COST OF PROVIDING SERVICES TO REMOTE AREAS OUT OF THE MAINSTREAM OF NATIONAL CULTURE, AND BY THE CONTINUED DISCRIMINATION AGAINST THESE REGIONS DUE TO CURRENT PROBLEMS, AS WELL AS HISTORIC AND CONTINUED PREJUDICE, THE ECONOMIC AND SOCIAL NEEDS OF PERUVIANS OF EUROPEAN ORIGIN CONTINUE TO BE MET TO A FAR GREATER EXTENT THAN THOSE OF PERUVIANS OF MIXED OR PURE INDIAN HERITAGE.

66. SECTOR 6 WORKER RIGHTS

A. THE RIGHT OF ASSOCIATION

THE CONSTITUTION PROVIDES FOR THE RIGHT OF WORKERS TO FREELY ASSOCIATE AND FORM LABOR UNIONS WITHOUT PREVIOUS AUTHORIZATION. IN PRACTICE, HOWEVEER, THERE ARE LEGAL RESTRICTIONS ON THE RIGHT TO ORGANIZE (SEE BELOW), AND A REGISTRATION REQUIREMENT WITH THE MINISTRY OF LABOR IN ORDER FOR THE UNION TO BECOME LEGAL AND CAPABLE OF PERFORMING ITS FUNCTIONS.

SUSPENSION OR DISSOLUTION OF LABOR UNIONS IS FORBIDDEN BY THE CONSTITUTION, BUT IT CAN BE DONE LEGALLY THROUGH THE CIVIL COURT SYSTEM AT THE REQUEST OF THE UNION ITSELF, OR BY CANCELLATION OF THE UNION'S REGISTRATION BY THE MINISTRY. UNIONS MAY FORM INDUSTRY-WIDE FEDERATIONS WHICH CAN, IN TURNS, FORM CONFEDERATIONS, ALL OF WHICH CAN BE AFFILIATED WITH INTERNATIONAL LABOR ORGANIZATIONS. PRIVATE AND PUBLIC SECTOR UNIONS OF WORKERS PERFORMING THE SAME TYPE OF WORK CANNOT JOIN TOGETHER AT ANY LEVEL. POLICE AND MILITARY ARE PROHIBITED FROM FORMING UNIONS.

57. TRADITIONALLY, ABOUT 18 PERCENT OF THE LABOR FORCE IS ORGANIZED. ORGANIZED LABOR, HOWEVER, IS FOUND IN INDUSTRIES RESPONSIBLE FOR ABOUT 70 PERCENT OF PERU'S CROSS NATIONAL PRODUCT. THE MAJORITY OF NON-ORGANIZED PERUVIAN WORKERS ARE THOSE IN THE
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BY LAW, EMPLOYERS CANNOT DISCRIMINATE AGAINST UNION MEMBERS OR ORGANIZATION MEMBERS OF UNION SETS. IN PRACTICE, HOWEVER, UNION ACTIVISTS ARE SOMETIMES HARASSED BY EMPLOYERS WHO THREATEN TO FIRE THEM, OR WHO PAY OFF THE WORKERS TO LEAVE THE ENTERPRISES. THE WORKERS CAN APPEAL THEIR CASES THROUGH THE MINISTRY OF LABOR OR, IN CASE THE DECISION IS NOT ACCEPTABLE TO BOTH PARTIES, THROUGH THE CIVIL COURTS. THROUGHOUT THIS PROCESS, WHICH COULD BE LENGTHY, THE WORKER IS KEPT ON THE COMPANY'S PAYROLL UNTIL A FINAL LEGAL RULING IS OBTAINED.

73. GOVERNMENT RULES STIPULATE THAT, IN THE PRIVATE SECTOR, UNIONS CAN BE FORMED ONLY IN ENTERPRISES WITH 20 OR MORE WORKERS, AND ONLY IF MORE THAN 50 PERCENT OF THE WORKERS REQUEST IT. ONLY ONE UNION IS ALLOWED FOR EACH ENTERPRISE OR PLACE OF WORK AND BY CATEGORY OF WORKER, BLUE-OR WHITE-Collar. IN THE PUBLIC SECTOR, 25 PERCENT OF THE WORKERS CAN REQUEST A UNION, ALLOWING UP TO FIVE UNIONS TO REPRESENT THE SAME GROUP OF WORKERS. AMONG THE RESTRICTIONS APPLICABLE TO PUBLIC SECTOR UNIONS IS A ONE-YEAR TERM, WITHOUT RE-ELECTION, FOR THE PRESIDENT. THE RIGHT TO COLLECTIVE BARGAINING IS GUARANTEED UNDER THE CONSTITUTION, BUT THERE ARE RESTRICTIONS ON WHAT CAN BE NEGOTIATED. IN THE PUBLIC SECTOR, FOR EXAMPLE, ONLY WORKING CONDITIONS CAN BE NEGOTIATED, AND THEN ONLY IF THE CHANGES DO NOT INVOLVE EXPENSES GREATER THAN THE FUNDS ALREADY BUDGETED. IN THE PRIVATE SECTOR, COLLECTIVE BARGAINING CAN COVER BOTH WORKING CONDITIONS AND PAY. LABOR LAWS AND REGULATIONS ARE APPLIED UNIFORMLY THROUGHOUT THE COUNTRY.

74. C. PROHIBITION OF FORCED OR COERCIVE LABOR
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FOR A DEMAND FROM THE WORKERS TO IMPROVE CONDITIONS. ACCIDENTS ARE COMMON, AND USUALLY THERE IS NO EMPHASIS ON PREVENTION, ALTHOUGH SOMETIMES THEY HAPPEN, EMPLOYERS USUALLY PAY COMPENSATION.

77. ALL WORKERS ARE ENTITLED TO 30 DAYS' PAID VACATION. THOSE IN THE PRIVATE SECTOR HAVE TO WORK A MINIMUM OF 300 DAYS EXCLUDING 20 DAYS SICK LEAVE OR FORfeit THEIR VACATION. THIS REGULATION DOES NOT APPLY TO THE PUBLIC SECTOR. THE MINIMUM WAGE IS INCREASED REGULARLY BY THE GOVERNMENT, BUT IT STILL RAISED BEHIND INFLATION. AT ABOUT 1.00 DOLLAR 40 FOR 400 PER MONTH AT THE OFFICIAL EXCHANGE RATE, AND USS 1.00 AT THE PARALLEL RATE, THE MINIMUM WAGE IS STILL SUFFICIENT TO PROVIDE A DECENT STANDARD OF LIVING FOR A WORKER AND FAMILY. HOWEVER, MANY PEASANTS WERE PAID MORE THAN THE MINIMUM WAGE AND MANY OTHERS SUPPLEMENTED THEIR INCOME THROUGH MULTIPLE JOBS AND/OR SUBSISTENCE FARMING.

78. END DRAFT TEXT.

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