LIMITED OFFICIAL USE SECTION 31 OF 20 LIMA 15251

IMMEDIATE

PHUM

DECONTROLLING DEPARTMENTS OF STATE

ARA/NEA REARCS

RELEASED IN FULL


PRESIDENT FUJIMORI'S GOVERNMENT HAS PURSUED A TOUGH ECONOMIC STABILIZATION AND STRUCTURAL ADJUSTMENT PROGRAM WITH SEVERE FISCAL AUSTERITY AND TIGHT MONETARY POLICY. ALTHOUGH THE PROGRAM HAS REDUCED INFLATION AND IS EXPECTED TO BRING LONG-TERM POSITIVE RESULTS, THE IMMEDIATE COST WAS EVEN DEEPER RECESSION AND SOCIALHardship.


SENDERO REGULARLY ASSASSINATES SPECIFICALLY TARGETED INDIVIDUALS PERCEIVED TO BE AN OPPONENT OR EVEN MERELY UNCOORDINATED, INCLUDING ORDINARY CITIZENS. SENDERO AND THE PRO-CUBAN TERRORIST GROUP TUPAC AMARU REVOLUTIONARY MOVEMENT (MRTA) BOTH CONSOLIDATED THEIR CONTROL OVER PARTS OF PERU'S MAJOR

UNIFIED STATES DEPARTMENT OF STATE

REVIEW AUTHORITY: SAM A. MOSKOWITZ

DATE/CASE ID: 9 JUL 1999 199300683

DECONTROLLING/UNCLASSIFIED
LIMITED OFFICIAL USE

DEPARTMENT OF STATE
ARA/NEA REARCS

SENTENCE FOR THEIR PRESUMED OFFENSES. ON SEPTEMBER 13, PRESIDENT FUJIMORI ANNOUNCED AND THE COUNCIL OF MINISTERS APPROVED A NEW OFFICIAL HUMAN RIGHTS POLICY, WHICH WOULD INCLUDE THE CREATION OF A SPECIAL PRESIDENTIAL HUMAN RIGHTS OFFICE. MILITARY AND POLICE FORCES INCORPORATED FORCAL HUMAN RIGHTS COMPONENTS INTO REGULARLY SCHEDULED AND SPECIAL TRAINING COURSES. THE ICRC AND LOCAL HUMAN RIGHTS GROUPS HAVE BEEN INVITED TO PARTICIPATE IN THESE COURSES. THE GOVERNMENT HAS AUTHORIZED THE UNLIMITED ACCESS OF CIVILIAN PROSECUTING ATTORNEYS TO ALL MILITARY FACILITIES THROUGHOUT THE COUNTRY, IN ORDER TO DETERMINE THE PRESENCE AND CONDITION OF PERSONS REPORTED DETAINED. SIMILARLY, THE INTERNATIONAL COMMITTEE OF THE RED CROSS HAS BEEN GRANTED ACCESS TO ALL POLICE FACILITIES AND TO ALL MILITARY INSTALLATIONS OF UNITS WHICH CONDUCT COUNTER TERRORISM OPERATIONS, INCLUDING THOSE IN THE EMERGENCY ZONES.

RESPECT FOR HUMAN RIGHTS

SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON.

INCLUDING FREEDOM FROM:

A. POLITICAL AND OTHER EXTRA-JUDICIAL KILLINGS


THE FUJIMORI GOVERNMENT TOOK A NUMBER OF REFORMS AIDED AT IMPROVING THE NATION'S GROVE

HUMAN RIGHTS SITUATION. THE GOVERNMENT HAS REVISED THE CRIMINAL CODE, AND BEGAN THE PHASED RELEASE OF PRISONERS WHO HAD BEEN INCARCERATED, AWAITING TRIAL FOR LONGER THAN THE MAXIMUM
DEPT FOR: ARA AND S/LC

E.O. 12356: DECL: OAR
TAGS: PHUN TPB PE
SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON SECURITY FORCES (FOR 1990 THE REPORT COVERED PERU) TURNING TO ELIMINATION OF THE PERU COUNTRY REPORT ON SECURITY FORCES FOR 1991. THE JACONALI (JACONALI) TIED TO ELEMENTS OF THE APRA PARTY, FOR IT HAS BEEN REPORTED (JACONALI) TO HAVE BEEN ASSOCIATED WITH VARIOUS CRIMINAL ACTIVITIES, INCLUDING DRUG TRAFFICKING AND ASSASSINATIONS. DATA PUBLISHED BY PERUVIAN HUMAN RIGHTS GROUPS. THEIR ONGOING SOURCES OF INFORMATION ARE CONSISTENT WITH THE FINDINGS REPORTED BY THE SENATE COMMITTEE.

FOR THE FIRST YEAR OF THE FUJIMORI GOVERNMENT: AUGUST 1990 - JULY 1991. THE COORDINATING COMMITTEE OF HUMAN RIGHTS ORGANIZATIONS REPORTED 543 POLITICAL ASSASSINATIONS OR EXTRA-JUDICIAL EXECUTIONS. OF THIS NUMBER, 595 WERE ATTRIBUTED TO THE FARC (FARC), 16 TO UNIDENTIFIED SUBVERSIVES, 61 TO GOVERNMENT FORCES, AND 5 TO LOCAL SELF-DEFENSE GROUPS. "THE "PARA-MILITARY ORGANIZATIONS." IN 282 CASES THE PERPETRATORS WERE UNKNOWN.

SENDERO OFTEN MASSACRED INDIAN VILLAGERS, ACCUSING THEM OF SUPPORTING THE GOVERNMENT. BECAUSE OF THE PRESENCE OF LOCAL PEASANT CIVILIAN SELF-DEFENSE FORCES (FARC), THE SEWARDIANA BRANCH WAS ATTACKED BECAUSE OF THEIR FAILURE TO "SUPPORT THE ARMED REVOLUTION" OF SEBARDO. IN YANAYACU, CAJAMARCA ON SEPTEMBER 23, 1991 A SEBARDO COLUMN OF APPROXIMATELY 30 CONCEIVED A "POPULAR ASSEMBLY" AND ACCUSED THE VILLAGERS OF FAILURE TO COLLABORATE WITH SEBARDO. ELEVEN CIVILIANS WERE MACHINE GUNNED TO DEATH. IN APRIL, IN TAPAYI, TANJIK, SEBARDO MURDERED EIGHT MEMBERS OF ONE FAMILY, INCLUDING TWO JUVENILES. THE VICTIM'S THROATS WERE CUT AND THEIR BODIES BURIED. OTHER VILLAGERS SUBSEQUENTLY FLIGHT THE AREA. SEBARDO ATTACKED A CONVOY OF AGRICULTURAL WORKERS BEING DELIVERED TO CIVILIAN SELF-DEFENSE GROUPS IN TAPAYI, TANJIK, SEPTEMBER 28, 1991. SEVEN MEMBERS OF THE CIVIL DEFENSE GROUP WERE CAUGHT.

LIMITED OFFICIAL USE
DEPARTMENT OF STATE
ARA/NEA REARCS

IMMEDIATE

BLAST AT ELECTRIC COMPANY CAUSED MINOR INJURIES TO STUDENTS AT AN ADJACENT SCHOOL. ON AUGUST 30, A BOMB RIDER IN A STREET CLEANER'S RECEPTACLE EXPLODED WITHIN YARDS OF MAJOR PUBLIC BUILDINGS IN LIMA'S PRINCIPAL PLAZA. IT KILLED THE SUSPECTING STREET CLEANER AND INJURED SEVERAL OTHERS.

WHILE MANY RONDAS UNITS ACTIVELY WORKED IN A VARIETY OF LEGITIMATE FIELDS, INCLUDING COMMUNITY DEVELOPMENT AND SELF-DEFENSE, THERE WERE ALSO CREDIBLE REPORTS THAT SOME RONDAS COMMITTED SERIOUS HUMAN RIGHTS ABUSES, INCLUDING THE TORTURE AND EXTRA-JUDICIAL EXECUTION OF TERRORIST SUSPECTS OR EVEN OF RONDA MEMBERS OF RIVAL COMMUNITIES. (SEE BELOW)

THERE WERE SEVERAL NOTABLE CASES OF PROBABLE MILITARY KILLINGS IN 1991. WITNESSES MAINTAIN THAT A MIXED ARMY/RONDAS GUARDIAN PATROL WAS RESPONSIBLE FOR THE KILLING OF 14 PEASANTS INCLUDING WOMEN AND CHILDREN. WHITE BOYS WERE FOUND IN AN ABANDONED HUNTING HIDE IN SANTA BARBARA HUANCAYO. THE VICTIMS HAD BEEN DETAINED ON JULY 4 BY MEMBERS OF THE ARMY WHO ENTERED THEIR VILLAGE DEMANDING FOOD AND LIVESTOCK. WHEN VILLAGERS AND RELATIVES OF THE VICTIMS APPEARED

AT THE SITE DURING THE JULY 18 INVESTIGATION BY JUDICIAL POLICE AND MILITARY AUTHORITIES, THE MILITARY DETAINED 23 PERSONS, TWENTY-ONE WERE SUBSEQUENTLY RELEASED. IN A SEPARATE INCIDENT, SARA LIZA HUAMAN TOLEDO WERE DETAINED BY MILITARY PERSONNEL FROM THE ARMY MILITARY BASE ON AUGUST 1. ON AUGUST 13 BER DE CAPITATED HEAD WAS DISCOVERED IN THE HUALLAGA RIVER. CARLOS ALARCÓN, TAKEN INTO CUSTODY AT THE SAME TIME HAS NOT REAPPEARED BUT HIS CLOTHES WERE ALSO FOUND IN THE RIVER. THE KILLING OF SIX RESIDENTS OF HUAYSA AND GUANABO LIMA DEPARTMENT. IN MAY WAS DENOUNCED BY WITNESSES AS A MILITARY ACTION. DESPITE THE PERPETRATORS' ATTEMPTS TO MAKE IT APPEAR TO BE THE WORK OF SENDEROS, THE ATTACKERS WERE DESCRIBED AS BEING

DEPARTMENT OF STATE
ARA/NEA REARCS

LIMITED OFFICIAL USE

LIMA 15251 01 OF 20 291732Z 084258 0841135

ACTION NA-93

INFO LOG-09 ADS-09 AID-09 AMO-09 ARA-09 CIAE-09 DOHE-09
EG-09 H-09 INRE-09 HR-01 IG-09 116-09 L-09
NRAE-09 NSCE-09 OIC-02 PA-01 PSSB-01 P-01
SIL-09 SP-09 SR-09 SSO-09 SS-09 STB-10 TSCE-09
USIA-09 /3B

291734Z OCT 91
CR MINISTRY LIMA
TO STATE/NSDC IMMEDIATE 2821

LIMITED OFFICIAL USE SECTION 04 OF 20 LIMA 15251

DEPT FOR NA ARA AND S/IL

E.O. 12356: DECL: OADR
TAGS: PRU-ELAD-PE

SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON DURING A VISIT TO PERU. LATER IN MAY, SENDERO ENTERED HUANAJASI, JUNIN AND FOLLOWING A TYPICAL POPULAR TUTELA SHOT AND KILLED AUSTRALIAN NUN, SISTER EIRENE MCCORMICK, AND THREE LOCAL COMMUNITY LEADERS. SISTER MCCORMICK WAS SINGLE OUT BECAUSE SHE WAS A FOREIGNER AND BECAUSE SHE WAS BELIEVED TO BE INVOLVED IN THE DISTRIBUTION OF FOREIGN DONATED FOODSTUFFS TO THE COMMUNITY. IN JULY, SENDERO ENTERED THE AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER IN HUAYAS. KILLED THREE JAPANESE DEVELOPMENT WORKERS AND DESTROYED MUCH OF THE CENTER'S EQUIPMENT. VEHICLES AND DOCUMENTATION. MORE RECENTLY, SENDERO APPEARS TO HAVE TARGETED FOREIGN PRIESTS. ON AUGUST 9, SENDERO KILLED TWO POLISH PRIESTS AND ON AUGUST 25, AN ITALIAN PARISH PRIEST, IN ANCASH. OTHER FOREIGN RELIGIOUS WORKERS HAVE BEEN THREATENED.

SENDERO ENTERED NINE YEAR OLD JORGE HAYDA SUXSO TO APPROACH AND THEN CLEAR A SAFE PATH TO A HIGH TENSION ELECTRIC POWER RELAY TOWER IN SAN JUNIO DE MIRAFLORES DISTRICT OF LIMA ON OCTOBER 24. THE CHILD TRIPPED A LAND MINE AND LATER DIED FROM HIS INJURIES.


FIRST THREE DEAD AND SIX INJURED ON FEBRUARY 5. IN AUGUST, THE HTA SIMULTANEOUSLY BOOSED THE PARKING LOT OF THE STATE OWNED ELECTRIC AND TELEPHONE COMPANIES. BROKEN GLASS FROM THE
DEPARTMENT OF STATE
A/M/NEAR REARCS

LIMITED OFFICIAL USE SECTION 05 OF 28 LIMA 15251

THE JULY 15 SHOOT-DOWN OF A CIVILIAN COMMERCIAL AIRCRAFT IN ELLAUVISTA, SAI MARTIN, BY DRUNKEN POLICEMEN, WHO THEN PROCEEDED TO LOOT THE BODIES OF THE VICTIMS. IN THE CALLOA CASE, FIVE NON-COMMISSIONED OFFICERS HAVE BEEN DISMISSED FROM THE POLICE AND ARE IN JAIL WAITING TRIAL IN CIVILIAN COURTS. DETENTION ORDERS AGAINST FOUR SUPERIOR OFFICERS AND ONE RUSA HAVE BEEN VACATED BY ORDER OF A CIVILIAN COURT. THEY REMAIN UNDER INVESTIGATION. POLICE MAJOR JUAN QUIROZ CHAVEZ ALLEGED TO HAVE ORDERED THE KILLINGS WAS UNDER "ORDERS TO APPEAR" BEFORE THE COURT. ON OCTOBER 16, THE MINISTER OF INTERIOR PUBLICLY DISMISSED 33 POLICE OFFICIALS FOR CRIMES INCLUDING MURDER, EXTORTION AND ROBBERY. THREE OF THE DISMISSED OFFICIALS ACCUSED OF THE TORTURE AND KILLING OF AN ACCUSED DRUG TRAFFICER WHILE IN POLICE CUSTODY WERE REMOVED TO THE CIVILIAN COURTS (SECTION I.C.).

IN OTHER OUTSTANDING 1991 CASES, HOWEVER, NO JUDICIAL ACTION HAS BEEN TAKEN. THE MARCH 15 LETTER BOMB ATTACK ON HUMAN RIGHTS LAWYER DR. AUGUSTO DUNIGA PAZ REMAINS UNRESOLVED. DESPITE SEVERAL OFFICIAL INVESTIGATIONS, THE VICTIM'S ACCUSATION AND OPEN MEDIA SPECULATION THAT A POLICE EXPLOSIVES EXPERT WAS RESPONSIBLE; NO ONE HAS BEEN CHARGED WITH THE CRIME. DETAILS OF THE INVESTIGATION HAVE NOT BEEN MADE PUBLIC. A LETTER BOMB WAS DELIVERED TO THE OFFICE OF THE CIVILIAN AIRPORT ADMINISTRATION ON JUNE 21. VICTOR HUGO LUIS LEON WAS KILLED. ON JUNE 28, A LETTER BOMB ACCEPTED BY POLICE GUARD EDUARDO CALDERON AT THE CIVIC OFFICE OF SL NEWSPAPER "EL DIARIO" CAUSED THE LOSS OF AN ARM. A LETTER BOMB DELIVERED TO THE MANTA-LINKED NEWSPAPER "CAMBO" ON OCTOBER 10, TOOK THE LIFE OF 23-YEAR-OLD NEWS EDITOR NELISMA ALFARO MONZON. THERE WERE ALSO SEVERAL UNSUCCESSFUL LETTER BOMBINGS. A LETTER BOMB WAS DELIVERED TO THE OFFICE OF A CIVIC BODY SUCCESSFULLY DEFUSED ON MAY 26. DEPUTY RICARDO LEITAS COLEMA WAS THE...

LIMITED OFFICIAL USE
DEPARTMENT OF STATE
ARA/NEA REARCS

LIMITED OFFICIAL USE
IMMEDIATE

PAGE 81  LIMA 15251  66 OF 28  2817357  094256  509187
INFO:  ARA(01)  PGC(01)  GAS(01)  PPA(01)  RJH(01)  RSC(01)  PE(02)
       DNH(01)  SPA(01)  PBS(01)  

ACTION HA-99

INFO  LOG-08  AOS-08  A10-08  AIMD-01  ARA-08  C1AE-00  M00D-00
      CS-08  M-01  M28E-00  M28D-01  M0-19  LAR-04  L-09
      NSB-09  NSB-08  O1C-02  PA-01  PA-03  P-01  P2-01  P3-18
      S1L-08  S2-08  S2-06  S2-06  S2-08  STR-18  T18E-00
      US1E-0B  713716

--------- 25/1/751Z  3Z  2D  (TOTAL COPIES: 01)

O 2817357  OCT  93
E 314147  LIMA

TO: SESTATE WASHDC IMMEDIATE 2843

limited official use section 08 of 28 LIMA 15251

DEPT FOR HA:  ARA;  AND S/IL

E.O. 12356:  DECL:  GOOD
TAGS:  PHUN:  E4A3  PE
SUBJECT:  DRAFT 1991 PERU COUNTRY REPORT ON
INTENDED TARGET OF AN UNSUCCESSFUL LETTER BOMB
ON OCTOBER 16.

IT IS NOT KNOWN WHETHER THESE INCIDENTS ARE
RELATED, HOWEVER, ONE OF THE ATTACKS TOOK
PLACE SHORTLY AFTER THE INTENDED VICTIM ALREADY

A RESURGENCE OF COMANDO RODRIGUZ FRANCO (CRF)
ACTIVITY.  CRF TERRORISM APPEARED TO HAVE LARGELY
COME TO AN END WITH THE FORMER ARA
GOVERNMENT GAVE UP CONTROL OF MINISTRY OF
INTERIOR POLICE.  THE INABILITY OF POLICIA OR
PRIVATE HUMAN RIGHTS GROUPS TO ASCERTAIN
RESPONSIBILITY FOR THESE ATTACKS.  THIS LESS
ARREST RESPONSIBILITY IS INDICATIVE OF THE
PERUVIAN JUSTICE SYSTEM'S INABILITY TO PRODUCE
RESULTS EVEN IN THE MOST EVIDENT OF TERRORISTIC
CASES.

THERE ARE NO OFFICIAL STATISTICS ON THE NUMBER
OF SUMMARY EXECUTIONS IN 1991.

INVESTIGATIONS INTO SEVERAL EARLIER CASES OF
MILITARY EXCESSES REMAINED BlockED.  THE PENDING
CIVILIAN COURT CASES AGAINST ARMY SERGEANT
JORDY ZAPATA ACAZA (AKA "CENTURION") FOR THE
1995 MASSACRE OF 17 CIVILIANS IN QUESCARACHO,
AYACUCHO REMAINS AT A STANDSTILL.  WHILE A
MILITARY COURT CASE PROCEEDS SLOWLY, THE
SUPREME COURT OF MILITARY JUSTICE FOUNDED LT.
COL. VICTOR LA VERA BERNARDES (AKA "JAVIER LANDA
DUPONT") AND CAPT. AMADOR VIDAL SAMBETO (AKA
"GUO DE CAIO") NOT RESPONSIBLE FOR THE NOVEMBER
1985 MURDER OF JOURNALIST RODRIGUEZ.  UNDER
PERUVIAN LAW, THE ACCUSED CANNOT BE SUBSEQUENTLY
TRIED IN CIVILIAN COURTS FOR THE SAME OFFENSE.

I. B. DISAPPEARANCE

THE PUBLIC MINISTRY (AN AUTONOMOUS ATTORNEY
GENERAL'S OFFICE) REPORTS THAT THERE HAVE BEEN
CLOSE TO 5,000 CASES OF DISAPPEARANCES SINCE
1993; WITH THE MAJORITY OF THE FORMAL COMPLAINTS

DECONTROLLED/UNCLASSIFIED
LIMITED OFFICIAL USE

LIMA 15251  66 OF 28  2817357  094256  509187

AGAINST THE SECURITY FORCES.  LOCAL HUMAN RIGHTS
GROUPS REPORTED RECEIVING 245 NEW CASES OF
DISAPPEARANCES THROUGH SEPTEMBER 1991.  DATA ON
1991 DISAPPEARANCES IS BOTH INCOMPLETE AND
INCONSISTENT.  THE PUBLIC MINISTRY, WHOSE
NUMBERS DRAWN FROM A LARGER DATABASE ARE
NORMALLY HIGHER THAN THOSE OF OTHER GROUPS,
REPORTS 238 NEW DISAPPEARANCES THROUGH SEPTEMBER
1991: A 35 PERCENT DECREASE FROM 1990, RENAPED
FIGURES.  THE UNITED NATIONS WORKING GROUP ON
DISAPPEARANCES REPORTS ONLY 57 DISAPPEARANCES
DURING THE FIRST HALF OF 1991: A 55 PERCENT
DECREASE FROM 1990, RENAPED.  THE NATIONAL HUMAN
RIGHTS COORDINATING COMMITTEE, HOWEVER, REPORTS
245 NEW DISAPPEARANCES THROUGH SEPTEMBER
1991: AN 18 PERCENT INCREASE OVER 1990
RENAPEO.  THE HUMAN RIGHTS COMMISSION
('CONSEP'), WORKING FROM A SMALLER BUT
GENERALLY THE MOST ACCURATELY VERIFIED DATA BASE, REPORTS
177 CASES THROUGH AUGUST 1991: OR A 5 PERCENT
INCREASE OVER RENAPED 1990 FIGURES.

STRONG ANECDOTAL EVIDENCE SUGGESTS, HOWEVER,
THAT DISAPPEARANCES WERE SHARPLY DOWN DURING THE
THIRD QUARTER OF 1991.  IN JUNE DEPARTMENT,
WHICH ALONE ACCOUNTED FOR 35 PERCENT OF ALL
DISAPPEARANCE CASES THROUGH AUGUST 1991: NO
DISAPPEARANCES WERE RECORDED DURING JULY, AUGUST
OR SEPTEMBER.  LIMITED DATA COMPARING THE LAST
YEAR OF THE PREVIOUS ADMINISTRATION, THE FIRST YEAR OF THE FUJIMORI
ADMINISTRATION SHOWS A DECREASE IN DISAPPEARANCES
UNDER THE FUJIMORI GOVERNMENT.  THE U.N. WORKING
GROUP ON DISAPPEARANCES REPORTED 356
DISAPPEARANCES DURING THE LAST GARCIA YEAR AND
194 DURING THE FIRST FUJIMORI YEAR: A DECREASE
OF 40 PERCENT.  CONSEP'S RECORD 307
DISAPPEARANCES DURING THE FINAL GARCIA YEAR AND
238 DURING THE FIRST FUJIMORI YEAR: A 22 PERCENT
DECREASE.

MOST 1991 DISAPPEARANCE CASES INVOLVED ARMY

DECONTROLLED/UNCLASSIFIED
LIMITED OFFICIAL USE
DEPARTMENT OF STATE
ARA/NEA REARCS

IMMEDIATE

PERSONNEL UNDER THE COMMAND OF AN OFFICIAL IDENTIFIED ONLY AS "CENTAURO" WHILE ATTEMPTING TO ENROLL THEMSELVES AS UNITED LEFT PARTY CANDIDATES FOR LOCAL ELECTIONS. THEIR WHEREABOUTS ARE STILL UNKNOWN.

L. C. TORMTURGE AND OTHER CUSTODIAL, HUMILIATING OR DEGRADING TREATMENT OR PUNISHMENT

ALTHOUGH THE CONSTITUTION PROHIBITS TORTURE AND HUMILIATION OR HUMILIATING TREATMENT, CHARGES OF BRUTALITY TOWARD DETAINEES ARE COMMON, HUMAN RIGHTS GROUPS CHARGE THAT SUSPECTED SUBVERSIVES HELD BY THE GOVERNMENT ARE ROUTINELY TORTURED AT MILITARY DETENTION CENTERS. LAWYERS AND OTHERS FAMILIAR WITH THE POLICE AND JUDICIAL SYSTEM CONCUR. THE PUBLIC MINISTRY NOTED THAT A SIGNIFICANT NUMBER OF DETAINEES HELD BY MILITARY AUTHORITIES CLAIMED TO HAVE BEEN TORTURED OR MISTREATED. IN 1991 THERE WERE RELIABLE ACCOUNTS FROM RELEASED DETAINEES OF TORTURE OR HISTREATMENT BOTH BY POLICE AND THE MILITARY. EARLY IN 1991, FUL SALOME ADUANUS WAS TORTURED WHILE IN DETENTION IN A MILITARY JAIL IN HUANCAYO. FOLLOWING HIS FORMAL DENONCIATION, SALOME DEPARTED PERU AND RESIDES ABROAD, ANON

SICARSTRO PEREZ AREVALO, A SUSPECTED NARCOTICS TRAFFICKER ARRESTED IN TRUJILLO. IN OCTOBER 1991, DIED WHILE IN POLICE CUSTODY APPARENTLY AS THE RESULT OF TORMTURGE. THERE ARE CREDIBLE REPORTS THAT SUSPECTS ARE ABU-TORTURED AT THE COUNTER-TERRORISM POLICE (OCTIC) DETENTION CENTER IN LIMA. THERE ARE CREDIBLE REPORTS OF RAPE BY ELEMENTS OF THE SECURITY FORCES IN THE EMERGENCY ZONES.

TORTURE OFTEN OCCURS IN THE PERIOD IMMEDIATELY FOLLOWING DETENTIONS. THE 1987 TERRORISM LAW REQUIRES THAT PERSONS DETAINED FOR TERRORISM BE INTERROGATED ONLY IN THE PRESENCE OF A DEFENSE ATTORNEY AND A PUBLIC MINISTRY PROSECUTOR. IN THESE CASES, A COURT INDICTMENT MUST BE OBTAINED.

ACCORDING TO WITNESSES AND FAMILY MEMBERS, MANUEL PACOTAYA, MAYOR OF CUSCOI, AYACUCHO, ALONG WITH MARTIN CAYILLANIA, TOWN COUNCIL SECRETARY, MARCELO CASAS, LIEUTENANT GOVERNOR OF CUSCOI, AND ISAIAS HUAMAN, WERE DETAINED ON MARCH 14 BY MEMBERS OF THE NATIONAL POLICE AND TAKEN TO THE MILITARY BARRACKS AT PAPPA CANICHILO. THEY HAVE NOT BEEN SEEN SINCE. WITNESSES AND FAMILY MEMBERS BELIEVE THE DISAPPEARANCES WERE IN RETALIATION FOR THE VILLAGE'S REFUSAL TO FORM A CIVILIAN DEFENSE PATROL UNIT UNDER MILITARY CONTROL. THE MILITARY AUTHORITIES DENY ALL KNOWLEDGE OF THE DISAPPEARANCES AND THEIR FATE IS NOT KNOWN. ON APRIL 19, SEVEN RESIDENTS OF HUANCAYO, AYACUCHO WERE DETAINED BY MILITARY
IMMEDIATE

DEPARTMENT OF STATE ARA/NEA REARCS

LIMITED OFFICIAL USE SECTION 80 OF 29 LINA 15251

DEPT FOR RA; ARA; AND SY/L

RE 132546 DECL; GPR

SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON
WITHIN 15 DAYS OF ARREST THE PRISONER MUST BE

RELEASED. RELIABLE REPORTS OF VIOLATIONS OF
THOSE STANDARDS OCCUR FREQUENTLY IN PRISONS
CONTROLLED BY THE MILITARY UNDER A STATE OF
EMERGENCY.

MANY VICTIMS OF Sendero terrorism also show
signs of having been tortured before death.
TORTURE OF THOSE VICTIMS OFTEN FALLS A BRIEF
"POPULAR TRIAL," NORMALLY HELD IN THE PRESENCE
OF RURAL VILLAGERS AS A METHOD OF INTIMIDATION.
Sonderio uses particularly brutal methods of
EXECUTION, INCLUDING SLITTING THROATS;
STRANGULATION; STONING; AND BURNING. MUTILATION
OF THE BODY IS COMMON BOTH BEFORE AND AFTER DEATH.

PERUVIAN PRISON CONDITIONS ARE APPALLING.
BORDERING ON THE MEDIEVAL, PRISONERS ARE
EXPOSED TO UNSANITARY FACILITIES, POOR NUTRITION
AND HEALTH CARE, AND ILL-TREATMENT BY PRISON
STAFF AND FELLOW PRISONERS. IN CONTRAST WITH
1991, MORE THAN 65 INMATES IN LIMA'S
PRISONS DIED DUE TO SEVERE MALNUTRITION. NO SUCH
DEATHS HAVE OCCURRED TO DATE IN 1991.
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 INNOCENTS TO ARRANGING
PRISON ESCAPES. CERTAIN PRISON CELLCLOCKS HAVE
FALLEN UNDER SENDERO OR DATA CONTROL, AND GUARDS
REFUSE TO VENTURE INTO THESE MILITARY FORCES
HAD RECENTLY BEEN AUTHORIZED TO BECOME
SUPREME COURT TO ASSUME RESPONSIBILITY FOR PRISON
PERIMETER SECURITY. PRESIDENT Fujimori HAS
CONTINUED HIS PROGRAM OF PHASED RELEASE OF
UNCONVICTED PRISON INMATES AND ANTI-TERRORISM

ESPECIALLY THOSE WHO HAVE ALREADY SERVED THE
SENTENCE FOR THE CRIME WITH WHICH THEY ARE
CHARGED. REVISED PENAL AND PENAL PROCEDURES
CODES WERE COMPLETED, BUT THE LATTER WILL BE PUT
INTO EFFECT IN MAY 1992.

THE CONSTITUTION, THE PENAL CODE, AND
ANTI-TERRORISM LEGISLATION CLEARLY DELINEATE THE
ARREST AND DETENTION PROCESS. ND YER, MOST IF
NOT ALL OF THESE PROTECTIONS ARE SUSPENDED IN
PRACTICE IN THOSE AREAS UNDER A STATE OF
EMERGENCY. IN AREAS NOT SUBJECT TO A STATE OF
EMERGENCY, A WARRANT APPROVED BY A JUDGE
TYPICALLY IS REQUIRED FOR ARREST, UNLESS CAUGHT
IN THE ACT. PERSONS ARRESTED MUST BE ARRANGED
WITHIN 24 HOURS EXCEPT IN CASES OF DRUG
TRAFFICKING, TERRORISM, OR ESPIONAGE, FOR WHICH
THE LIMIT IS 35 DAYS. DETAINES 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. UNDER
THE 1997 TERRORISM LAW, POLICE MUST ALSO NOTIFY
THE DETAINEE'S FAMILY AND HUMAN RIGHTS GROUPS
OF AN ARREST, ALTHOUGH IN PRACTICE THIS IS NOT
CONSISTENTLY DONE. DETENTION CENTERS DO NOT
MAINTAIN PUBLICLY AVAILABLE REGISTERS DETAILING
DETAINERS' CHARGES OR REASONS FOR ARREST.
IN AUGUST 1991, THE MINISTRY OF
DEFENSE INSTITUTED A NATIONAL REGISTRY OF
DETAINERS HELD BY THE MILITARY. THE MINISTRY OF
DEFENSE IS WILLING TO RESPOND TO INQUIRIES FROM
FAMILIES OF POTENTIAL DETAINES, GOVERNMENTAL
ORGANIZATIONS, THE PUBLIC MINISTRY OR THE
MINISTRY OF FOREIGN AFFAIRS. THERE IS NO
FUNCTIONING BAIL SYSTEM; A FORM OF PROVISIONAL
LIBERTY IS AVAILABLE, BUT IT IS NOT IN
REALITY, FOR PERSONS NOT ACCUSED OF TERRORISM,
ESPIONAGE, OR NARCOTICS OFFENSES.

ARREST PROCEDURES ARE DIFFERENT IN THE RURAL
EMERGENCY ZONES, THE ARMED FORCES DO NOT NEED
AN ARREST WARRANT, AND DETAINES ARE OFTEN
DENIED ACCESS TO AN ATTORNEY DURING
INTERROGATION AND TO FAMILY MEMBERS DURING THEIR

DECONTRONTED/UNCLASSIFIED
LIMITED OFFICIAL USE
DEPARTMENT OF STATE
ARA/NEA REARCS

DEGREE SPECIFIES THAT THE PROSECUTOR MAY
PRIVATELY INTERVIEW A DETAINED IMMEDIATELY UPON
HIS DETENTION AND CHECK FOR SIGNS OF PHYSICAL
ABUSE. WHERE APPLICABLE, THE PROSECUTOR MAY
ORDER THE PRISONER REMARKED INTO THE CIVILIAN
COURT SYSTEM, IF REMIND TO THE COURT, THE
PROSECUTOR IS TO ACCOMPANY THE PRISONER AND
REQUEST A FORESHOLD MEDICAL EXAMINATION UPON
DELIVERING HIM INTO CIVILIAN JUDICIAL CUSTODY.
A PUBLIC PROSECUTOR MUST BE PRESENT AT THE
RELEASE OF ANY PRISONER FROM MILITARY
DETECTION. THIS PROCEDURE HAS NOT YET BEEN
COMPLETELY TESTED. HOWEVER, THE PUBLIC
PROSECUTORS HAVE SUCCESSFULLY ENTERED A NUMBER
OF MILITARY INSTALLATIONS IN THE EMERGENCY ZONES
CHECKING FOR DETAINES.
THE CONSTITUTION PROHIBITS FORCED INVOITATORY
EXILE; AND THERE HAVE BEEN NO KNOWN CASES OF IT
IN THE PAST 10 YEARS.

1. E. DENIAL OF FAIR PUBLIC TRIAL

IN THE PERUVIAN LEGAL SYSTEM WHICH IS BASED
GENERALLY ON THE NAPOLEONIC CODE, CRIMINAL
CHARGES ARE FILED; A JUDGE DETERMINES WHETHER
PROBABLE CAUSE EXISTS, THE JUDICIAL PROCESS
PRIOR TO TRIAL MAY LAST AS LONG AS SEVERAL
YEARS, FOLLOWED BY A PUBLIC TRIAL. DEFENDANTS
HAVE THE RIGHT TO BE PRESENT AT THE TRIAL. MILL
VERDICTS ARE RENDERED BY A JUDGE OR A PANEL
OF JUDGES, SENTENCES MAY BE APPEALED, AND
JUDGES MAY SEND CASES BACK TO LOWER COURTS FOR
ADDITIONAL INVESTIGATION. SUPREME COURT JUDGES,
WHO ARE NOTED BY THE PRESIDENT FROM SLATES SUPPLIED
AN ADVISORY COMMITTEE, AND
MUST BE APPOINTED BY THE SENATE. MANY JUDGES ON
THE SUPERIOR AND SUPREME COURTS ARE ACTIVE IN
POLITICAL PARTIES; AND THERE ARE OCCASIONAL
CLAIMS THAT DECISIONS HAVE BEEN POLITICALLY
MOTIVATED.

COURTS FACE SEVERE BACKLOGS, A PRODUCT OF

IN AUGUST 1991, THE GOVERNMENT ISSUED A
LEGISLATIVE DECREES, WITH THE FORCE OF LAW,
GRANTING CIVILIAN PUBLIC PROSECUTORS ACCESS TO
ALL MILITARY BARRACKS AND DETENTION CENTERS,
INCLUDING THOSE IN THE EMERGENCY ZONES. THE

DEPARTMENT OF STATE
ARA/NEA REARCS

DEGREE SPECIFIES THAT THE PROSECUTOR MAY
PRIVATELY INTERVIEW A DETAINED IMMEDIATELY UPON
HIS DETENTION AND CHECK FOR SIGNS OF PHYSICAL
ABUSE. WHERE APPLICABLE, THE PROSECUTOR MAY
ORDER THE PRISONER REMARKED INTO THE CIVILIAN
COURT SYSTEM, IF REMIND TO THE COURT, THE
PROSECUTOR IS TO ACCOMPANY THE PRISONER AND
REQUEST A FORESHOLD MEDICAL EXAMINATION UPON
DELIVERING HIM INTO CIVILIAN JUDICIAL CUSTODY.
A PUBLIC PROSECUTOR MUST BE PRESENT AT THE
RELEASE OF ANY PRISONER FROM MILITARY
DETECTION. THIS PROCEDURE HAS NOT YET BEEN
COMPLETELY TESTED. HOWEVER, THE PUBLIC
PROSECUTORS HAVE SUCCESSFULLY ENTERED A NUMBER
OF MILITARY INSTALLATIONS IN THE EMERGENCY ZONES
CHECKING FOR DETAINES.
THE CONSTITUTION PROHIBITS FORCED INVOITATORY
EXILE; AND THERE HAVE BEEN NO KNOWN CASES OF IT
IN THE PAST 10 YEARS.

1. E. DENIAL OF FAIR PUBLIC TRIAL

IN THE PERUVIAN LEGAL SYSTEM WHICH IS BASED
GENERALLY ON THE NAPOLEONIC CODE, CRIMINAL
CHARGES ARE FILED; A JUDGE DETERMINES WHETHER
PROBABLE CAUSE EXISTS, THE JUDICIAL PROCESS
PRIOR TO TRIAL MAY LAST AS LONG AS SEVERAL
YEARS, FOLLOWED BY A PUBLIC TRIAL. DEFENDANTS
HAVE THE RIGHT TO BE PRESENT AT THE TRIAL. MILL
VERDICTS ARE RENDERED BY A JUDGE OR A PANEL
OF JUDGES, SENTENCES MAY BE APPEALED, AND
JUDGES MAY SEND CASES BACK TO LOWER COURTS FOR
ADDITIONAL INVESTIGATION. SUPREME COURT JUDGES,
WHO ARE NOTED BY THE PRESIDENT FROM SLATES SUPPLIED
AN ADVISORY COMMITTEE, AND
MUST BE APPOINTED BY THE SENATE. MANY JUDGES ON
THE SUPERIOR AND SUPREME COURTS ARE ACTIVE IN
POLITICAL PARTIES; AND THERE ARE OCCASIONAL
CLAIMS THAT DECISIONS HAVE BEEN POLITICALLY
MOTIVATED.

COURTS FACE SEVERE BACKLOGS, A PRODUCT OF

IN AUGUST 1991, THE GOVERNMENT ISSUED A
LEGISLATIVE DECREES, WITH THE FORCE OF LAW,
GRANTING CIVILIAN PUBLIC PROSECUTORS ACCESS TO
ALL MILITARY BARRACKS AND DETENTION CENTERS,
INCLUDING THOSE IN THE EMERGENCY ZONES. THE
DEPARTMENT OF STATE
ARA/NEA REARCS

LIMA 15251 10 OF 20 29175Z 06424 5041558

UNIVERSAL USE SECTION 10 OF 20 LIMA 15251

HAVE BEEN OPENED IN THE JUDICIAL SYSTEM. THIS
EXTREMELY LOW RATE OF CRIMINAL 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 1987
CONGRESS CREATED SPECIAL TRIBUNALS TO HEAR
TERRORISM CASES AND PROMISED GREATER SECURITY
MEASURES TO PROTECT JUDGES AND WITNESSES. THERE
WERE IMMEDIATE PROBLEMS WITH FINDING JUDGES WHO
WERE WILLING TO SERVE ON THESE COURTS, PROVIDING
THE GUARANTEE OF SAFETY FOR THE JUDGES REQUIRED
IN THE ENABLING LEGISLATION AND THE LARGE
BACKLOG OF CASES. OVERWHELMED BY THESE
PROBLEMS, THE SPECIAL TRIBUNALS WERE ABOLISHED
IN APRIL 1988--ONLY TO BE REESTABLISHED IN

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
CASES INVOLVING ITS PERSONNEL, AND THE COURT
TYPICALLY RULES IN ITS FAVOR. THERE WERE SOME
NOTABLE CASES OF MILITARY PERSONNEL CHARGED IN
CIVILIAN COURTS DURING 1985 FOR HUMAN
RIGHTS-RELATED CRIMES.

ARMY SERGEANT JONNY ZAPATA ACUS: AKS EL
CENTURION WAS CHARGED IN CIVILIAN COURT FOR THE
OCTOBER 1988 MASSACRE OF 17 PERSONS AT
CHILCATURUCO, ATACUANO. HOWEVER, THE CIVILIAN
COURT TRIAL REMAINS BLOCKED WHILE A PARALLEL
PROCEDURE PROCEEDS IN THE MILITARY COURTS. ARMY
CAPTAIN AMADOR VIDAL, SAMBETO AND COMMENDABLE
VICTOR LA VERA HERNANDEZ WERE CHARGED IN
CIVILIAN COURT FOR THE NOVEMBER 1988 KILLING OF
JOURNALISTS HUGO BUSTOS SANCHEZA. IN BOTH
CASES, HOWEVER, MILITARY COURTS ASSERTED
JURISDICTION, IN THE CASE OF CAPTAIN SAMBETO
AND COMMENDABLE LA VERA. THE MILITARY COURT FOUND
THE ACCUSED NOT GUILTY, UNDER PERUVIAN LAW.
THEY CANNOT BE RETRIED FOR THE SAME OFFENSE IN

THREATS AND INTIMIDATION OF JUDGES HANDLING
TERRORISM CASES REPRESENT A SERIOUS PROBLEM,
ACCOUNTING IN PART FOR THE LOW CONVICTION RATE
OF ACCUSED TERRORISTS. SINCE 1983, ONLY 439
INDIVIDUALS HAVE BEEN TRIED AND CONVICTED FOR
TERRORISM. APPROXIMATELY 180 OF THESE
CONVICTIONS OCCURRED DURING 1981, A THREEFOLD
INCREMENT FROM THE PREVIOUS YEAR. OF 886
INDIVIDUALS CURRENTLY IN JAIL ON TERRORISM
CHARGES, LESS THAN 50 HAVE BEEN CONVICTED.
DURING 1981 HOWEVER, 585 NEW TERRORISM CASES
DEPARTMENT OF STATE  
ARA/NEA REARCS  

ILLEGAL WIRETAPS REMAIN COMMON AND POLITICALLY CONTROVERSIAL.

A NUMBER OF RURAL COMMUNITIES ORGANIZED RONDAS TO PROTECT AGAINST TERRORIST AND BANDIT INCursions. MOBILIZATION OF RONDAS HAS BECOME A CENTERPIECE OF THE GOVERNMENT’S ANTI-SUBVERSION STRATEGY. PRESIDENT FUJIMORI HAS PERSONALLY PARTICIPATED IN THE HANDING OUT OF SHOTGUNS TO NEWLY FORMED RONDAS. WHILE IN PARTS OF THE NATION RONDAS HAVE EXISTED FOR CENTURIES AS A FORM OF SOCIAL ORGANIZATION AND TO PROTECT RESIDENTS FROM INVASORS AND PIRATES, MANY OF THE NEWER RONDAS ARE ACTIVELY ORGANIZED AND SOMETIMES IMPOSED UNDER THE DIRECTION OF THE MILITARY AUTHORITIES. MANY MEMBERS JOINED VOLUNTARILY TO DEFEND AGAINST SENDERO AND MANY LEADERS ARE LOCALLY ELECTED. HOWEVER, IN SOME AREAS THERE WERE NUMEROUS REPORTS OF THE FORCED RECRUITMENT OF PEASANTS TO SERVE AS RONDAS MEMBERS.

SENDERO WAS ALSO CREDIBLY ACCUSED OF REPEATED FORCED RECRUITMENTS. SOMETIMES CIVILIANS WERE PRESSURED INTO PROVIDING GUIDE, MANUAL LABOR, OR OTHER SERVICES. SENDERO FORCED PEASANTS TO JOIN THEIR MILITARY RONDA, OFTEN FOR EXTENDED PERIODS, REQUIRING THEIR INVOLVEMENT IN TERRORIST ATTACKS OR EVEN EXECUTIONS. THIS PRACTICE NOT ONLY PROVIDED THE TERRORISTS WITH THE APPEARANCE OF POPULAR SUPPORT AND OVERWHELMING NUMBERS, BUT IT MADE IDENTIFICATION OF THE REAL TERRORISTS MUCH MORE DIFFICULT.

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

LIMITED OFFICIAL USE

DEPARTMENT OF STATE
ARA/NEA REARCS

LIMITED OFFICIAL USE SECTION 12 OF 2B LIMA 15251

DEPT FOR NA ARA AND S/L

E.O. 12356: DEC: GBR
TAGS: PUNH ELAB PE

SUBJECT: DRAFT 1993 PERU COUNTRY REPORT ON CROSS TO ALL MILITARY FACILITIES ENGAGED IN ANTI-SUBVERSIVE OPERATIONS. THE AUTHORIZATION INCLUDES THE RIGHT TO INTERVIEW DETAINES PRIVATELY. THIS AUTHORIZATION HAS NOT BEEN IMPLEMENTED LONG ENOUGH TO JUDGE WHETHER COMPLIANCE IS EFFECTIVE.


THERE WAS WIDESPREAD ABUSE OF BOTH THE MILITARY'S RIGHTS TO PRIVACY AND THE MILITARY'S RIGHTS TO RESPECT FOR THE RIGHTS OF PRISONERS, INCLUDING ARMS, EMBARRASSED, WOUNDED, AND SICK AT ANY RATE. THE MILITARY'S VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS IN THE ROUTINE MURDERS OF PRISONERS TO THE FREQUENT REFUSAL TO ADMIT THAT CERTAIN PERSONS WERE BEING DETAINED TO THE LESS FREQUENT SUMMARILY EXECUTION OF UNARMED PRISONERS. FOR ITS PART, SENDERO SIMPLY DOES NOT ACKNOWLEDGE HAVING ANY GOVERNMENT PRISONERS. ON THIS POINT, SENDERO'S CREDIBILITY IS EXTREMELY HIGH: FORCES CAPTURED BY SENDERO ARE ALMOST INVARIABLY EXECUTED.

SECTION 2 RESPECT FOR CIVIL LIBERTIES
INCLUDING:

2A. FREEDOM OF SPEECH AND PRESS

THE CONSTITUTION PROVIDES FOR FREEDOM OF SPEECH AND PRESS. WITHEIGHT TELEVISION STATIONS.

ONE CABLE TELEVISION SYSTEM, 72 RADIO STATIONS, AND 18 DAILY NEWSPAPERS IN LIMA ALONE. PERUVIANS HAVE ACCESS TO A VAST RANGE OF OPINION AND INFORMATION. THE GOVERNMENT OWNS ONE OF THE THREE NATIONAL TELEVISION NETWORKS, A RADIO...
ENRIQUEZ WAS ASSASSINATED BY SENDERO ON OCTOBER 21. SHE HAD RECEIVED DEATH THREATS AND HER BODY HAD APPEARED ON SENDERO BLACK LISTS CIRCULATED IN AYACUCHO IN THE WEEKS PRIOR TO HER DEATH. SEVERAL OTHER JOURNALISTS AND ACADEMICS WORKING ON NARCOTICS TRAFFICKING OR SUBVERSION ALSO RECEIVED THREATS.

ACADEMIC FREEDOM IS WIDELY RESPECTED, BUT ACADEMICS AND STUDENTS ARE SOMETIMES THE VICTIMS OF THREATS AND ABUSES. SENDERO AND NRTA EXTENSIVELY RESORT TO THREATS AND ABUSE AGAINST FACULTY, STAFF AND STUDENTS IN A NUMBER OF UNIVERSITIES WHICH THEY STRIVE TO CONTROL. ALL SITES HAVE LOST SOME RECENT ELECTIONS IN WHICH THE UNIVERSITY COMPASS THEY contrôleD, EXCEPT THE CENTRAL UNIVERSITY UNICO IN HUANCAPO. ALSO, ARMY UNITS ENTERED SAN MIGUEL AND LA CANTERA UNIVERSITIES IN MAY 1991 TO PAINT OUT SENDERO PROPAGANDA AND "RESTORE UNIVERSITY FREEDOM" WITH A SHOUT OF MILITARY PRESENCE.

2. B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

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 RIGHTS OF ASSEMBLY IS SUSPENDED. PUBLIC MEETINGS IN PLAZAS OR STREETS REQUIRE ADVANCE PERMISSION, WHICH MAY ONLY BE DENIED FOR REASONS OF PUBLIC SAFETY OR HEALTH. MUNICIPAL AUTHORITIES USUALLY APPROVE PERMITS FOR DEMONSTRATIONS IN LIMA AND NONEMERGENCY ZONES. MANY UNAUTHORIZED DEMONSTRATIONS ALSO OCCURRED, AND, FOR THE MOST PART, THE GOVERNMENT DEAL WITH THEM IN A NONCONFRONTATIONAL MANNER. ON A NUMBER OF OCCASIONS, HOWEVER, POLICE DID TAKE PRECAUTIONS ON THE SCENE OVERACTING, RESPONSING WITH MORE THAN THE MINIMUM FORCE NECESSARY, RESTORING TO CLUBS, FIRE GUN, BUCKSHOT, AND TRUCK-MOUNTED WATER CANNONS TO BREAK UP MARCHES OR TO DISPERSE LARGE CROWDS.
DEPARTMENT OF STATE
ARA/NEA REARCS

2. FREEDOM OF MOVEMENT WITHIN THE COUNTRY
FOREIGN TRAVEL: EMBARGO AND REPATRIATION

THE CONSTITUTION PROVIDES FOR THE RIGHT OF FREE
MOVEMENT, AND THERE ARE NO POLITICAL OR LEGAL
CONSTRAINTS ON FOREIGN TRAVEL OR EMIGRATION.
FREEDOM OF MOVEMENT IS LEGALLY SUSPENDED WITHIN
THE EMERGENCY ZONES, AND TRAVELERS MAY BE
DETAINED BY AUTHORITIES AT ANY TIME. OTHER
DOMESTIC AND INTERNATIONAL TRAVEL IS NOTknown
TO BE RESTRICTED BY THE GOVERNMENT FOR POLITICAL
REASONS.

SENDERO CALLED FOR NUMEROUS "ARMED STRIKES" IN
VARIOUS PARTS OF THE COUNTRY, DURING WHICH
CIVILIANS WERE OBLIGED TO STAY AT HOME OR RISK
VIOLENCE IF THEY TRAVELED. THERE HAVE BEEN NO
MAJOR RESURRECTION EFFORTS BY THE SECURITY
FORCES SINCE THE MID-1980S.

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

PERU IS A DEMOCRACY COVERED BY A FREELY ELECTED
PRESIDENT AND CONGRESS. THE POLITICAL PROCESS
IS OPEN, SUBJECT TO MONITORING BY AN AUTONOMOUS
NATIONAL ELECTIONS BOARD, AND ELECTIONS ARE
VIGOROUSLY CONTESTED BY PARTIES RANGING FROM
CONSERVATIVE TO MARXIST-LENNINIST. SENDERO
LOURICOSO PERSISTENTLY Sought TO DENY CITIZENS
THEIR POLITICAL RIGHTS--PARTICULARLY IN THE MORE
REMOTE AREAS--BY KILLING CANDIDATES AND ELECTED
OFFICIALS AND THREATENING VOTERS. SENDERO
APPLIED THESE TACTICS IN THE AUGUST 1991
SUPPLEMENTAL ELECTIONS TO CHOOSE DISTRICT AND
PROVINCIAL MUNICIPAL AUTHORITIES IN THOSE
JURISDICTIONS WHERE THE GOVERNMENT WAS NOT ABLE
TO HOLD REGULAR ELECTIONS IN 1985 OR WHERE
VIOLENCE SUBSEQUENTLY RESURGED OR WAS KILLED.
VOTER TURN-OUT WAS GOOD IN ICA AND IN MORE
WHERE SENDERO CALLED FOR AN ARMED STRIKE: AN ELECTION
BOYCOTT AND SET OFF AN EXPLOSIVE DEVICE IN THE

DECONTROLLED/UNCATEGORIZED
LIMITED OFFICIAL USE
DEPARTMENT OF STATE
ARA/NEA REARCS

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

Under intense international scrutiny the government of Peru has publicly committed itself to strongly support human rights and has adopted a number of measures to improve the situation. However, it has also strongly criticized some human rights groups, notably Amnesty International and America's Watch, for alleged failure to denounce terrorist abuses. After many years of urging by both local and international human rights organizations, the Ministry of Interior on September 24, granted the ICRC access to the all police stations and detention centers, including those in the emergency zones. This decision supplemented ongoing ICRC access to prisons and a few other facilities, including the National Counter-Terrorism Police Center in Lima. On September 24, the Ministry of Defense and the Joint Military Staff authorized ICRC access to all military facilities engaged in counter-subversion operations, including those in the emergency zones. The authorization includes private interviews with detainees.

THE ICRC, AMERICA'S WATCH (AW), AMNESTY INTERNATIONAL (AI), and the World Council of Churches, among others, all sent representatives to Peru in 1991 to investigate the human rights situation. At Secretary General Jan Martin visited Peru in July 1991. He met with President Fujimori, the Minister of Defense, the Fiscal de la Nación, military authorities and local human rights groups. The World Council of Churches visited Peru twice in 1991, and on both occasions visited sites in the emergency zones. The Inter-American Human Rights Commission visited Peru in October 1991 to investigate the human rights situation.

DEPARTMENT OF STATE
ARA/NEA REARCS

LIMITED OFFICIAL USE

DEPARTMENT OF STATE
ARA/NEA REARCS

LIMITED OFFICIAL USE

ELECTIONS ARE HELD EVERY 5 YEARS FOR PRESIDENT

AND THE TWO VICE PRESIDENTS, AS WELL AS FOR THE SENATE AND CHAMBER OF DEPUTIES. THE PRESIDENT IS BANNED FROM RUNNING FOR CONSECUTIVE TERMS OF OFFICE. ELECTIONS FOR THE NATION'S NEWLY ESTABLISHED REGIONAL PARLIAMENTS ARE TO BE HELD EVERY 3 YEARS. AT THE END OF THE NATION'S MUNICIPAL ELECTIONS, SUFFRAGE IS BOTH UNIVERSAL AND NONVOTING FOR PERSONS 18 TO 70 YEARS OF AGE, EXCEPT FOR ACTIVE DUTY MILITARY, WHO ARE BARRED FROM VOTING OR HOLDING PUBLIC OFFICE. BALLOTING IS DIRECT AND SECRET.

UNDER THE CONSTITUTION, THE GOVERNMENT IS HEADED BY A PRESIDENTIAL EXECUTIVE; AN ESTIMATED 25 PERCENT OF ALL NEW LAW HISTORICALLY HAVE BEEN ENACTED THROUGH UNILATERAL PRESIDENTIAL DECREES.

MORROW THE LEGISLATURE FREELY AND OPENLY DEBATES GOVERNMENT POLICIES, WITH MEMBERS OF THE PRESIDENT'S OWN PARTY ABLE TO TAKE POSITIONS IN OPPOSITION. FOR THE FIRST TIME SINCE ENACTMENT OF THE 1979 CONSTITUTION, THE CONGRESS IS NOT DOMINATED BY THE PARTY OF THE PRESIDENT.


TOWARDS HUMAN RIGHTS GROUPS REGISTERED SOME
POSITIVE CHANGES. REPRESENTATIVES OF THE
MILITARY JOINT COMMAND RAVE MET WITH
REPRESENTATIVES OF HUMAN RIGHTS MONITORING
GROUPS. SEVERAL HUMAN RIGHTS GROUPS HAVE BEEN
INVITED TO PARTICIPATE IN SEMINARS AND TO OFFER
HUMAN RIGHTS INSTRUCTION AT MILITARY AND POLICE
ACADEMIES.

PRESIDENT Fujimori has regularly spoken out
DEMANDING GREATER RESPECT FOR HUMAN RIGHTS. AT
AN ARMY DAY CELEBRATION IN SEPTEMBER, THE
PRESIDENT TOOK AN AUDIENCE OF MILITARY OFFICERS
THAT PERIOD CONTINUE TO FIGHT THE ARMED
INSURGENTS WITH DISCIPLINE AND RESPECT FOR HUMAN
RIGHTS. HE ADDED, HOWEVER, THAT SOME HUMAN
RIGHTS GROUPS HAD NOT BEEN EVEN-HANDED IN
EQUALLY CONDEMNING THE HUMAN RIGHTS OFFENSES
COMMITTED BY THE TERRORISTS AND THE HEROES WHO
SERVED THE ENDS OF TERRORISM. THE PRESIDENT REPEATED
BOTH SENTIMENTS AT THE LATER NAVY DAY
CELEBRATION IN OCTOBER, AT WHICH TIME, HE
SINGLED OUT AMERICA'S WATCH AND AMNESTY
INTERNATIONAL FOR PARTICULAR CRITICISM. UPON
TAKING OFFICE IN JUNE 1990, PRESIDENT Fujimori
DESCRIBED THE STATE OF HUMAN RIGHTS IN THE NATION
AND ANNOUNCED HIS INTENTION TO CREATE A

PRESIDENTIAL NATIONAL HUMAN RIGHTS COMMISSION.
WE REITERATED THAT PLEDGE IN HIS 1991 NATIONAL
DAY ADDRESS. HOWEVER, A NATIONAL HUMAN RIGHTS
COMMISSION HAS YET TO BE ESTABLISHED. IN AUGUST,
1993, PRESIDENT Fujimori did, however, create A
NATIONAL PACIFICATION COMMISSION TO CRAFT A
POLITICAL CONSENSUS ON HOW TO DEAL WITH
TERRORISM. THE PACIFICATION COMMISSION IS ALSO
EMPLOYED TO SUPPORT NATIONAL AND REGIONAL
EASTS TO STRENGTHEN COMMUNITY AWARENESS OF
HUMAN RIGHTS AND TO LEAD SUPPORT TO THE PUBLIC
MINISTRY IN THE REJECTION OF CIVIL RIGHTS. THE
NATIONAL HUMAN RIGHTS COORDINATING COMMITTEE IS
A MEMBER OF THE COMMISSION.

SECTION 5 DISCRIMINATION BASED ON RACE, SEX,
LIMITED OFFICIAL USE

DEPARTMENT OF STATE
ARA/NEA REARCS

IMMEDIATE

PAGE 81

LIMA 15251 19 OF 28 291807Z
INFO: PE (22) DAND (21) SPA (21) PNC (12) RJ (91) BSG (81) ARA (81)
PPC (61) OAS (61) PPA (61)

ACTION NA-88

INFO LOG-88 AOS-88 AID-88 AMO-88 ARA-88 CIAE-88 DOCE-88
EB-88 H-91 INRE-88 INR-81 L-93 LAB-84 L-89
ASE-88 ASOE-88 QOC-91 PA-91 PES-81 P-91 RP-10
SL-86 SP-88 SX-86 SSO-88 SS-88 STR-18 TRSE-88
UGE-88 /OEN

0 251727Z OCT 91
FM AMBASSADOR LIMA
TO SESTATE WASHDC IMMEDIATE 2856

LIMA 15251 19 OF 28 291807Z
INFO: PE (22) DAND (21) SPA (21) PNC (12) RJ (91) BSG (81) ARA (81)
PPC (61) OAS (61) PPA (61)

ZONE OF TACNA AND AN AREA OF THE ANTOYNA BASTIA GRANTED IN A PERU/COLIBRIA BORDER AGREEMENT WHICH IS ANALOGOUS TO A FREE TRADE ZONE.

6. C. PROHIBITION OF FORCED OR COMPULSORY LABOR

THE CONSTITUTION PROHIBITS COMPULSORY LABOR, AND THIS PROHIBITION IS USUALLY RESPECTED IN PRACTICE. THERE HAVE BEEN A FEW UNVERIFIED REPORTS OF COMPULSORY LABOR ON PLANTATIONS IN REMOTE AREAS OF THE COUNTRY WHERE LAW ENFORCEMENT IS ALL BUT NONEXISTENT. SENDERO HAS ALSO BEEN ACCUSED OF FORCIBLY RECRUITING PEASANTS TO EITHER JOIN ITS RANKS OR RENDER SUPPORT SERVICES. THERE WERE ALSO COMPLAINTS THAT THE MILITARY WAS RECRUITING PEASANTS TO JOIN SELF-DEFENSE MILITIA, PERFORM GUARD DUTY, OR RENDER OTHER SUPPORT SERVICES IN SOME PLACES IN THE EMERGENCY ZONES.

6. D. MINIMUM AGE FOR EMPLOYMENT OF CHILDREN


THERE WERE CONFIRMED REPORTS OF CHILDREN WORKING IN CONDITIONS APPROACHING SLAVERY IN THE PLAZA

LABOR LAWS AND REGULATIONS ARE APPLIED UNIFORMLY THROUGHOUT THE COUNTRY INCLUDING THE FREE TRADE
DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01
LIMA 15251 20 OF 20 2918482 804345 5269785
INFO: PE (O2) DANO (O1) SPA (O1) PARC (O1) RJ (O1) RSG (O1) ARA (O1)
PPC (O1) OAS (O1) PPA (O1)
------------------- 29/181/2 92 RD (TOTAL COPIES: 01)
ACTION RA-95

INFO LGC-08 ABS-08 A18-08 A36-08 A10-08 CARA-08 CIASE-08 DODE-08
EB-08 H-01 IMDE-08 NE-01 10-19 LAB-04 L-08
NS-08 OSCE-08 OIC-02 PA-01 PRA-01 P-01 R-10
SIL-08 SP-08 SR-08 SSO-08 SS-08 STA-18 TRSE-08
USF-08 /D/WM
------------------- AGF832R 2918892 /38
0 291728Z OCT 91
FM AMBASSADOR LIMA
TO SECSTATE WASHDC IMMEDIATE 2657

LIMITED OFFICIAL USE SECTION 28 OF 28 LIMA 15251

DEPT FOR NA ARA AND S/1L
E.O. 11356: DELE: CDDR
TAGS: PGRD, ELF, PE
SUBJECT: CRAFT 1991 PERU COUNTRY REPORT ON GOLD FIELDS OF MOORE AND DIOS DEPARTMENT. IN THIS REMOTE AREA, THERE IS VIRTUALLY NO GOVERNMENT PRESENCE. THE CHILDREN WERE OVER-WORKED AND ILL-FED. GRAVES OF CHILDREN DISCOVERED IN 1991. BROUGHT THE ISSUE TO PUBLIC NOTICE.

6. E. ACCEPTABLE CONDITIONS OF WORK

LABOR CODE PROVISIONS CONCERNING CONDITIONS OF WORK ARE ROUTINELY IGNORED BY MOST EMPLOYERS. THE CODE PROVIDES FOR AN 8-HOUR DAY AND AN OFFICIAL 40-HOUR WEEK FOR MEN, AND A 45-HOUR WEEK FOR WOMEN. THESE ARE GOVERNMENT STANDARDS FOR INDUSTRIAL HEALTH AND SAFETY, BUT THESE ARE RARELY ENFORCED, EITHER BY THE EMPLOYER OR THE GOVERNMENT WHICH HAS NO RESPONSIBILITY. ACCIDENTS ARE COMMON AND THERE IS USUALLY NO EMPHASIS ON PREVENTION. WHEN ACCIDENTS OCCUR EMPLOYERS NORMAL RELIEVE THEIR EMPLOYEES VOLUNTARY COMPENSATION. HOWEVER MINIMAL.

ALL WORKERS ARE LEGALLY ENTITLED TO 30 DAYS' PAID ANNUAL VACATION. THOSE IN THE PRIVATE SECTOR HAVE TO WORK A MINIMUM OF 260 DAYS (EXCLUDING 30 DAYS' SICK LEAVE) OR FORFEIT THEIR VACATION. IN AN ECONOMY WHERE UNEMPLOYMENT AND UNDEREMPLOYMENT TOTAL AN ESTIMATED 80 PERCENT, HOWEVER, VACATION BENEFITS AND OTHER CONDITIONS OF WORK ARE RARELY SACRIFICED IN EXCHANGE FOR STEADY OR EVEN TEMPORARY EMPLOYMENT. THE ADMINISTRATIVELY SET MINIMUM WAGE WAS LAST INCREASED BY THE GOVERNMENT, IN JANUARY 1991, IT CONTINUES TO LAG BEHIND INFLATION, EQUAL TO ABOUT USD 50 PER MONTH WHEN ORIGINALLY SET IN JANUARY 1991, IT IS WORTH ROUGHLY USD 48 AS OF OCTOBER 1991. THE MINIMUM WAGE IS NOT SUFFICIENT TO PROVIDE A DECENT STANDARD OF LIVING FOR A WORKER AND FAMILY. THE GOVERNMENT IMPLODINGLY RECOGNIZED THE INADEQUACY OF WAGES PAID TO GOVERNMENT WORKERS, OFTEN BELOW THE MINIMUM WAGE, WHEN IT REDUCED THE REQUIRED WORK