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ACTION: 2214322 A1 BD (TOTAL COPIES: 013)

INFO: ACDU-09 ACDU-09 AKDU-09 ACDU-09 ACDU-09 ACDU-09 ACDU-09 ACDU-09

P 2214322 OCT 92

FM AMBASSADOR LIMA

TO SECSTATE VASHEC PRIORITY 2793

LIMITED OFFICIAL USE SECTION 81 of 28 LIMA 13341

FOR WA, M/A/AND, AND S/J/L

SUBJ: GROUNDER DECL: O/D R

TAGS: PERU: ELENE-PE

DRAFT 1992 COUNTRY HUMAN RIGHTS REPORT - PERU

1. LOU: HOFRAN - 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, INEPTNESS, 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 REJECTED EFFORTS AT DIALOGUE.

PERU'S ARMED FORCES SUPPORTED THE RELATIVELY PEACEFUL COUP. AS DID MOST OF THE PUBLIC. FOLLOWING INTERNATIONAL CONDEMNATION OF THE COUP, PRESIDENT FUJIMORI CALLED FOR THE ELECTION OF A CONSTITUENT CONGRESS (CCD) FOR NOVEMBER 22 TO BE OBSERVED BY THE ORGANIZATION OF AMERICAN STATES OBSERVERS. THE CCD IS TO APPROVE A NEW CONSTITUTION AND SERVE AS PERU'S LEGISLATIVE AUTHORITY UNTIL JULY 1995. THE CCD'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 CCD FUNCTIONS, MANY POLITICAL FORCES CONSIDERED THE CCD'S TWO LARGEST PARTIES: HOWEVER, DID NOT. ALMOST ALL PARTIES HAVE AGreed TO PARTICIPATE IN THE JANUARY 1993 MUNICIPAL ELECTIONS.

RULING BY DECREES LAW: THE PRESIDENT MADE WHOLISTIC CHANGES IN JUDICIAL AND PROSECUTORIAL PERSONNEL. NEW LAW PROVIDED FOR MILITARY COURTS TO TRY MOST TERRORISM CASES WITHIN 10 DAYS AS "TREASON AGAINST THE STATE." THE


SEVERAL GOVERNMENT ACTIONS UNDERSCORED THE POTENTIAL THREAT TO JOURNALISTS. ON APRIL 5, MILITARY PERSONNEL DETAINED JOURNALIST GUSTAVO CORRITI, A RESPECTED JOURNALIST WHO HAD CRITICIZED THE PRESIDENT AND HIS INTELLIGENCE ADVISER, VLADIMIR MONTESINO. IN AUGUST, A COURT RULED AGAINST "CARETA" PUBLISHER ENRIQUE ZELARDI FOR DEFAMATION OF MR. MONTESINO. IN SEPTEMBER, POLICE ARRESTED HUGO SOSA OF THE DAILY "LA REPUBLICA" FOR ALLEGED SENEDRO TIES, WITH REPUTABLE OBSERVERS REJECTION. ALSO OF

CONCERN IS THE UNUSUALLY WORDED 25475 DECREES LAW THAT PUNISHES PROPAGATION OF TERRORIST PROPAGANDA.

PERU HAS A MIXED ECONOMY THAT COMBINES FREE MARKET CAPITALISM WITH STATE OWNSHIP OF SOME MAJOR INDUSTRIES, MINERALS EXTRATION AND PROCESSING ACCOUNT FOR HALF OF THE FOREIGN EXCHANGE EARNINGS. PRESIDENT FUJIMORI'S ADMINISTRATION HAS PURSUED A ROUGOUS ECONOMIC STABILIZATION AND STRUCTURAL ADJUSTMENT PROGRAM IN AN ATTEMPT TO REVERSE DECADES OF ECONOMIC DECLINE. IT HAS FORGED FISCAL SUSTANABILITY 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

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UNITED STATES DEPARTMENT OF STATE

REVIEW AUTHORITY: SAM A. MOSKOWITZ

DATE/CASE ID: 9 JUL 1999 19930683

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LIMA 13841 02 221431Z 0861Z0 0861Z9
INFO: ARA (B1) PPC (B1) OAS (B1) PPA (B1) RJ (B1) RSC (B1) RSC (B1)
PE (B1) DAND W11 SPA (B1) PPC (B1) RSC (B1) RSC (B1)

ACTION W-8

INFO LOC-B0 ACRA-17 AID-80 AGID-41 ARA-B0 C1AE-89 D06E-00
E3-88 H-01 INRE-88 IRR-01 T0-19 LAB-64 L-50
A05-80 HS-88-00 NS-00-80 01C-02 PA-01 P0-01 P-01
RJ-1B SII-00 SP-00 SR-60 SS-00 STR-18 TSE-80
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P 221432Z OCT 92,
FM AMBASSAD LIMA
TO SESSTATE WASHDC PRIORITY 2794

LIMITED OFFICIAL USE SECTION 02 OF 20 LIMA 13841

FOR RC ARA/MA/OD AND S/L

E.O. 12356: DECL: CDR
TAGS: PHUN ELD PB
SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

SUSTAINABLE ECONOMIC GROWTH, RECESSION CONTINUES; HOWEVER, 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 CONDUCT SUBVERSIVE IN THE EMERGENCY ZONES OUTSIDE LIMA, OVER 2191/2, THE PERUVIAN MILITARY INCREASED CONCENTRATED ON CONDUCTING THE INTERNAL SUBVERSIVE THREAT, DELEGATING A LARGER PERCENTAGE OF THEIR MILITARY EXPENDITURES TO INTERNAL OPERATIONS RATHER THAN ON FORCES TRADITIONALLY DEPLOYED FOR EXTERNAL DEFENSE. PRESIDENT FUJIWARA'S EMPHASIS ON DEFEATING SUBVERSION BY 1995 WOULD APPLY AT LEAST AN INTENTION TO INCREASE MILITARY EXPENDITURES IN THE FUTURE.


BY FAR, THE LARGEST VIOLATOR OF HUMAN RIGHTS IN PERU IS THE COMMUNIST PARTY OF PERU - SENDERO LUMINOso (ELN). SENDERO REGULARLY ASSASSINATES PERSONS PERCEIVED TO BE OPPONENTS OR MERELY UNCOOPERATIVE. FROM GOVERNMENT LEADERS

AND OTHER OFFICIALS TO RELIGIOUS WORKERS AND PEASANTS. WITHIN LIMA, SENDERO GREATLY INCREASED NOT ONLY INDOMINATE CAR BOSSES, BUT ALSO SELECTED ASSASSINATIONS OF UNDERSIZED CIVILIANS. OPPONENTS. THE SECURITY FORCES OFTEN RESORTED TO HUMAN RIGHTS VIOLATIONS THEMSELVES, PARTICULARLY IN THE NARCOS AREA. THE MILITARY AND POLICE APPEAR TO HAVE SELECTIVELY RAIDED AND KILLED HUNDREDS OF PERSONS THEY SUSPECTED WERE SENDERO MEMBERS. THE CONTINUING PATTERN OF MILITARY AND POLICE ABUSES SUGGESTS THAT THEY ARE TACTICALLY ENCOURAGED BY SENIOR LEADERSHIP, ORIEL FROM THE DETERMINED LEADERSHIP OF THE CONGRESS' COMMISSION ON PACIFICATION. 7-169 PEOPLE, INCLUDING COMMUNISTS AND CIVILIANS, WERE KILLED IN OVERALL TERRORIST-RELATED VIOLENCE IN 1992 (TO SEPTEMBER 1992), 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 LIMA, PERU'S INDEPENDENT AND RESPECTED COORDINATOR FOR HUMAN RIGHTS REPORTED THAT SENDERO WAS RESPONSIBLE FOR 400 ASSASSINATIONS IN 1992. INCLUDING GRASS ROOTS LEADERS, RELIGIOUS AND DEVELOPMENT WORKERS AND SECURITY FORCE MEMBERS. THE SECURITY FORCES, RURAL SELF DEFENSE ORGANIZATIONS (GORDOS) AND

PARAMILITARY GROUPS POSSIBLY CONNECTED TO ELEMENTS WITHIN THE GOVERNMENT BELIEVED RESPONSIBLE FOR 49 EXTRA-JUDICIAL EXECUTIONS. DISAPPEARANCES, MOSTLY ATTRIBUTED TO SECURITY FORCE MEMBERS, WERE REPORTED AS HIGH AS 115 IN 1992. IN 1992, GOVERNMENT ASSOCIATED VIOLATIONS WERE HIGHER THAN VIOLATIONS CLEARLY ATTRIBUTABLE TO SENDERO LUMINOso.

IN 1992, SENDERO STIPPED UP TERRORIST ATTACKS IN LIMA, BUT MAINTAINED ITS PRESENCE IN RURAL AREAS. SENDERO TACTICS INCLUDE A MEMBER OF LARGELY EFFECTIVE "ARMED" STRIKES; STRIKES ENFORCED BY THE USE OR THREAT OF ARMS; ASSASSINATION OVER 145 GRASS-ROOTS LEADERS WERE KILLED IN THE LARGE SLUM AREAS SURROUNDING THE CAPITAL, CIVILIAN, INCLUDING THE EX-VICE MURDERER OF MARIA ELENA NOTAN ON FEBRUARY 153, AND OVER 43 CAR BOMBING THROUGHOUT THE COUNTRY 138 IN LIMA ALONE, HOWEVER, ON SEPTEMBER 12.

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ACTION HA-OS

INFO: PE(01) DOA(01) SPI(01) PAC(01) RJ(01) RSG(01) RJC(01) 
RSC(01) ARA(01) PPC(01) OAS(01) PPA(01) 

TOTAL COPIES: 0 (3)

P 221432Z OCT 92
FROM AMBASSADOR LIMA 
TO SECSTATE WASHDC PRIORITY 2765

LIMITED OFFICIAL USE SECTION 62.5F 20 LIMA 13411

FOR HA: ARA/ARD; AND S/L

6.O. 12356: DECL: ONDR 
TAGS: PUBN: ELAB: PE

SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

COUNTERTERRORISM POLICE CAPTURED SENDERO CHIEF \nABIMEL GUZMAN ALONG WITH OTHER TOP SENDERO \nLEADERS. THOUGH A CONSIDERABLE BLOW TO SENDERO, \nTHE ORGANIZATION REMAINS A SERIOUS THREAT TO \nPERIUVIAN INSTITUTIONS. OTHER POLICE AND \nMILITARY ACTIONS IN 1992 SERIOUSLY HURT THE \nHRTA. BOTH SL AND HRTA CONTINUED TO CONTEST \nCONTROL OVER PARTS OF FERUM'S MAJOR COCA-GROWING \nREGION: THE UPPER HUALLAGA VALLEY URUCA.

THERE WERE CONTINUED CREDIBLE REPORTS OF SUMMARY \nEXECUTIONS, DISAPPEARANCES; ARBITRARY \nDETECTIONS; TORTURE; AND RAPE BY THE MILITARY \nAND POLICE. MOST OF THESE ABUSES OCCURRED IN \nRURAL EMERGENCY ZONES. PRESIDENT FUJIMORI \nCONTINUED TO PUBLICLY STRESS THE NEED FOR THE \nSECURITY FORCES TO IMPROVE RESPECT FOR HUMAN \nRIGHTS IN 1992. HE ALSO, HOWEVER, VARIOUSLY \nREITERATED STRONG CRITICISMS OF INTERNATIONAL \nHUMAN RIGHTS GROUPS AS APOLLOGISTN FOR TERRORISTS \nAND TOOK CREDIT FOR THEIR HAVING BECOME CRITICISM \nOF TERRORIST VIOLENCE; ALTHOUGH CALLING IT \n"THIRD." STATISTICS FROM THE NATIONAL \nCOORDINATING COMMITTEE FOR HUMAN RIGHTS \nCONFIRMED THAT THE NUMBER OF UNRESOLVED \nDISAPPEARANCES IN 1992 REMAINED, OR SLIGHTLY \nBELOW, 1991 LEVELS. THE FUJIMORI ADMINISTRATION \nCONTINUED TO AUTHORIZE ACCESS BY CIVILIAN \nPROSECUTING ATTORNEYS TO ALL MILITARY FACILITIES \nACROSS THE COUNTRY TO DETERMINE THE PRESENCE \nAND CONDITION OF PERSONS REPORTED TO BE \nDETAINED. SIMILARLY, THE MINISTRIES OF INTERIOR \nAND DEFENSE ALSO CONTINUED TO GRANT \nTHE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) \nACCESS TO ALL MILITARY FACILITIES AND \nMILITARY INSTALLATIONS OF UNITS WHICH CONDUCT \nCOUNTERTERRORISM OPERATIONS; INCLUDING THOSE IN \nTHE EMERGENCY ZONES.

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

MILITARY AND POLICE INVESTIGATIONS INTO HUMAN \nRIGHTS VIOLATIONS COMMITTED BY MEMBERS OF THEIR \nOWN ORGANIZATIONS WERE SPORADIC AND RARELY \nRESULTED IN EFFECTIVE CRIMINAL PROSECUTIONS. \nCLAIMS BY SECURITY FORCES THAT THERE WERE \nSIGNIFICANT NUMBERS OF DISMISSALS FOR VARIOUS

TYPES OF ABUSES WERE DIFFICULT TO VERIFY SINCE \nTHE MILITARY HAS SEALED THE RELATING RECORDS. \nIN OCTOBER, PRESIDENT FUJIMORI MOVED TO WITHDRAW \nPERU FROM THE SAN JOSE TREATY, WHILE THE STATED \nPURPOSE WAS TO FACILITATE THE DEATH PENALTY FOR \nTERRORISM. THE HOME WOULD ALSO END INTERAMERICAN \nCORE COURT JURISDICTION OVER PERU.

RESPECT FOR HUMAN RIGHTS

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

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

THE COORDINADORA ESTIMATED THAT SENDERO WAS \nRESPONSIBLE FOR A TOTAL OF 468 POLITICAL AND \nOTHER EXTRAJUDICIAL KILLINGS OF CIVILIANS IN \n1992: THE SECURITY FORCES FOR 36; THE NRA FOR 38; AND \nPARAMILITARY FORCES FOR 4 AND RURAL/LOCAL

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PAGE 01

INFO: ARA (101) PPC (01) SAS (01) PPA (01) RJ (01) RSC (01) RSG (01) PE (02) DAND (01) SPA (01) PNM (01) RJC (01)

ACTION K-89


AUS-89 NSRE-89 NSCE-89 OAR-02 PA-81 PNS-81 P-01

RF-18 SIL-86 SP-89 SR-86 SS-86 STR-18 TISE-89 USRE-08 /GBW/ 221434Z /38

P 221432 OCT 92
FN AMBASSAD LIMA
TO SESTATE WASHDC PRIORITY 2736

LIMITED OFFICIAL USE SECTION 04 OF 09 LIMA 13841

FOR HA ARA/AND/ AND S/1L

E.O. 12356: DECL: OADR
TAGS: PHUK. ELAD. PE

SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

SENDER LUMINOSO HAS ASSASSINATED TEACHERS,
CLERGY, ENGINEERS, DEVELOPMENT AND HUMAN RIGHTS WORKERS
- IN FACT, ANY GROUP INVOLVED IN SELFHELP 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 GRASSROOTS 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 SLUMTOWN, IN THE PRESENCE OF HER CHILDREN. SENDERO MEMBERS SHOT HER, PLACED DYNAMITE ON HER CHEST AND THREW HER TO PIECES. SENDERO CONTINUED TO TARGET FOREIGN RELIGIOUS AND DEVELOPMENT WORKERS. ON OCTOBER 3, A SENDERO UNIT KIDNAPPED ITALIAN GISELSE

BROTHER GIULIANI ROCCA FROM HIS HOUSE NEAR HUARAL. ANGASHER DEPARTMENT AND LATER KILLED HIM WITH A SHOT TO THE HEAD. ON OCTOBER 18 A SENDERO COLUMN ATTACKED THE HAMLET OF HUAYLLA-

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A CREDIBLE REPORT INDICATED THAT SOME ROADSAW WERE INVOLVED IN INFAMOUS HUMAN RIGHTS ABUSES, INCLUDING THE TORTURE AND EXTRADOMINAL KILLING OF TERRORIST SUSPECTS.

THERE WAS LITTLE PROGRESS IN THE SANTA BABA SHAMALIKA DEPARTMENT CASE. MANY MORE SUSPECTS WERE CHARGED IN THE JULY 4, 1991 DEATHS OF 12 PEASANTS WHOSE BODIES WERE FOUND IN AN ABANDONED MINE. THE TRIAL OF THE CARDOZO POLICE PERSONNEL IN THE JUNE 23, 1991 DEATHS OF A MEDICAL STUDENT AND TWO TEENAGER BROTHERS IN CALAO WAS BEGUN. THE CASE WAS EXPECTED TO CONCLUDE BY NOVEMBER. THE INVESTIGATING FISCAL (PROSECUTOR) IN THE MARCH 15 LETTER SENT ATTACK ON REGIONAL RIGHTS LAWYER OH, ADOUST ZUMAPAZ, SUSPENDED FURTHER ACTION ON THE CASE UNTIL FURTHER EVIDENCE COMES TO LIGHT ON APRIL 27. DR. ZUMAPAZ'S REPRESENTATIVES WERE REPORTEDLY UNHARMED BY THE ATTACK AND FLED THE COUNTRY WITH THEIR FAMILY.

JUSTICE SYSTEM ON CHARGES RELATING TO HUMAN RIGHTS VIOLATIONS. HOWEVER, SUCH ASSERTIONS WERE DIFFICULT TO CONFIRM BECAUSE THE MILITARY COURTS SEALED CORRESPONDING RECORDS. NEITHER THE IDENTITIES OF THOSE INDIVIDUALS, THE NATURE OF THEIR OFFENSES, OR THE EXACT SENTENCES IMPOSED HAVE BEEN MADE PUBLIC.

B. DISAPPEARANCE


IN 1991 PRESIDENT FUJIMORI REPEATEDLY POINTED TO GOVERNMENT SUPPORTED ROADSAW CARPESISIUS (PEASANT SELF-DEFENSE GROUPS) AS A FUNDAMENTAL PART OF HIS ANTI-SEDITIVE STRATEGY AGAINST THE Sendero Luminoso, THE ROADSAW, ARMY ORGANIZED AND EQUIPPED BY THE MILITARY, PROVIDE A MODERN PLAN AND SOMEWHAT EFFECTIVE STRATEGY AGAINST BANDITS.
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IN 1991 TO COUNTER PERU'S ARMY'S PERSECUTION OF THE Sendero Luminoso MOVEMENT on the campus.

ACTION HA-29

INFO LOO-89 ACGU-17 AID-89 AMO-89 ARA-89 G14-89 OOC-89
EB-89 H-01 INR-89 INI-89 L-01 T-01 L-89-01 L-00
ADS-89 NSR-89 NSG-89 G14-89 PA-01 PRS-01 P-01
BE-11 S1L-89 SP-89 SR-89 SS-89 STR-18 TRG-89
US4-89 /89

P 221437Z OCT 92
FM AMBASSADOR LIMA
TO SECONIC WASHDC PRIORITY 2798

LIMITED OFFICIAL USE SECTION 05 OF 08 LIMA 13841

FOR SH ARA/AND, AND S/L

E.O. 12356: DECL: OGR
TAGS: PAPM CLG3 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 29 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.

HENCE, 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 CAMPERAS, 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/RONDAS PATROLS WERE IMPLICATED IN ANOTHER 10 PERCENT OF DISAPPEARANCE CASES IN 1991. AN UNKNOWN NUMBER OF "DISAPPEARED" PERSONS MAY BE UNACCOUNTED FOR BECAUSE THEY JOINED THE RANKS OF THE MEF OR SENDEROS, EITHER VOLUNTARILY OR INVOLUNTARILY. IT IS BELIEVED THAT THE NUMBER OF PERSONS "DISAPPEARED" OR FORCIBLY RECRUITED BY SENDEROS IS UNDERREPORTED.

ON JULY 18, PROFESSOR HUGO HUÑOS 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. WRAPS OF MEB'S CORPUS HAVE BEEN UNSUCCESSFUL. THE MILITARY OCCUPIED LA CANTUTA

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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.

D. Arbitrary Arrest, Detention, or Exile

THE CONSTITUTION, THE PENAL, CODE, AND ANTITERRORIST LEGISLATION DELINQUENT THE ARREST AND DETENTION PROCEDURE. HOWEVER, MOST 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 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. 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.

A PROVISIONAL NATIONAL LISTING OF DETAINES 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 DETAINEES' CHARGES, TRANSFERS, AND RELEASES OF DETAINES. THE ICRD, HOWEVER, HAS ACCESS TO LOCAL POLICE DETENTION RECORDS AND THE NATIONAL MILITARY REGISTRY OF DETAINES. 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 TO THE SELLING OF PRISONS AND WEAPONS TO INMATES, TO ARRANGING PRISON ESCAPES. THERE WERE CREDIBLE REPORTS OF ROUTINE BEATINGS AND TORTURE OF INMATES BY PRISON GUARDS. BEHIND BEATINGS.

COHON METHODS OF TORTURE REPORTEDLY INCLUDE ELECTRIC SHOCKS TO SENSITIVE AREAS OF THE BODY, WATER TORTURE, ASPHYXIATION, AND BEING HANG ON A ROOF FROM A ROPE ATTACHED TO HARD WIRE BEHIND
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 ICCR 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.

THE CONSTITUTION PROHIBITS FORCED INNOCENT EXILE, AND THERE HAVE BEEN NO KNOWN CASES OF IT IN THE PAST 18 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 HAPLOTONIC 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 STATES 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 NAMING 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 HANDICAPPED BY THE 1979 CONSTITUTION TO NOMINATE JUDGES, WERE BOTH DISMANTLED. 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.

TURESTORS. SINCE 1981 ONLY 271 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 DEGREE LAW HAMPIRED THE CREATION OF SPECIAL COURTS TO TRY TERRORISM CASES IN WHICH THE IDENTITY OF THE JUDGES WOULD REMAIN SECRET. A DEGREE IN AUGUST CLASSIFIED NEARLY ANY TERRORIST ACT AS TREASON. SUBJECT TO TRY BY MILITARY TRIBUNAL. 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 WIELD FROM PUBLIC SCRUTINY. DEGREE 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 (DARLES 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 18 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 17 A SPECIAL MILITARY TRIBUNAL SENTENCED JUAN CARLOS GUIPE AND EDILBERTO MACALUPU TO LIFE IMPRISONMENT FOR TREASON IN THE SENHERO ASSASSINATION OF POLICE CAPTAIN CARLOS VERA. THE LEGAL PROCEEDINGS REPORTEDLY TOOK A RECORD 28 DAYS, REFLECTING STILL OTHER DEGREE LAWS DESIGNED TO DRAMATICALLY SPEED UP THE LEGAL PROCESSING OF TERRORISM CASES.

ON OCTOBER 7, SENHERO FOUNDER ABIMEL CUSAMAN WAS
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 THESE 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 HAVE A NOTICEABLE IMPACT ON CURBING SENDEROS' 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 INVADEES AND RUSTLERS. IN MOST CASES, PEASANTS JOINED RONDAS VOLUNTARILY TO DEFEND AGAINST SENDEROS. HOWEVER, MANY OF THE NEVER 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 RONDOS ACT IN SUPPORT OF ILLEGAL ACTIVITIES, FROM CATTLE RESTING OF NEIGHBORING COMMUNITIES TO PROTECTION OF THE COCA INDUSTRY. SENDEROS 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. SENDEROS FREQUENTLY USE COERRED PERSONS IN THEIR RANKS AS CANONIC FOES IN TERRORIST ATTACKS, THERE REDUCING THE REVOLT.

ON MAY 4-5, THE NATIONAL POLICE STAGED LIMA'S CANTO GRANDE MAXIMUM SECURITY PRISON, WHICH HOUSED THE MAJORITY OF THE COUNTRY'S CONVICTED TERRORISTS. SENDERO AND HIRI INMATES HAD GAINED DE FACTO CONTROL OF THEIR RESPECTIVE CELLS. AND SENDERO PROPAGANDA PROCLAIMED THE PRISONS TO BE "SHINING TRENCHES OF COMBAT" THAT SENDERO USED AS TRAINING CENTERS FOR ITS CIVIL GUARD.

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


HUMAN RIGHTS GROUPS MAINTAIN THAT A SIGNIFICANT BUT UNKNOWN NUMBER OF CIVILIANS AND INNOCENT CIVILIANS WERE KIDNAPPED AND Executed BY THE MILITARY IN 1992. ADDITIONALLY, CLAIMS HAVE BEEN MADE THAT MANY OF THOSE KILLED 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

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 LUMINOJO, WAS ARRESTED AND TAKEN INTO CUSTODY, REPORTEDLY BY AGENTS OF 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 VLADIMIR 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 Dope DEALER. A RESTRAINING ORDER PROHIBITED ZILERI AND “CARETAS” FROM MENTIONING MONTESINOS’ NAME OR PUBLISHING HIS PICS. MANY
The Peruvian government has several means of restraining 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 promulgated 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.

The Peruvian government was several means—journalists reported—of bringing pressure to bear on the media. One of these is the tax agency’s "swat," sources from media outlets critical of the government indicated that swat 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 is 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.

In separate actions, ANA 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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LIMITED OFFICIAL USE SECTION 14 OF 20 LIMA 13841

FOR WH ARA/IND: AND S/IL

E.O. 12356: DEQC: ONDR

ISSN: FONN, ELAB-PE

SUBJECT: DRAFT 1983 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 FORMALY RECOGNIZES THE CHURCH "AS AN IMPORTANT ELEMENT IN THE HISTORICAL, CULTURAL, AND SOCIAL 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 1983, 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 OATI 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.

PREIDENT ALBERTO FUJIMORI: AN OFFICE SINCE JULY 24, 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 REMEND CORRUPTION AND INSTITUTIONAL INECONOMY 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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FOR IA RA/AND  S/1L

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SUBJECT: DRAFT 1992 HUMAN RIGHTS REPORT - PERU

POLITICAL PARTIES AND THE JUDICIARY HAMSTRANDED HIS ABILITY TO EFFECTIVELY ADDRESS THE NATION'S MOST IMPORTANT PROBLEM, THE CORRUPTION THREAT POSED BY SEVERED LUMINOSO. OPPOSITION POLITICAL PARTIES CLAIMED THAT REPEATED EFFORTS TO UNDERTAKE A DIALOGUE WITH THE GOVERNMENT WERE REBUFFED. THE APRIL 5 COUP OCCURRED AS CONGRESS WAS INITIATING AN INDEPENDENT INVESTIGATION OF CROOK CHARGES MADE BY MRS. FUJIKO. AGAINST MEMBERS OF THE PRESIDENT'S FAMILY. THOSE CHARGES WERE SUBSEQUENTLY DISMISSED BY THE FUJIKO-CONTROLLED JUDICIARY.


THE NET EFFECT OF THE NEW DECREES WITH REGARD TO COUNTERING SUBVERSION WAS TO STRENGTHEN THE HAND OF THE SECURITY FORCES AND PLACE GUARDIAN GOVERNMENT AND PRIVATE INSTITUTIONS EVEN MORE STRONGLY 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 INMATE FAMILY LIMITED TO ONE 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
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 PRODUCE SOME OF THE MORE SEVERE DECREES IT HAD PROPOSED AND HAD REJECTED BY THE SITTING CONGRESS -- SUCH AS THE NATIONAL MILITARIZATION DECREES THAT COULD HAVE OBBLIGED MOST SECTORS OF SOCIETY TO "MOBILIZE" AGAINST THE SUBVERSIVES UNDER EXECUTIVE/MILITARY CONTROL.

"ON APRIL 21, PRESIDENT FUJIMORI ANNOUNCED THAT PERU'S RETURN TO DEMOCRACY WOULD OCCUR BY JULY 5, 1993. ON MAY 17, THE PRESIDENT TRAVELED TO THE USA'S FOREIGN MINISTERIAL MEETING IN THE BAHAMAS AND REITERATED PROMISES TO RETURN PERU TO FULL DEMOCRACY, BUT STRICKED 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, 1993, TO REWRITE THE CONSTITUTION. ISSUE NEW LAWS AND REVIEW PREVIOUS LEGISLATION. THE NEW CONGRESS WOULD SUCCEED TO THE PREVIOUS CONGRESS' TERM UNTIL JULY 25, 1995.

AFTER A DIALOGUE WITH SOME OF THE SMALLER PARTIES, THE PRESIDENT DISSOLVED 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 SAID TO PARTICIPATE IN THE CCD ELECTIONS. MANY WITH RESERVATIONS. WHILE TWO PROMINENT TRADITIONAL PARTIES, THE AMERICAN POPULAR REVOLUTION ALLIANCE (APRA) AND POPULAR ACTION (AP), REFUSED OUTRIGHT TO PARTICIPATE.

A NUMBER OF LOCAL PRIVATE HUMAN RIGHTS ORGANIZATIONS CONSTITUTE THE INDEPENDENT NATIONAL COORDINATING COMMITTEE FOR HUMAN RIGHTS, WHICH INCLUDES THE COMMISION FOR HUMAN RIGHTS (COUNCIL), THE INSTITUTE FOR LEGAL DEFENSE (ILD), THE ASSOCIATION FOR HUMAN RIGHTS (APRODER), THE CATHOLIC CATHOLIC CHURCH'S EPISCOPAL COMMISSION FOR SOCIAL ACTION (CEASIC), AND THE CENTER FOR STUDIES AND ACTION FOR PEACE (CESAP). SEVERAL SHAKY GROUPS WERE INVOLVED 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.
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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.

FOLLOWING THE SEPTEMBER 12 ARREST OF SENDERO LUMINOSEO LEADER ANTONIO GUZMAN, THE GOVERNMENT AND THE MEDIA REVEALED THE IDENTITIES OF PREVIOUS SENDERO 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 TAKING LEGITIMATE HUMAN RIGHTS ACTIVISTS AS SENDEROISTAS. FOR EXAMPLE, ON SEPTEMBER 23 THE PUBLIC MINISTRY FILED CHARGES AGAINST ATACUCCO-BASED HUMAN RIGHTS ACTIVIST ANGELICA HENAO ALMEIDA FOR PROMOTING SENDERO LUMINOSEO IN FRANCE. HENAO APPARENTLY VISITED FRANCE BRIEFLY IN 1985. ALSO IN SEPTEMBER, A PERSON CLAIMING TO BE AN OFFICER IN THE NATIONAL COUNTERTELESCOPIC POLICE CALLED A EUROPEAN EMBASSY TO INFORM THEM THAT CESAR AZABACHE, A LAWYER AT THE LEGAL DEFENSE INSTITUTE AND 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 WATCHERS TO INVESTIGATE REPORTED CASES OF ABUSE.

ON AUGUST 17, POLICE IN CAZCO ARRESTED JOSÉ RAMÍREZ GARCÍA, A LOCAL HUMAN RIGHTS ACTIVIST INVOLVED IN TRACKING POLITICAL VIOLENCE. RAMÍREZ 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 WAITING TRIAL IN CAZCO AND REPORTEDLY HAS BEEN THREATENED BY SENDERO INTRADORS AT THE PRISON.

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 HAD TENDED TO MODIFY THE EXECUTION LAW ON CAPITAL CRIMES IT HAD TO THE AMERICAN CONVENTION ON HUMAN RIGHTS. HE ALSO ANNOUNCED AN END TO THE PRESCRIPTION OF HUMAN RIGHTS VIOLATIONS IN TERRORISM CASES. LOCAL HUMAN RIGHTS GROUPS POUNTED TO THESE ANNOUNCED MOVES AS EXAMPLES CONFIRMING THE PRESIDENT'S ANGER TOWARDS HUMAN RIGHTS.

PREVIOUSLY, 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 H/ ARA/AMID. AND S/FIL
E.O. 12356: DECL. ONR
TAPS: PRSH; ELNS; 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 IHREC PRESIDENT WAS NOT GRANTED A MEETING WITH PRESIDENT FUKUSHI AND WAS DENIED ACCESS TO LIMA'S MAXIMUM SECURITY CANTE GRANDE PRISON. BUT WAS ABLE TO MEET WITH PRIME MINISTER OSCAR DE LA FUENTE. THE AMERICAS WATCH DELEGATION WAS ALSO DENIED A MEETING WITH THE PRESIDENT. SEVERAL HUMAN RIGHTS GROUPS AND THE IHREC HERE INVITED TO PARTICIPATE IN SEMINARS AND TO OFFER HUMAN RIGHTS INSTRUCTION AT MILITARY AND POLICE ACADEMIES.

IN AUGUST. THE IHREC 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 IHREC CONTINUED TO VISIT OTHER DETENTION CENTERS THROUGHOUT PERU AND REGISTERED OVER 2,800 SECURITY DETAINEE 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 ECONOMIC AND POLITICAL INSTITUTIONS. PRESIDENT FUJIMORI APPOINTED BLANZA NELIDA COLAR ATTORNEY GENERAL, CHIEF OF POLICE OF THE NATION, BUT HAS NO WOMEN IN HIS CABINET.

PERU'S LARGE INDIGENOUS POPULATION AND ITS SMALL BLACK POPULATION ARE SUBJECT TO PERVERSIVE SOCIAL DISCRIMINATION. THE INDIGENOUS POPULATION, MOSTLY SPEAKERS OF QUECHUA, AYMARA, AND OTHER NATIVE LANGUAGES, TRADITIONALLY LACKS ACCESS TO PUBLIC SERVICES AND SUFFER 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 DESIGNS TO REDIRECT THE FLOW OF RESOURCES AND SERVICES TO POOR, LARGE INDIAN, RURAL AREAS. DEVELOPMENT EFFORTS HAVE BEEN IMPAIRED BY THE DIFFICULTY AND COST OF PROVIDING SERVICES TO REMOTE AREAS AND BY THE CONTINUED DELIBERATE DISRUPTION OF THESE EFFORTS BY SUBDERO. AS A RESULT OF CURRENT PROBLEMS; AS WELL AS HISTORIC AND CONTINUED PREJUDICE: THE ECONOMIC AND SOCIAL NEEDS OF PERUVIAN OF EUROPEAN ANCESTRY CONTINUED TO BE MET TO A FAR GREATER EXTENT THAN THOSE PERUVIANS OF BLACK, MIXED, OR INDIAN HERITAGE.

SECTION 5 WORKER RIGHTS

THE FREEDOM TO ORGANIZE

THE 1979 CONSTITUTION WILL BE REWRITTEN BY A CONSTITUTIONAL 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.
PERU REMAINS HUNGRY IN A DEEP ECONOMIC CRISIS. IN THE MOST RECENT SURVEY DONE FOR METROPOLITAN LIMA (DATE AUG-SEPT. 1991), PUBLISHED JULY 1992, ONLY 15.6 PERCENT OF THE WORKING POPULATION WAS "REASONABLY EMPLOYED" AND 74.5 PERCENT WERE CHARACTERIZED AS "UNDEREMPLOYED." THESE STATISTICS ARE THE MOST RECENT ACCORDING TO RECORDING BEGAN IN 1988.

WHILE THE RIGHT TO BARGAIN COLLECTIVELY IS CONSTITUTIONALLY GUARANTEED, THERE ARE RESTRICTIONS. BARGAINING AGREEMENTS ARE NOT CONSIDERED CONTRACTUAL AGREEMENTS VALID ONLY FOR THE LIFE OF THE CONTRACT. PRODUCTION IS A PROVISION OF 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 38 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 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
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GOVERNMENT STANDARDS FOR INDUSTRIAL HEALTH AND
SAFETY ARE RARELY ENFORCED. EMPLOYERS NORMALY
PROVIDE VOLUNTARY COMPENSATION IN THE EVENT OF
INDUSTRIAL ACCIDENTS; HOWEVER.

NOTE TO DEPARTMENT: BY SEPT 91 WE WILL ADD
SECTIONS ON CHILDREN'S RIGHTS, INDIGENOUS
RIGHTS, AND MILITARY EXPENDITURES; RECENTLY
ADDED TO THE HUMAN RIGHTS REPORT REQUIREMENTS.

D. MINIMUM AGE FOR EMPLOYMENT OF CHILDREN

CHILDREN UNDER 14 MAY NOT BE LEGALLY EMPLOYED.
OLDER CHILDREN BETWEEN 14-16 MAY CONSTITUTE UP
TO 15 PERCENT OF A COMPANY'S WORKFORCE AND MAY
BE EMPLOYED FOR PERIODS NOT TO EXCEED 18
MONTHS. WORKERS BETWEEN 14-16 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 S/7.48 PER
DAY AND S/72.80 PER MONTH. ECONOMIC CONDITIONS
HAVE NOT IMPROVED SINCE A SEPTEMBER 1990 WORLD
BANK REPORT INDICATING THAT 65 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 RARELY SACRIFICED IN EXCHANGE FOR
REGULAR EMPLOYMENT.