COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1990

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

AND THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(c) AND 528(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

FEBRUARY 1991

Printed for the use of the Committee on Foreign Relations and Foreign Affairs of the Senate and House of Representatives respectively

UNCLASSIFIED

UNITED STATES DEPARTMENT OF STATE

REVIEW AUTHORITY: DONALD A. JOHNSTON

DATE/CASE ID: 2 MAY 2001 20003842
Since 1980 Peru has had a freely elected democratic government composed of an executive branch headed by a president, a bicameral legislature, and an independent judiciary. After two rounds of elections, the opposition candidate won the presidency in 1985 and 1990, but the government has been weakened by the political crisis that has characterized the past decade.

Public security responsibilities are shared by the police and the military. The Interior Ministry and its police services in Lima are responsible for primary counterterrorist role in the capital city of Lima, while the provinces are under the jurisdiction of state of emergency in the federated states. The military is responsible for enforcing martial law in the provinces, which are currently under a state of emergency. The president has the authority to declare martial law in any area of the country due to illegal activity and the right to restrict the movement and assembly of the population.

The Garcia administration left behind a mixed economy in deep depression, ravaged by four-digit inflation, and devoid of foreign exchange reserves. On August 5, President Fujimori's Government announced a stabilization program designed to close the fiscal deficit within a few months. Although the program has reduced inflation, the cost was an even deeper recession. In addition to the difficulties of the economic situation, the lower and middle classes are facing severe hardships.

The chief cause of human rights violations in Peru remain the terrorist activities of the Sendero Luminoso (Shining Path), Maoist guerrillas, and, secondarily, the government forces. Security forces personnel are responsible for widespread and egregious human rights violations. It is estimated that at least 3,452 persons (civilians and military) were killed in terrorist-related violence in 1990, an increase of over 8 percent from the previous year and 75 percent higher than the total for the year 1988.

Sendero Luminoso, which is based in the northern part of the country, has been responsible for the major portion of the killings in the UHV. Human rights organizations have been asked to investigate the activities of the group. The government security forces also increased in 1990, although independent investigations remained difficult to carry out due to fears of possible reprisals and because military commanders restrict access to emergency zones. There were widespread credible reports of summary executions, arbitrary detentions, and torture in the UHV, as well as less frequent reports of such abuses by the police.

The Fujimori Government announced its intention to institute a number of reforms aimed at improving the human rights situation by establishing a national human rights commission, revamping the criminal code, and overhauling the penal system. President Fujimori himself made impassioned pleas for the abandonment of the use of torture to reform society. Most of the government's actions were due to the overwhelming economic crisis facing the nation; however, the new Government was unable to affect any of these fundamental changes during the first months of its 3-year term.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

For at least the fourth straight year, political and other extrajudicial killings rose again in 1990. Sendero Luminoso continued to assault teachers, engineers, development workers, human rights workers, and political candidates. As a result, government, police, and political party officials were subject to the isolation of many areas of the country where Sendero is most active.

The Senado Commission on Pacification and Violence estimated that Sendero was responsible for a total of 1,218 persons, including 103 police/military deaths, in 1990; 1,218; the MRTA for 68; the paramilitary group for 149; the Lima police for 68; the Paramilitaries for 149; and the police for 149. The paramilitary group for 149; the Lima police for 68; the Paramilitaries for 149; and the police for 149. Peruvian human rights groups, which maintain their own sources of information, independently affirm the general trends reported by the Senado Commission.

Sendero often massacred Indian villages, accusing them of cooperating with the government because of the presence of local people or because they were providing support to the guerrillas. In Acoyo, Ayacucho, on January 23, a Sendero-led column of approximately 200 convoked the villagers of San Lucas and Vinches-Pata to a "popular assembly" and accused them of aiding the guerrillas. Thirty-nine villages, ranging in age from 1 year to 70 years, were executed; 28 others were wounded. Sendero killed at least 37 peasants, including 10 women, children, and the elderly, and 46 peasants in Dorado Vehme province between June 25 and 26.

Sendero often attacked those seen as defending the existing legal or social order. In a major effort to disrupt the nation's April and June elections, Sendero launched a wave of attacks on government and political officials, including opposition officeholders, and candidates for public office. Independent candidates for the legislature, including opposition candidates, were held responsible for the massacres and torture.

Sendero's attacks on the existing legal and social order have led to a situation where those who are accused of criminal activities are often linked to Sendero's activities. This has led to a situation where the judicial system is under threat and human rights violations continue to occur.
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terrorists March 12 in Huancayo. Maza Rosales was burned alive. More than 200 local elected or appointed officeholders were assassinated during 1989 and 1990. Sendero executed former Social Security Director Felipe Soto in Lima on April 17 and assassinated APRA Senator and Labor Minister Croseto Rodrigues Campos in his home on September 22. Sendero shot and killed Congressman Angel Mendoza of the Cibanco 90 party in Lima on December 16. Javier Pulgarino, noted PFC party leader, was shot and killed by Sendero on November 23. Sendero also waged a violent campaign against union organizers. Many union leaders reported receiving threats from Sendero, and at least six union directors of industrial relations were assassinated by Sendero in Lima during 1990.

Foreign national origin is now considered by Sendero a sufficient reason to kill. Two French tourists were assassinated by Sendero after their interprovincial bus was intercepted by a Sendero column in Apurimac Department on January 13. After the assembled passengers were forced to listen to a lengthy political lecture, the two foreigners were singled out and publicly executed. Employing a common initiation rite, the Sendero leader required the youngest recruits present—in this case, estimated at 10 to 14 years of age—to perform the executions. Two tourists from Australia and New Zealand were murdered in Ayacucho in May; Sendero was believed to have been responsible.

A second terrorist group, the MRTA, continued to expand beyond its original base of operations in Lima into several rural zones. Although the MRTA chiefly engages in the destruction of property through selective bombings, MRTA attacks killed at least 68 people in 1990. The MRTA claimed responsibility for the January 9 Lima assassination of Major General (Ret.) Enrique Lopez Alburquerque, former Defense Minister in the Garcia administration. The MRTA allegedly hijacked a plane carrying General Gerardo Lopez of the Cibanco 90 party on September 23. Judge Jesus Ruiz Trigoso was assassinated by the MRTA in Lima on November 16. Both Sendero and the MRTA were also responsible for kidnapping, torturing, and executing as many as 12 prisoners.

A third terrorist group, the Rodrigo Franco Command (CRF), suspected of being controlled by elements of the APRA party, carried out a campaign of intimidation, punctuated by occasional bombings and selective assassinations. The CRF name is probably sometimes used as “cover” by elements of the military operating in the emergency zones, especially in Ayacucho. Among those targeted by CRF in 1990 were journalists, human rights workers, labor union members, lawyers, leftist politicians, and others the CRF accused of working to advance revolutionary terrorism. CRF activities appear to have decreased in Lima during 1990; the decline was especially notable after the APRA’s departure from power in late July.

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 continued to commit human rights abuses, including the torture and extrajudicial execution of persons. Even members of rival communities. Rondas of nearby villages are blamed for the May 18 sacking of the village of PampacoposHuanta, Ayacucho and for the deaths of 15 villagers. Those killed were accused of having ties to Sendero. One of the most graphic cases of rondas abuse occurred after a March battle between rondas and Sendero in Huancayo. The rondas captured nine guerrilla, alive, decapitated them, and, as a sign of the rondas’ abilities and endurance, sent the heads in burlap bags to local military authorities.

There were several notable cases of probable military killings in 1990. Most such incidents occurred in the emergency zones, but an army patrol is believed to have been responsible for the killing of a peasant in Ayacucho on October 19. Army troops have been known to shave off the heads of detainees, particularly young mothers and children. Assistant Rey de la Rosa (“Lambar”) was arrested by military authorities and charged in civilian courts with directing the massacre. Known assasins killed the vice-rector of Huancayo University, Jaime Cerron Palomino, and his driver, Armando Tapia, on June 8. Their tortured bodies were found June 18. Some published reports assert that Cerron and Tapia had been detained by the military. Other reports, however, point to an ongoing strategic battle between Sendero and MRTA for control of the University.

In neither of these cases nor in the majority of other 1990 incidents of alleged human rights violations by military personnel were the results of official executive branch investigations ever made public. The absence of such cases, however, has been responsible for the lack of any visible damage within the military justice system relating to human rights violations. The most recent case, however, was difficult to confirm as the military quelled these reports. Additionally, the military justice code contains no language for dealing with cases of torture, kidnapping, or torture-only, nor any mechanism for holding military personnel accountable. A number of police personnel were imprisoned during 1990 for a variety of offenses, including the torture and murder of detainees outside the emergency zones. Five days after their “disappearance,” the tortured bodies of journalist Cecilia Pescio Humani and Professor Marcelino Valencia Alvaro were exhumed from September 23 from the grounds of the local police station in Ayacucho. Charges were filed against previous police personnel of the same areas. President Fujimori summarily dismissed over 230 high-ranking police officials, some reportedly for links to paramilitary groups or human rights offenses. A number of command changes were also made in the military services. However, there were no similar mass dismissals in the army, the government institution most frequently implicated in human rights abuses.

A series of assassinations of persons involved in human rights work occurred at the University of San Cristobal del Huancayo (Cusco Department) in mid-July. The circumstances of the slayings or near the university, the birthplace of Sendero, led many human rights groups to blame the military or the CRF. Others refused to rule out that some were the result of a personal vendetta, however. The decapitated bodies of two young women were found dumped near the University on September 2. The inability of police or private
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human rights groups to ascertain responsibility for these deaths, much less arrest those responsible, is indicative of the Peruvian justice system’s inability to produce results in even the most egregious of terrorist cases.

There are no official statistics on the number of summary executions in 1990. Given the overall rise in political deaths, it appears probable that the number of summary executions likewise increased.

Investigations into several earlier cases of military excesses opened new legal avenues to seek redress for gross violations that were increasingly inoperative. The inquiry into the May 1988 killings of at least 28 villagers in Cayara, Ayacucho, was curtailed after 9 witnesses were killed and the special prosecutor repeatedly threatened. However, the investigation into the May 1988 killings of at least 28 villagers in Cayara, Ayacucho, was curtailed after 9 witnesses were killed and the special prosecutor repeatedly threatened. Asst. Attorney General (AAG) noted in an April 1990 report that there was "an overwhelming evidence to suggest that the army committed the murder. The only question that remains is whether military and civilian authorities had a role in the events." The military authorities in Ayacucho Department investigated the accusations by judicial authorities to investigate the killings, impeding access to the area and preventing residents from leaving the community.

In June the Appeals Court of the Supreme Council of Military Justice confirmed the December 1989 lower military court conviction of two police officers for their roles in the 1986 killing of 24 inmates at the Laguayngu prison in the Ayacucho Department. The accused, Hector Bava and his brother, were sentenced to 20 years in prison for their role in the prison uprising. The appeals court let stand the sentences of police Colonel Rolando Casillas Alarcon to 15 years in prison and increased from 7 to 10 years the sentences of police Lieutenants Adolfo and Miguel Carral, both sentenced to 6 years in prison. The case was an attempt to correct past abuses by Ayacucho authorities.

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The presumed number two leader of Sendero Luminoso, Comrade Morote Barrionuevo, was sentenced in civil court on November 11 to serve 20 years in prison for his part in a number of Sendero-directed activities, including over a dozen murders. The fact that the military court found him guilty of charges against him suggests the court closely weighed the evidence against him on each count. Morote’s conviction and sentencing, which came after 2 1/2 years in detention and several aborted trials, was perhaps the most important antiterrorist conviction in Peru’s criminal courts since 1980.

b. Disappearance

The Public Ministry (an autonomous Attorney General’s office) reports that there have been close to 5,000 cases of disappearances in Peru, the majority of which have not been formally resolved. Local human rights groups reported receiving 202 new cases of disappearances in 1990, only 62 of which occurred after the change in government. These numbers are markedly lower than previous years reported by the United Nations Working Group on Disappearances in 1989. In March the Commission on Human Rights (COMISEDH) released summary figures for disappearances during the year 1989. Of all cases in which friends or family formally filed legal complaints, only 98 were conclusively proved legally by the authorities. Ninety-three persons were freed from detention, 37 detentions were admitted by the authorities, and 5 persons were found dead.

Most 1990 disappearance cases involved death of persons suspected of terrorist links in the emergency zone, but nearly as many cases in Lima as well. Most of those disappeared were reported in the violence-torn Departments of Ayacucho and Apurimac. The bodies of 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 court system after lengthy detentions and are freed for lack of incriminating evidence. Others are imprisoned on terrorism charges. Human rights groups firmly believe that the rest are summarily executed by the armed forces. An unknown number of "disappeared" persons were executed in "covert operations by the armed forces."

Javier Alarcon Guzman, a Director of the General Confederation of Peruvian Workers (CGTP) and engineering professor at the University of Engineering, disappeared on December 1, 1989, while traveling in the Ayacucho Department. Human rights workers Angel Escobar Jurado and Guadalupe Cabelloco Cabelloco were reported "disappeared" after their separation during a 10-day hunger strike in May. (Section 4). Cabelloco was one of approximately 35 persons who disappeared in the city of Ayacucho during the several days preceding the June 3 elections. On June 3, 1990, they were reportedly released from military detention. Catholic University student Ernesto Castillo Pacheco "disappeared" on Lima’s Villa El Salvador District on October 21. A number of complaints related to Castillo were asserted here involved into the trunk of a patrol car from the national police’s 74th Commandancy. Despite Congressional hearings and investigations, the police denied any involvement in the case.

The case of Castillo remains account for at year’s end.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Although the Constitution prohibits torture and inhumane or humiliating treatment, charges of brutality toward detainees are common. Human rights groups have said that suspected subversives held by the Government are routinely tortured at military detention centers; lawyers and others familiar with the judicial system have complained that the majority of detainees held by military authorities showed signs of mistreatment or torture. In 1990 there were reliable accounts from released detainees of torture.

The torture of minor Fidel Intusca Pacheco prompted a Senate investigation after Intusca’s death on October 1, 1990, in the Ayacucho military barracks. The 14-year-old was arrested and accused of murder. The military authorities held him in custody for 10 days before releasing him. He was held for a total of 14 days. The case was closed due to lack of evidence. No formal charges, however, were presented against any military personnel. Credible reports of rape by elements of the security forces in the emergency zone were so numerous
that such abuse can be considered a common practice, condoned—or at least ignored—by the military leadership.

Torture often occurs in the period immediately following detention. 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 order must be sought within 15 days of arrest. The prisoner must be released. Reliable reports of violations of these standards occur frequently, and those cases are 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 follows a brief "popular trial," normally held in the presence of a rural village as a method of intimidation. Sendero uses particularly brutal methods of execution, including slit throats, strangulation, stoning, and burning. Mutation 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. More than 65 inmates died in Lima's prisons during 1990 due to severe malnutrition. Corruption is rampant among prison staff, who have been implicated in a multitude of offenses, from sexual blackmail and the selling of narcotics and weapons to inmates, to arranging prison escapes.

Certain prisoners have fallen under Sendero or MRTA control and are forced to serve into combat. On July 8, MRTA leader Victor Polay and 48 other accused MRTA terrorists escaped from Canto Grande prison, possibly with official collusion. Shortly after his inauguration later that month, President Fujimori vigorously denounced the system as a "clear violation of human rights." President Fujimori promised reform an important domestic policy issue; by year's end, thousands of nonconvicted detainees had been released, pending trial. Revised penal and pretrial procedures codes were nearly completed. A variety of other reforms, though initiated, had not been completed by year's end, and for most detainees there were no appreciable improvements.

d. Arbitrary Arrest, Detention, or Exile

The Constitution, the Penal Code, and antiterrorist legislation define the arrest and detention process. However, most if not all of these protections are suspended in practice in those areas under a state of emergency. A warrant approved by a Public Ministry prosecutor typically 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 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 1987 terrorism law, police must also notify the detainee's family. Human rights groups are critical of the system, asserting that in practice this is not the case. Detention centers do not maintain publicly available registers detailing detentions, transfers, and releases of detainees. There is no functioning bail system; a form of provisional liberty is available, more in

more than twice that long. There were also widespread charges of corruption and the suborning of judges, police, and witnesses at all stages of the judicial process. There continued to be criticism of the lack of cooperation between the Military's technical police, who conduct the actual arrest and investigation, and the Public Ministry prosecutors, who conduct their own investigations as a part of the trial process. In announcing the creation of a commission to investigate the grounds for the continued detention of thousands of prison inmates, President Fujimori estimated in October that barely 4,000 of the nation's 10,000 detainees had ever been convicted of any crime. The first national prison census in at least 4 years was begun in November.

Threats and intimidation of judges handling terrorism cases remain a serious problem, accounting in part for the low conviction rate of accused terrorists. Barely 5 percent of those arrested for such actions have been convicted, and dozens of prisoners held in military facilities inside the emergency zones, a notoriously low rate that leads to police frustration with the judicial process and to public tolerance of police abuses. In 1987 Congress granted 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 guarantees 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 October 1989.

The Supreme Court decided 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 routinely rules in its favor. There were some military officers charged or convicted in civilian courts during 1990 for human rights-related crimes. Army General (now retired) Clemente Noel Moral, former political-military commander of Ayacucho, was among those sentenced in November to serve 2 years in prison for "obstruction of justice" and "abuse of authority," following the 1983 killings of eight Peruvian journalists and their guide in Chumbivilcas, Ayacucho. Army officer Zapata Anuma was charged in civilian court for the October 1990 massacre of 17 persons at Chilcahuayco, Ayacucho. New cases against police include two cases against the officers who staged the September 1989 massacre of 17 persons in Cuzco Department (see Section I.a.) and the August 1990 robbery and murder of patrons and employees at a Lima nightclub by several police personnel. Two police officers (of 17 police on trial) were sentenced to prison terms in June 1990 for their roles in the June 1986 Tumurenga prison massacre. None of the three army officers charged or convicted (see Section I.b.) were ever tried, however, of security personnel involved in the simultaneous massacre at El Fronton and Santa Barbara prisons.

Military trials may be closed to the public at the discretion of the ruling magistrate, and little is known about specific cases. As accurately noted in its April 1990 report, "military courts sometimes act out of concern for the military personnel but are not known to have punished gross human rights violations by forces on active service in the emergency zones, even in cases of mass killings where investigators have concluded that the armed forces were
theory than 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 detainees are often denied access to an attorney during interrogation and to family members during their imprisonment. All detainees, including those in the emergency zones, have the right to seek judicial determination of the legality of their detention, but the right is routinely disregarded by military commanders in the emergency zones. Of the detainees held by the military inside the emergency zones, human rights groups know of very few who were turned over to civil authorities for prosecution.

Arbitrary arrests and detentions in the emergency zones in 1990 are estimated to be in the hundreds. Incommunicado detention of suspects was a common practice by combatant forces—government and rebel alike—operating in the emergency zones. After detention, the Government's security forces had denied knowledge of the whereabouts of hundreds of detainees found to have been held in military detention centers. The armed forces routinely deny access by court officers, public prosecutors, and others to military installations where prisoners are known to be held.

The Constitution prohibits forced involuntary exile, and there have been no known cases of it in the past 10 years. In August, however, a former governmental human rights prosecutor, Carlos Escobar Pineda, was granted political asylum in the United States. Many of the peasants who joined voluntarily to defend against Sendero and many leaders are locally elected, there were numerous reports of the forced recruitment of peasants in some areas to serve as roneros.

Sendero was also credibly accused of recruiting

h. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Although Peru signed in July 1989 the two Protocols to the Geneva Conventions relating to the protection of victims of international and noninternational armed conflict, there were occasional claims that decisions have been politically motivated. In December, the Government announced troubling restrictions on the use of habeas corpus and writs of amparo, saying these rights had been "abused" by the courts. The courts were criticized for their failures to address the causes of terrorism. The Supreme Court overturned a series of convictions nationwide during the entire year.

The courts face severe backlogs, a product of inefficiency, archaic case law and criminal procedural law, and the sharp increase in terrorism cases. There are too few defenders for the large caseloads. The Ministry of Justice reported in 1990 that there was a backlog of nearly 50,000 criminal cases. Human rights groups documented hundreds of cases of persons who have been detained without charge awaiting trial for periods of up to 4 years—in a few cases

responsible." A military court reportedly heard the Cayara massacre (see Section 1.a.) case in closed session in January 1990 without the presence of witnesses or relatives of the victims. All charges were dropped against the military personnel and the case "suspended." The Supreme Council of Military Justice formally closed the case on January 31, effectively terminating efforts to prosecute the case. The Government decreed in December that security personnel charged with crimes in connection with their service in the emergency zones will be tried in military courts.

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 that warrant is rarely respected. The requirement is suspended in the emergency zones, however, and security forces in those areas routinely conduct searches of private houses without warrants. Congress initiated investigations in December following the revelation that both the Garcia and Fujimori Governments illegally tapped the telephones of their domestic political opponents. A number of rural communities organized rondos to protect against terrorist and bandit incursions. While in parts of the nation, rondos have existed for centuries as a form of social organization and to protect residents from invaders and rustlers, many of the newer rondos were actively organized, and sometimes imposed, under the auspices of or at the behest of peasant organizations.

There were widespread abuse by both security and terrorist forces of the rights of prisoners, able-bodied, wounded, and sick alike. The military's violations of international norms
ranged from the routine blindfolding of prisoners, to the frequent refusal to admit that certain persons were being detained, to the less frequent summary execution of undesirables. For its part, Sendero simply does not acknowledge the existence of any prisoners by its forces. On this point, Sendero's credibility is extremely high: those captured alive are almost invariably executed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press. With eight television stations, one cable television system, 72 radio stations, and 18 daily newspapers in Lima alone, Peruvians have access to a very broad range of opinion and information. The Government owns one of the three national television networks, a radio network, and two newspapers. During 1990 the Fujimori Government moved to "depoliticize" news coverage in state-owned media outlets. Opposition parties continue to own newspapers, and opposition figures also have frequent access to the government media.

There were fewer complaints during 1990 of government pressure on the media or restrictions on journalists. There was, however, a series of charges of "apology for terrorism" filed against numerous journalists and media outlets for publishing interviews with MRTA leader Victor Polay Campos after the coup in July. Other charges, under no discernible government policy, were brought against President García or President Fujimori, to harass or pressure the media.

Journalists were sometimes barred from traveling in the rural areas of the emergency zones, and those who attempted to do so were occasionally detained by the military, although they were generally released within hours. There were also some complaints of police confiscation of video and photographic equipment and a number of cases of raids on the Government did not want publicized.

These instances were not common, however, and, in general, the level of journalistic access to the emergency zones improved.

Antimedia actions by the police, not always supported by requisite court authorizations, focused on the two newspapers universally viewed as competing public "fronts" for Sendero and MRTA terrorist operations. Seizure police actions in late 1989 effectively removed the opposition newspaper El Diario from public circulation. Only a few issues appeared, edited and printed clandestinely, after February. Jaime Talavera, the interim director of El Diario, who was detained in June, 1989, under the provisions of the legislation prohibiting "apologies for and encouragement of terrorism" and subsequent terrorism charges, was still awaiting trial at year's end. Luís Aro Pizarro, the paper's permanent director, also remained under indictment for "apologies for and encouragement of terrorism" and spent the year abroad. There were also several police raids against the Lima-based newspaper Cambio during the first half of the year; several staff members were arrested on terrorism charges. On a few occasions, police confiscated Cambio press vehicles and reporting equipment and public stands. For the most part, however, the newspaper continued to publish openly and regularly.

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 right 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 approved permits for demonstrations in nonemergency areas. Many unauthorized demonstrations also occurred, and, for the most part, the Government dealt with them in a nonbelligerent manner. On a number of occasions, however, poorly disciplined police on the scene overreacted, responding with more than the minimum force necessary, resorting to beatings, tear gas, buckshot, and truck-mounted water cannon to break up demonstrations or to disperse large crowds. Deputy President García formally apologized after police opened fire with buckshot February 7 on a peaceful March led by United Left presidential candidate Henry Pease. Pease, several supporters, and two journalists were slightly wounded. The police, without reason, attacked a May 7 Mother's Day protest.
march of recently fired municipal government charwomen, using clubs, water cannon, tear gas, and buckshot.

c. Freedom of Religion

Roman Catholicism predominates in Peru, and the Constitution formally recognizes the Church as an important element in the history, culture, and moral development of the nation. The Constitution also establishes the separation of church and state and ensures freedom of religion and conscience. These rights are respected in practice. Members of minority religious groups have no government interference in their right to practice their faith. Organized religions are free to establish places of worship, train clergy, engage in religious publishing, and proselytize. Foreign-born clergy are not barred from entry; rather, they constitute a significant presence, even within the dominant Catholic Church.

Members of various religious organizations report having received death threats from Sendero, the MRTA, or the CRF during 1990 and several religious workers were killed by Sendero. Among those religious workers killed by Sendero were a Jehovah’s Witness, a Baptist minister, two Mennonite missionaries, and a 72-year-old Catholic nun. Sendero bombed several houses of worship. The MRTA claimed responsibility for two bombings of Lima synagogues. Some of these and similar killings appeared to be prompted by a perception that the religious workers had engaged in “political” activity, but a number of religious officials fear that Sendero is becoming increasingly antagonistic to organized religion in general.

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 legal or political constraints on travel or emigration. Freedom of movement is legally suspended within the emergency zones, and travelers may be detained by authorities for any time. Other domestic and international travel is not known 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 government efforts by the security forces since the mid-1980s. There were, however, credible reports of the systematic, forced resettlement of several dozen peasant communities by the military in Huanta province, Ayacucho Department. There were also reports of Sendero forcibly resettling indigenous communities and holding villages against their will in Junin and Ayacucho Departments.

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, but the civilian Government’s control of the security forces is severely limited. The political process is open, subject to monitoring by an autonomous National Elections Board, and contested by parties ranging from conservative to Marxist-Leninist. Sendero Luminoso persistently sought to deny citizens their political rights—particularly in the more remote areas—by killing candidates and elected officials and threatening voters. However, Sendero failed in its repeated attempts to disrupt the April and June presidential elections, and more than 70 percent of the eligible voters nationwide twice defied the guerrilla calls for boycotts and went to the polls. Candidates for public office, legislation, and voters were all threatened, and in some cases killed, by Sendero for their participation in the electoral process.

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 barred from running for consecutive terms in office, and one of the nation’s newly established regional parliaments are to be held every 3 years, at the time of the nation’s municipal elections. Suffrage is both universal and mandatory for persons 18 years of age, except for active duty police or military, who are barred from voting in holding public office. Balloting is direct and secret.

Under the Constitution, the Government is headed by a powerful executive; an estimated 95 percent of all new laws historically have been enacted through unilateral presidential decrees. Nonetheless, the legislature freely and openly debated 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, a Congress was elected in April that is not dominated by the party of the President. The new Congress quickly asserted its independence and tested its ability to act as a counterbalance to the presidency.

The political system, although legally open to all, has historically been dominated by Peruvian males of European or mixed European and indigenous background. The election of President Fujimori, the native-born son of immigrants, was widely seen as a further opening of the political system and an expansion of the elite-driven system by the majority of Peruvians who are neither wealthy nor of European heritage.

Four of the 62 members of the Senate are women, as are 12 of the 180 members of the House of Deputies.

Section 4 Governmental Attitude Regarding International and Nonmilitary Investigation of Alleged Violations of Human Rights

The year 1990 was an especially dangerous and difficult one for independent human rights observers in Peru. The Lima offices of the International Committee of the Red Cross (ICRC) and the Andean Commission of Jurists were bombèd only minutes after they had announced their intention to conduct a fact-finding mission to the country. The Lima offices of the Commission of Jurists was bombèd and suffered little damage in a bombing attack 2 weeks later, on March 4. No one claimed responsibility for any of the attacks, and there were no injuries. Human rights workers from at least three human rights groups reported receiving death threats from Sendero and from the CRF. Angel Escobar Jurado of the Human Rights Commission was severely wounded in an attack on February 27. Human rights worker Guadalupe Calluccio was abducted from her family’s house in Ayacucho on June 10, probably by military personnel. Both Escobar and Calluccio were considered “disappeared” at year’s end. Several human rights activists at the University San Cristobal of Huamanga, Ayacucho Department, were systematically assassinated in mid-July (see Section 1.a.). Presumed Sendero
terrorists kidnapped, tortured, and killed Zonen Ramirez, the human rights secretary of Mazuco's Provincial Federation of Urban Slum Residents, on October 6.

The ICRC, Americas Watch (AW), the Washington Office on Latin America, and the World Council of Churches, among others, asked representatives to Peru in 1990 to investigate the human rights situation. The World Council of Churches delegation was received by the President, the Ministers of Defense, Interior, and Justice in October, and traveled unimpeded to three emergency zones departments.

The "Permanent People's Tribunal", an international antiterror organization, held several days of mock trials in Lima in July, receiving public testimony from the victims and witnesses to human rights abuses. The tribunal—which was afforded substantial, intrusive security protection by the outgoing Government—found the Government, Sendero, and the FNC for culpable for systematic violations of the Geneva Conventions and other international standards for human rights conduct.

AI sent an "open letter" to all the presidential candidates in February, urging them to make the protection of human rights central to their electoral programs. The Secretary General of AI visited Peru in May. Although he was not received by President Garcia, he did meet with both presidential runoff candidates.

One of President-elect Fujimori's first postelection activities was his June 15 meeting with the visiting Director General of AI. Access by the ICRC to detention centers was restored in early 1989, continued during 1990. The ICRC made requests to return detainees run by the Ministry of Defense centers and to detainees, which had been denied in mid-1988 but restored in early 1989. This continued during 1990. The ICRC made numerous requests to return detainees run by the Ministry of Defense and Justice and Interior. Despite repeated requests, however, the ICRC remained barred from all Ministry of Defense centers and some police detention facilities in the emergency zones, where isolated detention, torture, and other human rights violations are known to occur.

A number of local private human rights organizations constitute the Independent National Coordinating Committee for Human Rights. These include COMISEDH, the Institute for Legal Defense (IDL), the Association for Human Rights (APRODEH), the Center for Peace Studies and Action (CEAS). A number of other, smaller groups work in the departmental capitals and other localities. They are generally credible observers, investigating and reporting on human rights abuses to the extent possible, regardless of the perpetrator. Local human rights organizations complain 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. Legitimate human rights monitors to investigate reported cases of abuse. Both President Garcia and President Fujimori rebuffed repeated requests to meet with members of the National Coordinating Committee.

In early 1990 the Garcia government repeatedly complained that local and international human rights groups were exaggerating Peru's human rights problems. The Government's general unresponsiveness to specific inquiries, however, did little to improve its credibility. Upon taking office on July 28, President Fujimori declared the state of human rights in Peru and announced his intention to create a presidential national human rights commission. By year's end, however, the commission had yet to be constituted.

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 political and economic roles in major social and political institutions.

Sexual violence, including spouse abuse, is a chronic problem. Police in Lima receive between 150 and 200 formal complaints of rape daily. Reports of such abuse increased in frequency during the year. A special police center, staffed by policewomen, operated in Lima to provide legal, medical, and psychiatric assistance to abused spouses and children. A number of women's organizations and feminist groups are active in Peru.

Peru's large indigenous population and its small black population were subject to pervasive social discrimination, although far less so than before the Velasco revolution of 1968. The former group, mostly speakers of Quechua, Aymara, and other native languages, traditionally has had limited access to presidential resources. Peru is a classic case of different regional development, with public investment traditionally focused on the coast, drawing migrants to the cities, especially Lima. Recognizing this fact, the Government has attempted to redirect the flow of resources and services to poor, largely Indian, rural areas. Development efforts, however, have been impeded by the difficulty and cost of providing services to remote areas and by the continued, targeted disruption of these efforts by Sendero. As a result of current problems, as well as historic and continued prejudice, the economic and social needs of Peruvians of European ancestry continued to be met to a far greater extent than those of Peruvians of black, mixed, or pure Indian heritage.

The traditional tribal lands of indigenous communities in the jungles of Ayacucho, Apurimac, Junin, and Ucayali Departments were attacked by Sendero and NARPD guerrillas, who formed guerrillas groups that are often armed, often armed, and often armed, and often armed. These groups are often armed and often armed. Hundreds of Indians, often armed, were killed in the resulting conflicts. A number of communities were massacred by Senderos, others were forcibly relocated or held captive.

Ethnic and racial differences also became a factor in the 1990 presidential campaign. As some sectors attempted to build racial sentiment in opposition to the candidacy of Alberto Fujimori, the son of Japanese immigrants, President Fujimori and his two vice presidents correctly pointed out that their racial origins, noting that one is Asian (Fujimori), one Indian (first Vice President San Roman) and one black (second Vice President Garcia). To his credit, Mario Vargas Llosa, President Fujimori's staunch opponent, roundly condemned race-baiting tactics.
Section 6. Worker Rights

The Right of Association

The Constitution provides for freedom of association and, except for the judiciary, police, military, and military personnel, the right to form labor unions without previous authorization. However, there are some legal restrictions on the right to form a union. There is, for example, a requirement to register with the Ministry of Labor before the right to form a union can be exercised. Suspension or dissolution of labor unions is forbidden by the Constitution but can be done where the union is engaged in illegal activity. Union activities in the public sector are subject to the control of the Ministry of Labor. Unions may form industry-wide federations, and these federations may form confederations, all of which may affiliate with international labor organizations. Private and public sector unions of workers performing the same type of work cannot join together as a federation at any level. Shortly after its creation, the Fujimori government requested technical and financial assistance from the International Labor Organization (ILO) for a review of the newly established labor code. The ILO agreed to help. In late December, the government issued a new decree that allows the formation of new unions with a minimum of 50 members, and allows multiple unions within the same workplace. The measure also attempts to limit the power of the politically affiliated leadership of the existing labor organizations by allowing any two unions to form a confederation.

About 18 percent of the labor force is organized. Organized labor, however, is found in industries responsible for about 70 percent of Peru's gross national product. The majority of unionized workers are in the government and in the informal sector, working under the Ministry of Labor or the National Labor Board. Unions are subject to the Ministry of Labor regulations. Although a significant portion of organized labor belongs to independent unions and federations, those unions with a political party affiliation are routinely manipulated to serve partisan political interests.

The Confederation of Peruvian Workers is a member of the International Confederation of Free Trade Unions. The General Confederation of Peruvian Workers is affiliated with the Communist-controlled World Federation of Trade Unions and its Latin American organization, the Permanent Congress for Trade Union Unity of Latin America.

The constitution provides for the right to strike "according to law." There is no strike law, however, even though Congress has passed implementing laws since the Constitution was promulgated in 1979. By Supreme Court decree (which defines strike behavior in the absence of a formal law), workers in the private sector must give 72-hour notice to the employer and Ministry of Labor before going on strike. When direct negotiations between workers and employers break down, the government can intervene and constitute a tripartite (government, management, labor) board to review the situation. If no agreement is reached, the government may declare a state of emergency.

Labor laws and regulations are applied uniformly throughout the country, including in areas of the Amazon basin granted in a Peru-Colombia border agreement, which is analogous to a free trade zone.

The Right to Organize and Bargain Collectively

By law, employers cannot discriminate against union members or organizers. In practice, however, union activists are harassed, sometimes harassed by employers who threaten them. Others are paid off to leave the enterprise. Workers may appeal their cases through the Ministry of Labor or, if a appeal through the Ministry of Labor is not acceptable to both parties, through the civil courts. In some cases, a worker is kept in jail.

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The Right to Bargain Collectively is provided for by the Constitution, but there are restrictions on what can be negotiated. In the public sector, for example, only working conditions may be negotiated, and only if the changes do not increase the funds already budgeted. Negotiation in the private sector is more limited than the funds already budgeted. In the private sector, collective bargaining can cover both working conditions and pay.

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The Constitution prohibits compulsory labor, and this prohibition is usually respected in practice. There have been unverified reports of compulsory labor or plantations.

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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 militias, perform guard duty, or render other support services in some places in the emergency zones.

d. Minimum Age for Employment of Children

The law prohibits the employment of children under 14 years of age. In the formal sector of the economy, the law allows for the employment of older children in some jobs, for a limited period of time, and for a curtailed workweek at full pay. According to a 1987 Senate report, however, 1.4 million children 5 to 14 years of age work, mostly in the informal sector. Unofficial sources estimate that about half a million children work in the Lima area alone. A June 1989 survey of 133 working children by the Agrarian University in Lima showed that 78 percent of them were between 10 and 12 years old. Some 40 percent sold assorted merchandise as street vendors, and 53 percent went to school only occasionally or not at all. One-third worked 7 days a week, and 57 percent of the total worked between 2 and 5 days a week.

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 48-hour week for men, and a 45-hour week for women. There are government standards for industrial health and safety, but these are rarely enforced, either by the employer or the Government (which has no inspectors). Accidents are common, and there is usually no emphasis on prevention; once accidents occur, employers normally make 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 readily sacrificed in exchange for steady or even temporary employment. The administratively set minimum wage is increased regularly by the Government, but it continues to lag behind inflation. Equal to about $50 per month, the minimum wage is not sufficient to provide a decent standard of living for a worker and family. However, many Peruvians are paid more than the minimum wage and many others supplement their income through multiple jobs or subsistence farming, or both. Nonetheless, according to a September 1990 World Bank report, 55 percent of all Peruvians live in extreme poverty.