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~~LIMITED OFFICIAL USE~~ SECTION 01 OF 13 LIMA 13116

E.O. 12356: DECL: OADR
TAGS: PHUM, PE
SUBJECT: 1987 COUNTRY REPORT ON HUMAN RIGHTS
- PRACTICES IN PERU

1. NOFORN.

2. INTRODUCTION

PERU HAS A FREELY ELECTED DEMOCRATIC GOVERNMENT, WITH AN EXECUTIVE BRANCH HEADED BY A PRESIDENT, A BICAMERAL LEGISLATURE, AN INDEPENDENT JUDICIARY, AND AN AUTONOMOUS ATTORNEY GENERAL (PUBLIC MINISTRY). PERU'S HISTORY HAS BEEN PUNCTUATED BY PERIODS OF MILITARY RULE, MOST RECENTLY BETWEEN 1968 AND 1980. GENERAL ELECTIONS WERE LAST HELD IN 1985 AND WERE WON BY A LARGE MARGIN BY PRESIDENT ALAN

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GARCIA AND HIS AMERICAN POPULAR REVOLUTIONARY ALLIANCE (APRA). GENERAL ELECTIONS ARE NEXT SCHEDULED FOR 1990. POLITICAL REPRESENTATION IN CONGRESS

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SAM A. MOSKOWITZ
DATE/CASE ID: 9 AUG 1999 199902275

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RANGES FROM CONSERVATIVE TO MARXIST. INDEPENDENT TRADE UNIONS ARE ACTIVE. FREEDOM OF SPEECH AND PRESS GENERALLY IS RESPECTED, AND THE MEDIA OFTEN CRITICIZES THE GOVERNMENT. PERU HAS A MIXED ECONOMY, AND PRIVATE PROPERTY IS GENERALLY RESPECTED. NATURAL DISASTERS, LOW COMMODITY PRICES, AND TERRORISM HAVE TAKEN THEIR TOLL ON THE ECONOMY. IN SPITE OF RENEWED GROWTH IN 1986, PER CAPITA INCOME IS NO HIGHER THAN IT WAS 20 YEARS AGO.

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SINCE 1980, THE "SENDERO LUMINOSO" (SHINING PATH) GUERRILLAS HAVE USED TERROR TO UNDERMINE DEMOCRACY. REJECTING CALLS FOR DIALOGUE AND LACKING WIDESPREAD SUPPORT, SENDERO REGULARLY HAS ASSASSINATED LOCAL OFFICIALS, APRA PARTY MEMBERS, POLICE AND SOLDIERS, AND ORDINARY CITIZENS WHO WITHHOLD SUPPORT. IN 1987, SENDERO STEPPED UP ACTIVITIES IN COCA PRODUCING AREAS, DEMANDING PROTECTION MONEY FROM COCA PRODUCERS AND ATTACKING POLICE ANTI-NARCOTICS POLICE. DURING 1987, SENDERO ALSO INCREASED ITS ASSASSINATIONS OF APRA AND GOVERNMENT OFFICIALS, CLEARLY LIMITED OFFICIAL USE

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HOPING TO HURT MORALE AND TO PROVOKE THE GOVERNMENT AND APRA INTO ILLEGAL RESPONSES. ALTHOUGH NOT ALONE IN COMMITTING ABUSES, SENDERO IS A MAJOR HUMAN RIGHTS VIOLATOR AND BEARS PRIMARY RESPONSIBILITY FOR THE RECENT RISE IN VIOLENCE IN PERU. IN ADDITION, TWO OTHER SMALLER TERRORIST GROUPS HAVE CONTRIBUTED TO INCREASED VIOLENCE.

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THE MILITARY HAS THE LEAD ROLE IN COMBATTING SUBVERSION OUTSIDE LIMA. IN 26 OF PERU'S 181 PROVINCES, A

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STATE OF EMERGENCY PLACES ALL POLITICAL
POWER IN MILITARY HANDS AND ALSO
SUSPENDS CERTAIN CONSTITUTIONAL
GUARANTEES. HISTORICALLY, THE
MILITARY'S RECORD OF COUPS HAS
LIMITED CIVILIAN CONTROL OVER THE
ARMED FORCES. THERE IS LITTLE
OVERSIGHT OF MILITARY ACTIVITIES IN
THE EMERGENCY ZONES BY CIVILIAN
JUDGES OR PROSECUTORS, AND THE RIGHTS
OF PERSONS DETAINED BY THE MILITARY
ARE USUALLY IGNORED. THREE POLICE
SERVICES, WHICH REPORT TO THE INTERIOR
MINISTRY, HAVE THE PRIMARY COUNTER-
TERRORIST ROLE IN LIMA AND OTHER
CITIES.

UNDER THE PREVIOUS ADMINISTRATION,
COUNTER-TERRORIST OPERATIONS RESULTED

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E.O. 12356: DECL: OADR
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SUBJECT: 1987 COUNTRY REPORT ON HUMAN RIGHTS
- PRACTICES IN PERU

1. NOFORN.

IN WIDESPREAD HUMAN RIGHTS VIOLATIONS.
THE CURRENT ADMINISTRATION HAS SUC-

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CEDED IN REDUCING VIOLATIONS, BUT ABUSES CONTINUE. REPORTS OF SUMMARY EXECUTIONS BY THE SECURITY FORCES DROPPED IN 1987, BUT ONLY AFTER THE MILITARY RESTRICTED JOURNALISTS' ACCESS TO THE AYACUCHO EMERGENCY ZONE. THE PUBLIC MINISTRY REPORTS 120 COMPLAINTS IN 1987 OF DISAPPEARANCES ALLEGEDLY CARRIED OUT BY THE SECURITY FORCES, OF WHICH ONLY 20 WERE RESOLVED. HUMAN RIGHTS GROUPS BELIEVE MANY OF THE REMAINDER WERE SUMMARILY EXECUTED; WE CANNOT CONFIRM THIS BUT DO NOT CONSIDER THEIR CONCERN UNFOUNDED.
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PUBLIC MINISTRY PROSECUTORS HAVE MADE CREDIBLE STATEMENTS REGARDING GOVERNMENT USE OF TORTURE, TO WHICH THE GOVERNMENT HAS NOT RESPONDED. IN 1987, THE GOVERNMENT WITHDREW PERMISSION FOR THE INTERNATIONAL COMMITTEE OF THE RED CROSS TO VISIT KEY PRISON AND DETENTION CENTERS. TRIALS OF MILITARY PERSONNEL ACCUSED OF HUMAN RIGHTS VIOLATIONS LANGUISHED.

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ON THE POSITIVE SIDE, THE GOVERNMENT SUPPORTED THE CREATION OF A PRESTIGIOUS CONGRESSIONAL COMMISSION TO INVESTIGATE THE 1986 PRISON KILLINGS. IT ALSO REVISED THE ANTI-TERRORISM LAW TO REQUIRE THAT SUSPECTS BE INTERROGATED ONLY IN THE PRESENCE OF A PROSECUTOR AND A FISCAL.

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SEVERAL DEVELOPMENTS IN 1987 CAUSED CONCERN THAT ELEMENTS OF THE GOVERNMENT PARTY WERE USING VIOLENCE AGAINST SUSPECTED TERRORISTS AND POLITICAL OPPONENTS. THESE INCLUDED A FAILED BOMBING AGAINST A PRO-TERRORIST NEWS-PAPER; AN ALLEGED KIDNAPPING ATTEMPT

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AGAINST A LEFTIST CONGRESSMAN; AND
PRESS REPORTS OF POLICE SEIZURES OF
APRA ARSENALS. THE GOVERNMENT AND
APRA DENY ANY WRONGDOING.
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RESPECT FOR HUMAN RIGHTS

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

- A. POLITICAL KILLING

3. POLITICAL KILLINGS REMAINED A
SIGNIFICANT PROBLEM IN 1987.
REJECTING DIALOGUE AND SEEKING THE
OVERTHROW OF DEMOCRACY, SENDERO
LUMINOSO CONTINUED TO ASSASSINATE
POLICEMEN, SOLDIERS, GOVERNMENT AND
RULING PARTY OFFICIALS, AS WELL AS
RECALCITRANT PEASANTS. BETWEEN
JANUARY AND JUNE 1987, SENDERO
KILLED AT LEAST 214 PERSONS; DUE
TO THE ISOLATION OF MANY RURAL
AREAS WHERE SENDERO IS MOST ACTIVE,
THE NUMBER OF VICTIMS ALMOST SURELY IS
UNDERREPORTED. IN THE COUNTRYSIDE,
SENDERO USES VIOLENCE, PARTICULARLY
ASSASSINATIONS, TO IMPOSE ITS CONTROL
IN CERTAIN AREAS, TO PUNISH SO-
CALLED "TRAITORS," AND TO ELIMINATE
SOURCES OF OPPOSITION. IN THE CITIES,
SENDERO USES ASSASSINATIONS MORE FOR
PROPAGANDA PURPOSES, SEEKING TO SAP
MORALE AND TO GOAD THE GOVERNMENT INTO
ILLEGAL RESPONSES TO TERRORISM.
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PARTICULARLY NOTEWORTHY WAS THE
INCREASE IN SENDERO KILLINGS IN 1986

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- PRACTICES IN PERU

AND 1987 OF GOVERNMENT AND GOVERNMENT
PARTY (APRA) OFFICIALS. ALSO SIGNIFICANT
WAS ITS USE OF MORE INDISCRIMINATE
WEAPONS SUCH AS CAR BOMBS IN THE CITIES.
KILLINGS IN 1987 BY SENDERO INCLUDE
THE JANUARY EXECUTION OF THREE PEASANTS
IN AYACUCHO DEPARTMENT WHO PARTICIPATED
IN A GOVERNMENT EMPLOYMENT PROGRAM;
THE APRIL AMBUSH OF AN ARMY BUS IN
HUANCAVELICA DEPARTMENT IN WHICH TEN
SOLDIERS AND FOUR CIVILIANS DIED;
THE APRIL ATTACK WITH AUTOMATIC WEAPONS
AGAINST A LIMA RESTAURANT IN WHICH
THREE ARMY OFFICERS AND FIVE
BYSTANDERS DIED; THE AUGUST ASSASSINATION
OF THE PREFECT OF APURIMAC DEPARTMENT,
ALONG WITH HIS 12 YEAR OLD SON; THE
KILLING IN AUGUST OF A HIGH GOVERNMENT
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OFFICIAL IN FRONT OF HIS FAMILY; THE SEPTEMBER KILLINGS OF 14 PEASANTS IN AN AYACUCHO VILLAGE; AND THE OCTOBER ASSASSINATION OF A GOVERNMENT PARTY OFFICIAL. IN ADDITION TO SENDERO, A SMALLER TERRORIST GROUP -- THE TUPAC AMARU REVOLUTIONARY MOVEMENT -- KILLED TWO POLICEMEN IN APRIL 1987. IN ALLIANCE WITH THE COMPANION MOVEMENT OF THE REVOLUTIONARY LEFT, IT CARRIED OUT NUMEROUS BOMBING ATTACKS AGAINST PUBLIC BUILDINGS AND DIPLOMATIC INSTALLATIONS THAT CLAIMED THE LIFE OF ONE CIVILIAN AND WOUNDED SEVERAL OTHERS.

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4. THE GOVERNMENT CLAIMS TO HAVE KILLED APPROXIMATELY 4,200 PRESUMED TERRORISTS SINCE 1983, INCLUDING APPROXIMATELY 140 IN THE FIRST HALF OF 1987. CASUALTIES IN REMOTE AREAS MAY BE UNDERREPORTED. THESE FIGURES PROBABLY INCLUDE A LARGE BUT UNKNOWN NUMBER OF CAPTURED TERRORISTS AND INNOCENT CIVILIANS WHO WERE EXECUTED SUMMARILY BY THE SECURITY FORCES. THE GOVERNMENT ACKNOWLEDGED IN 1985 AND 1986 THAT SUMMARY EXECUTIONS HAD COST THE LIVES OF ABOUT 200 PERSONS.

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5. PERUVIAN HUMAN RIGHTS GROUPS HAVE ACKNOWLEDGED A DROP IN REPORTED SUMMARY EXECUTIONS SINCE 1985 AND HAVE LIMITED OFFICIAL USE

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BROUGHT FORWARD FEW SPECIFIC ACCUSATIONS OF SUCH EXECUTIONS IN 1987. THEY ARE CONCERNED, HOWEVER, THAT THIS DROP REFLECTS IN PART GOVERNMENT EFFORTS TO HIDE ABUSES. FOLLOWING A MEDIA EXPOSE IN 1986 OF SUMMARY EXECUTIONS

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IN AYACUCHO, IN 1987 THE AYACUCHO MILITARY COMMAND DECREASED SHARPLY JOURNALISTS' ACCESS TO AREAS WHERE FIGHTING WAS HEAVIEST. THE EFFECT WAS TO REDUCE INDEPENDENT OBSERVERS' ABILITY TO MONITOR ABUSES.

6. ANOTHER SOURCE OF CONCERN FOR HUMAN RIGHTS GROUPS IS THE GENERAL ABSENCE OF PUNISHMENT FOR MEMBERS OF THE MILITARY ACCUSED OF PARTICIPATION IN SUMMARY EXECUTIONS. EVEN IN CASES WHERE THE GOVERNMENT HAS ACKNOWLEDGED THAT EXECUTIONS OCCURRED (ACCOMARCA AND PUCAYACU IN 1985, LURIGANCHO PRISON AND POMATAMBO IN 1986), NO MILITARY PERSONNEL HAVE YET BEEN CONVICTED OF WRONGDOING. IN ADDITION, THE MILITARY JUSTICE CODE CONTAINS NO PROVISION FOR KILLING, KIDNAPPING, OR TORTURE -- ONLY "NEGLIGENCE" AND "ABUSE OF AUTHORITY." LEGISLATION TO CORRECT THIS PASSED THE SENATE IN 1986 BUT HAD NOT YET PASSED THE CHAMBER OF DEPUTIES AS OF OCTOBER 1987.

7. AFTER A ONE-YEAR DELAY, IN AUGUST THE GOVERNMENT MAJORITY IN CONGRESS LIMITED OFFICIAL USE

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AND 1987 OF GOVERNMENT AND GOVERNMENT NAMED A COMMISSION HEADED BY A RESPECTED LEFTIST OPPOSITION LEADER TO INVESTIGATE THE 1986 PRISON KILLINGS, IN WHICH ABOUT 250 TERRORIST PRISONERS DIED. DESPITE THE DELAY, HUMAN RIGHTS GROUPS BELIEVED THE CREATION OF THE COMMISSION WAS A POSITIVE STEP. (NOTE TO ARA/AND: THE COMMISSION'S REPORT IS EXPECTED TO BE RELEASED BY NOVEMBER.) ANOTHER POSITIVE DEVELOPMENT WAS THE SUPREME COURT'S UPHOLDING OF A LOWER COURT'S MAXIMUM SENTENCES FOR SEVERAL ANTI-TERRORIST POLICEMEN CONVICTED OF MULTIPLE HOMICIDE IN SOCCOS IN 1983.

8. IN OCTOBER, CONCERN GREW THAT
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MEMBERS OF THE GOVERNMENT PARTY WERE BEGINNING TO USE PARAMILITARY VIOLENCE AGAINST SUSPECTED TERRORISTS. SPARKING THESE ALLEGATIONS WAS AN OCTOBER 2 EXPLOSION IN FRONT OF PRO-SENDERO NEWSPAPER "EL DIARIO" SHORTLY AFTER THE SENDERO ASSASSINATION OF AN APRA OFFICIAL. THE EXPLOSION OCCURRED PREMATURELY AND KILLED TWO OCCUPANTS OF A CAR AND WOUNDED ANOTHER. ALL THREE HAD LINKS TO APRA OR THE POLICE. THE GOVERNMENT HAS DENIED ANY WRONGDOING BUT SO FAR HAS NOT COME UP WITH A

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PLAUSIBLE ALTERNATIVE EXPLANATION FOR THE BOMBING. EARLIER IN 1987, PRESS REPORTED TWO SEPARATE POLICE ARRESTS OF GOVERNMENT PARTY MEMBERS AND THE SEIZURE OF A LARGE NUMBER OF MILITARY WEAPONS AND EXPLOSIVES; IN 1986 THERE WERE CREDIBLE REPORTS OF GOVERNMENT PARTY BOMBINGS AGAINST CHURCH AND LEFTIST OPPONENTS IN THE DEPARTMENT OF PUNO. HUMAN RIGHTS GROUPS AND OPPOSITION PARTY MEMBERS ARE CONCERNED THAT THE "EL DIARIO" EXPLOSION MAY REFLECT A PARTY OR GOVERNMENT POLICY OF "TIT FOR TAT" RESPONSE TO SENDERO.

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B. DISAPPEARANCE

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9. SINCE 1983, THERE HAVE BEEN BETWEEN 2,000 TO 3,000 CASES OF ALLEGED DISAPPEARANCES INVOLVING THE SECURITY FORCES. THE PUBLIC MINISTRY ESTIMATES THAT ABOUT 10 PERCENT OF THESE ALLEGATIONS INVOLVE PERSONS WHO REAPPEARED, CHANGED THEIR RESIDENCE, OR JOINED SENDERO. THE MAJORITY OF CASES OCCURRED BEFORE 1985.

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10. IN 1987, THE PUBLIC MINISTRY HAD RECEIVED ABOUT 120 DISAPPEARANCE COMPLAINTS AS OF AUGUST. MOST INVOLVE ALLEGED DETENTIONS OF SUSPECTED TERRORISTS BY THE ARMED FORCES IN THE AYACUCHO EMERGENCY ZONE. ABOUT 20 OF THE PERSONS REPORTED DISAPPEARED TURNED UP ALIVE IN POLICE CUSTODY. HUMAN RIGHTS GROUPS CHARGE THAT THE REMINDER WERE SUMMARILY EXECUTED BY THE SECURITY FORCES. THE BODIES OF DISAPPEARANCE VICTIMS ARE RARELY

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FOUND. BASED ON TESTIMONY BY SURVIVORS OF DISAPPEARANCES, IT APPEARS THAT MOST DISAPPEARANCE VICTIMS ARE TAKEN TO MILITARY BASES FOR INTERROGATION. SOME ARE TURNED OVER TO THE POLICE AFTER LONG DETENTIONS, AND AFTERWARDS ARE FREED FOR LACK OF INCRIMINATING EVIDENCE. HUMAN RIGHTS GROUPS ARGUE PERSUASIVELY THAT THE REST ARE SUMMARILY EXECUTED BY THE ARMED FORCES.
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AND 1987 OF GOVERNMENT AND GOVERNMENT
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11. A DECEMBER 1986 REPORT BY THE UNITED NATIONS HUMAN RIGHTS COMMISSION WORKING GROUP ON FORCED OR INVOLUNTARY DISAPPEARANCES NOTED THAT "ALTHOUGH THERE WERE FEWER

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CASES, THE STRUCTURES THAT PERMITTED DISAPPEARANCES TO OCCUR REMAINED INTACT, AND THE NUMBER OF PERSONS RELEASED AFTER HAVING BEEN HELD IN ACKNOWLEDGED DETENTION WAS STILL CONSIDERABLE."

12. SINCE JULY, THE PUBLIC MINISTRY HAS INCREASED ITS EFFORTS TO INVESTIGATE DISAPPEARANCE CASES OCCURRING IN 1987. A MAJOR OBSTACLE, HOWEVER, IS THE MILITARY'S REFUSAL TO PERMIT THE PUBLIC LIMITED OFFICIAL USE

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MINISTRY, JUDGES, OR OTHER CIVILIAN AGENCY ACCESS TO MILITARY DETENTION CENTERS. ANOTHER IS THE ABSENCE OF VIGOROUS PROSECUTION OF PERSONS ACCUSED OF CARRYING OUT DISAPPEARANCES. NO MEMBER OF THE SECURITY FORCES HAS BEEN CONVICTED OF PARTICIPATING IN A DISAPPEARANCE. THE TRIAL OF NAVY OFFICER ALVARO ARTAZA, ACCUSED OF THE DISAPPEARANCE IN 1984 OF JOURNALIST JAIME AYALA, WAS SUSPENDED IN 1986 WHEN ARTAZA DROPPED FROM SIGHT, REPORTEDLY WITH NAVY CONSENT. THE GOVERNMENT WAS UNABLE TO LOCATE HIM IN 1987, ALTHOUGH ARTAZA SOMEHOW MANAGED TO FILE A LEGAL PPEA BEFORE THE CONSTITUTIONAL GUARANTEES TRIBUNAL IN 1987.

13. THERE ARE SIGNS THAT DISAPPEARANCES HAVE SPREAD TO LIMA AS WELL. JOSE VASQUEZ HUAYCA, A LAWYER WHO DEFENDED ACCUSED TERRORISTS, DISAPPEARED IN OCTOBER 1986 AND HAS NOT BEEN SEEN SINCE. RELIABLE OBSERVERS CLAIM THERE IS AN EYEWITNESS WHO SAW VASQUEZ DETAINED BY THE SECURITY FORCES JUST BEFORE HIS DISAPPEARANCE. IN FEBRUARY 1987, UNIVERSITY STUDENT ANGEL PEREZ ALI REPORTEDLY DISAPPEARED FOLLOWING POLICE DETENTION.

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OF NEARLY 800 LIMA STUDENTS AFTER A
NIGHTTIME RAID ON LIMA UNIVERSITIES.
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IN MAY 1987, A NEWSPAPER REPORTED THE
CAPTURE OF ALLEGED SENDERO MEMBER
SANTIAGO CASTILLO CAVERO. CASTILLO WAS
NEVER SEEN AGAIN, AND THE POLICE DENY HE
WAS EVER CAPTURED. IN OCTOBER, APRA
YOUTH LEADER JAIME BEDON WAS ARRESTED
FOR TRYING TO DETAIN AT GUNPOINT A
MARXIST CONGRESSMAN. HE WAS SUBSEQUENTLY
RELEASED AND WAS DROPPED FROM HIS PARTY
POSITION BECAUSE OF THE ATTACK. IN
OCTOBER, THERE WERE ALLEGATIONS THAT
CARMEN ROSA RODRIGUEZ DISAPPEARED AFTER
POLICE DETAINED HER; THE POLICE DENY
SHE WAS EVER DETAINED.

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

14. THE CONSTITUTION PROHIBITS TORTURE AND
INHUMAN OR HUMILIATING TREATMENT. NEVER-
THELESS, CHARGES OF BRUTALITY TOWARD
DETAINEES ARE COMMON. IN FEBRUARY, A
SENIOR PUBLIC MINISTRY PROSECUTOR CLAIMED
THAT POLICE PROBABLY HAD TORTURED OR
MISTREATED MANY OF THE 800 STUDENTS
DETAINED DURING A POLICE SWEEP. HUMAN
RIGHTS GROUPS CLAIM THAT SUSPECTED SUB-
VERSIVES ARE ROUTINELY TORTURED AT
MILITARY DETENTION CENTERS AND AT THE
POLICE ANTI-TERRORISM UNIT'S (DIRCOTE)
DETENTION FACILITY. LAWYERS AND OTHER
PERSONS FAMILIAR WITH THE POLICE AND
JUDICIAL SYSTEM CONCUR IN THESE CHARGES.
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IN SEPTEMBER, THE PUBLIC MINISTRY'S

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SPECIAL PROSECUTOR IN AYACUCHO DEPARTMENT
DECLARED THAT THE MAJORITY OF PERSONS
RECENTLY DETAINED BY THE MILITARY --
USUALLY HELD INCOMMUNICADO -- SHOWED
SIGNS OF MISTREATMENT OR TORTURE. THE
GOVERNMENT HAS NOT RESPONDED TO THESE
COMPLAINTS. HUMAN RIGHTS GROUPS NOTED
WITH CONCERN THE EXCLUSION OF THE
INTERNATIONAL COMMITTEE OF THE RED CROSS
(ICRC) FROM PRISONS AND POLICE FACILITIES
IN THE AYACUCHO EMERGENCY ZONE, BEGINNING
IN JANUARY, AND THE ICRC'S EXCLUSION IN
APRIL FROM DIRCOTE'S LIMA DETENTION CENTER.
A POSITIVE DEVELOPMENT, SAY HUMAN RIGHTS
GROUPS, IS THE NEW TERRORISM LAW'S
REQUIREMENT THAT PERSONS DETAINED FOR
TERRORISM BE INTERROGATED ONLY IN THE
PRESENCE OF A LAWYER.
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15. MANY OF SENDERO'S MURDER VICTIMS SHOWED SIGNS OF HAVING BEEN TORTURED BEFORE DEATH, SOMETIMES DURING A MOCK TRIAL. EXAMPLES INCLUDE:

-- THE TORTURE AND KILLING OF SEVEN NARCOTICS TRAFFICKERS IN SAN MARTIN DEPARTMENT IN APRIL;

-- THE TORTURE AND KILLING OF AN ARMY SERGEANT IN LIMA IN JULY; AND

-- THE REPORTED BURYING ALIVE OF TEN PEASANTS IN AYACUCHO IN AUGUST.

IN ADDITION, THERE WERE CREDIBLE REPORTS THAT SENDERO FREQUENTLY BEAT AND TORTURED PEASANTS WHO WITHHELD SUPPORT.

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16. PRISON CONDITIONS ARE POOR, AND PRISONERS ARE LIKELY TO ENCOUNTER LIMITED HYGIENIC FACILITIES, POOR NUTRITION AND HEALTH CARE, AND ILL TREATMENT BY PRISON STAFF.

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- D. ARBITRARY ARREST, DETENTION,
OR EXILE
-

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17. THE CONSTITUTION REGULATES CAREFULLY THE WAY IN WHICH PERSONS ARE ARRESTED AND DETAINED. A WARRANT APPROVED BY A PUBLIC MINISTRY PROSECUTOR IS REQUIRED FOR ARREST. PERSONS ARRESTED MUST BE ARRAIGNED WITHIN 24 HOURS, EXCEPT IN CASES OF DRUG TRAFFICKING, TERRORISM, OR ESPIONAGE, FOR WHICH THE LIMIT IS 15 DAYS. THESE RESTRICTIONS ARE SUSPENDED IN THOSE AREAS, WHICH INCLUDE LIMA, UNDER A STATE OF EMERGENCY.

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18. DETAINEES HAVE THE RIGHT TO CHOOSE THEIR OWN LEGAL COUNSEL OR TO LET THE GOVERNMENT PROVIDE COUNSEL AT NO CHARGE. PERSONS ARRESTED FOR TERRORISM MAY BE INTERROGATED ONLY IN THE PRESENCE OF A PROSECUTOR (FROM THE PUBLIC MINISTRY) AND A DEFENSE ATTORNEY. THE NEW LAW ALSO REQUIRES THAT POLICE NOTIFY THE DETAINEE'S FAMILY AND HUMAN RIGHTS GROUPS OF THE ARREST. THE GOVERNMENT USUALLY SUCCEEDS IN DENYING BAIL TO PERSONS ACCUSED OF TERRORISM. THE INCREASE IN TERRORISM IN LIMA HAS BEEN ACCOMPANIED BY INCREASED, TEMPORARY DETENTIONS. IN FEBRUARY, NEARLY 800 UNIVERSITY STUDENTS WERE DETAINED DURING A SWEEP OF THREE LIMA UNIVERSITY CAMPUSES; FEWER THAN TEN OF THE STUDENTS WERE EVENTUALLY CHARGED.

19. PROCEDURES ARE QUITE DIFFERENT IN THE RURAL EMERGENCY ZONES. THERE THE ARMED FORCES DO NOT NEED A WARRANT TO LIMITED OFFICIAL USE

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E.O. 12356: DECL: OADR
TAGS: PHUM, PE
SUBJECT: 1987 COUNTRY REPORT ON HUMAN RIGHTS
- PRACTICES IN PERU

SPECIAL PROSECUTOR IN AYACUCHO DEPARTMENT
ARREST PERSONS. PERSONS DETAINED BY
THE MILITARY ARE HELD INCOMMUNICADO.
THEY DO NOT HAVE ACCESS TO AN ATTORNEY,
NOR ARE THEY PERMITTED ANY CONTACT WITH
FAMILY MEMBERS. THEY ARE INTERROGATED
WITHOUT THE PRESENCE OF A PUBLIC
PROSECUTOR OR A DEFENSE ATTORNEY.
CREDIBLE ALLEGATIONS OF TORTURE ARE
COMMON. JUDICIAL DETERMINATION OF THE
LEGALITY OF MILITARY DETENTIONS DOES
NOT EXIST IN THE RURAL EMERGENCY
ZONES; MILITARY BASE COMMANDERS
IGNORE HABEAS CORPUS REQUESTS.

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20. DURING 1986 AND 1987, HUMAN RIGHTS
GROUPS NOTED THAT AN INCREASING NUMBER
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OF PERSONS DETAINED BY THE MILITARY IN
THE RURAL EMERGENCY ZONES REAPPEARED
AFTER A PERIOD OF INCOMMUNICADO DETENTION.
THIS MAY REFLECT PRESSURE BY THE GOVERNMENT
TO REDUCE PERMANENT DISAPPEARANCES. THE
NUMBER OF ARBITRARY ARRESTS AND DETEN-
TIONS IN THE EMERGENCY ZONE FOR 1987
IS ESTIMATED IN THE HUNDREDS.

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21. EXILE AND FORCED LABOR DO NOT EXIST IN PERU.

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E. DENIAL OF FAIR PUBLIC TRIAL

22. THE JUDICIARY IS AN INDEPENDENT BRANCH
OF GOVERNMENT. THE LEGAL SYSTEM IS BASED

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ON THE NAPOLEONIC CODE. ONCE CRIMINAL CHARGES ARE FILED, A JUDGE DETERMINES WHETHER PROBABLE CAUSE EXISTS. THE NEXT STEP IS A JUDICIAL HEARING PROCESS THAT MAY LAST UP TO FIVE MONTHS, FOLLOWED BY A PUBLIC TRIAL. DEFENDANTS HAVE THE RIGHT TO BE PRESENT AT A TRIAL. SENTENCE MAY BE APPEALED, AND JUDGES MAY SEND CASES BACK TO LOWER COURTS FOR ADDITIONAL INVESTIGATION. PUBLIC DEFENDERS EXIST BUT IN INADEQUATE NUMBERS.

MANY JUDGES ON THE SUPERIOR AND SUPREME COURTS ARE ACTIVE IN POLITICAL PARTIES, AND SOMETIMES CLAIMS OF POLITICALLY LIMITED OFFICIAL USE

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MOTIVATED JUDICIAL DECISIONS OCCUR. ONE EXAMPLE, IN OCTOBER, WAS THE REMOVAL FROM OFFICE BY THE SUPREME COURT, REPORTEDLY UNDER PRESSURE FROM THE EXECUTIVE BRANCH, OF A LOWER COURT JUDGE WHO HAD ISSUED SEVERAL DECISIONS AGAINST APPLICATION OF THE GOVERNMENT'S BANK EXPROPRIATION LAW.

23. THE COURTS FACE SEVERE BACKLOGS, A PRODUCT OF THE SHARP INCREASE IN TERRORISM CASES, INEFFICIENCY, AND, ACCORDING TO OBSERVERS, INFLUENCE PEDDLING. THE GOVERNMENT ACKNOWLEDGES THAT THE MAJORITY OF PRISONERS HAVE NOT BEEN SENTENCED AND REMAIN AT SOME STAGE OF THE TRIAL PROCESS. HUMAN RIGHTS GROUPS HAVE DOCUMENTED NUMEROUS CASES OF PERSONS WHO HAVE BEEN DETAINED WITHOUT BAIL, AWAITING TRIAL, FOR PERIODS UP TO FOUR YEARS. HUMAN RIGHTS GROUPS AND THE MARXIST OPPOSITION PARTIES CLAIM THERE ARE ABOUT 100 "POLITICAL PRISONERS" DOWN FROM APPROXIMATELY 300 IN 1985. MOST ARE MEMBERS OF LEFTIST PARTIES WHO ALLEGEDLY WERE UNJUSTLY ACCUSED OF TERRORISM AND WHO HAVE BEEN DETAINED

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FOR SEVERAL YEARS AWAITING TRIAL. THE GOVERNMENT HAS RESISTED PROPOSALS TO GRANT AMNESTY TO SUCH PERSONS, WHOM IT DENIES ARE POLITICAL PRISONERS, INSTEAD CALLING UPON THE JUDICIARY TO SPEED UP ITS HANDLING OF TERRORISM CASES.

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24. TERRORISTS REPORTEDLY HAVE THREATENED

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E.O. 12356: DECL: OADR
TAGS: PHUM, PE
SUBJECT: 1987 COUNTRY REPORT ON HUMAN RIGHTS
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JUDGES HANDLING TERRORISM CASES. MANY OBSERVERS COMPLAIN THAT KNOWN TERRORISTS FREQUENTLY ARE RELEASED BY THE COURTS ONLY TO BE CAUGHT AGAIN. JUDGES BLAME THIS ON A LACK OF EVIDENCE AND POOR CASE PREPARATION BY THE POLICE AND PROSECUTORS. MANY GOVERNMENT OFFICIALS BLAME TERRORIST INTIMIDATION OF THE JUDICIARY. TO REMEDY THIS, IN 1987 CONGRESS CREATED A SPECIAL

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TRIBUNAL FOR TERRORISM CASES, WITH GREATER SECURITY MEASURES; AS OF OCTOBER, IT HAD YET TO BEGIN TRIALS.

25. THE CONSTITUTION MANDATES THAT CIVILIANS BE TRIED IN CIVILIAN COURTS. THE SUPREME COURT DECIDES WHETHER MILITARY AND POLICE OFFENDERS ARE TRIED LIMITED OFFICIAL USE

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IN CIVILIAN COURTS OR IN A SEPARATE MILITARY COURT SYSTEM. THE LAST ATTEMPT TO HAVE A CIVILIAN COURT TRY A MILITARY OFFICER OCCURRED IN 1986 AND WAS FOLLOWED BY THE OFFICER'S DISAPPEARANCE TO AVOID TRIAL. THE CIVILIAN COURTS ARE MAKING SLOW PROGRESS ON SEVERAL CASES INVOLVING ALLEGED POLICE VIOLATIONS OF HUMAN RIGHTS. THESE INCLUDE THE 1984 DEATH OF PEASANT LEADER JESUS OROPEZA, THE MARCH 1982 KILLINGS OF PRISONERS IN AN AYACUCHO HOSPITAL, THE NOVEMBER 1983 DEATH OF FRANCISCO NUFFLO, AND THE 1986 TORTURE OF 11 DETAINEES IN A CUZCO POLICE STATION. THE SUPREME COURT UPHELD MAXIMUM SENTENCES AGAINST SEVERAL POLICE OFFICERS FOR KILLING 32 PEASANTS IN SOCCOS IN 1983.

26. MILITARY TRIALS ARE NOT PUBLIC, AND LITTLE IS KNOWN ABOUT SPECIFIC TRIALS. NO MEMBER OF THE ARMED FORCES HAS EVER BEEN CONVICTED IN EITHER THE MILITARY OR THE CIVILIAN COURTS FOR HUMAN RIGHTS VIOLATIONS. CASES REPORTEDLY PENDING INCLUDE THAT OF LT. TELMO HURTADO FOR THE MURDER IN 1985 OF 69 PERSONS IN ACCOMARCA, OFFICER EDWIN DIAZ FOR THREE DEATHS IN HUANUCO IN 1985, AND TWO CASES INVOLVING MASS GRAVES DISCOVERED IN PUCAYACU IN 1984 AND LIMITED OFFICIAL USE

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1985. ANOTHER IMPORTANT CASE IS THAT OF ARMY GENERAL JORGE RABANAL AND SEVERAL POLICE PERSONNEL IN CONJUNCTION WITH THE SUMMARY EXECUTION OF APPROXIMATELY 100 PRISONERS IN 1986 AT LURIGANCHO PRISON. IN 1987, RELATIVES OF KILLED AND DISAPPEARED PRISONERS AT EL FRONTON PRISON FILED SUIT AGAINST NAVY AND POLICE PERSONNEL FOR THE 1986 DEATHS OF SOME 130 PRISONERS THERE.

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- F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE
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27. THE CONSTITUTION STIPULATES THAT POLICE NEED A JUDICIAL WARRANT TO ENTER A PRIVATE DWELLING, AND THIS IS GENERALLY RESPECTED IN PRACTICE. THE REQUIREMENT FOR A WARRANT IS SUSPENDED IN THOSE AREAS UNDER A STATE OF EMERGENCY, HOWEVER, AND SECURITY FORCES IN THOSE AREAS ROUTINELY CONDUCT SEARCHES OF PRIVATE HOMES WITHOUT A WARRANT.

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- SECTION 2. RESPECT FOR CIVIL LIBERTIES, INCLUDING:
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- A. FREEDOM OF SPEECH AND PRESS
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E.O. 12356: DECL: OADR
TAGS: PHUM, PE
SUBJECT: 1987 COUNTRY REPORT ON HUMAN RIGHTS
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28. THE CONSTITUTION GUARANTEES FREEDOM OF SPEECH AND THE PRESS. WITH SEVEN TELEVISION NETWORKS, 57 RADIO STATIONS, 16 DAILIES, AND MANY MAGAZINES IN LIMA ALONE, PERUVIANS HAVE ACCESS TO NEWS AND OPINION OF EVERY POLITICAL STRIPE, TERRORIST GROUPS INCLUDED. THE MEDIA ARE HIGHLY PARTISAN. THE GOVERNMENT OWNS ONE OF THE TWO NATIONAL TELEVISION NETWORKS, A NATIONAL RADIO NETWORK, AND TWO NEWSPAPERS. THE GOVERNMENT PARTY ITSELF ALSO CONTROLS ANOTHER TEN MEDIA OUTLETS IN LIMA. MOST MAJOR OPPOSITION PARTIES CONTROL THEIR OWN NEWSPAPER, AND OPPOSITION FIGURES FREQUENTLY HAVE ACCESS TO THE GOVERNMENT MEDIA AS WELL.

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29. THE MEDIA EXPRESSED GROWING CONCERN IN 1987 ABOUT GOVERNMENT ATTEMPTS TO UNDULY INFLUENCE OR CONTROL MEDIA COVERAGE. THEY MADE CREDIBLE CLAIMS THAT GOVERNMENT OFFICIALS USED NEWSPRINT

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SUPPLIES, STATE BANK LOANS, AND ACCESS TO THE NATIONAL TELECOMMUNICATIONS NETWORK TO AFFECT MEDIA COVERAGE. THE GOVERNMENT HAS DENIED ANY WRONGDOING. ANOTHER MEDIA COMPLAINT IS OCCASIONAL ARBITRARY GOVERNMENT BARRING OF JOURNALISTS FROM NEWS EVENTS AND THE CONFISCATION OF VIDEO AND PHOTOGRAPHIC MATERIAL OF INCIDENTS THE GOVERNMENT WOULD RATHER NOT HAVE PUBLICIZED. A SERIOUS PROBLEM IS THE VIRTUAL BARRING IN 1987 BY THE MILITARY OF MOST JOURNALISTS FROM TRAVEL IN THE COUNTRY-SIDE OF THE AYACUCHO EMERGENCY ZONE, APPARENTLY IN RESPONSE TO A 1986 MEDIA EXPOSE OF HUMAN RIGHTS VIOLATIONS THERE.

30. MORE DISTURBING ARE REPORTS OF GOVERNMENT OR GOVERNMENT PARTY VIOLENCE AGAINST JOURNALISTS AND OTHERS. IN ADDITION TO CREDIBLE ACCOUNTS OF THE APRA ATTEMPTED BOMBING AGAINST PRO-TERRORIST DAILY "EL DIARIO," THERE WERE TWO BOMBING ATTACKS IN SEPTEMBER AGAINST THE HOMES OF TWO JOURNALISTS FIERCELY CRITICAL OF THE GOVERNMENT. HE GOVERNMENT HAS DENIED ANY WRONGDOING BUT HAS NOT BEEN ABLE TO IDENTIFY LIMITED OFFICIAL USE

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THE PERPETRATORS.

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- B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION
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31. THESE RIGHTS ARE EXPRESSLY GUARANTEED IN THE CONSTITUTION AND ARE NORMALLY RESPECTED IN PRACTICE. MUNICIPAL AUTHORITIES USUALLY APPROVE PERMITS FOR DEMONSTRATIONS. UNAUTHORIZED DEMONSTRATIONS OCCUR AND, FOR THE MOST PART, THE GOVERNMENT DEALS WITH THEM IN A NONCONFRONTATIONAL MANNER. THE RIGHT TO ASSEMBLY IS SUSPENDED IN

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AREAS UNDER A STATE OF EMERGENCY. IN AUGUST, THERE WERE CREDIBLE REPORTS THAT APRA MEMBERS THREW BOMBS TO DISRUPT AN OPPOSITION MEETING IN AREQUIPA.

32. THE CONSTITUTION GUARANTEES WORKERS THE RIGHT TO ORGANIZE, TO BARGAIN COLLECTIVELY, AND TO STRIKE. UNIONS ARE REQUIRED TO ENGAGE IN DIRECT NEGOTIATIONS AND TO SEEK CONCILIATION AT THE MINISTRY OF LABOR PRIOR TO ANY STRIKE ACTION. PUBLIC SECTOR WORKERS, EXCEPT FOR THE MEMBERS OF THE POLICE AND ARMED FORCES AND SENIOR GOVERNMENT OFFICIALS, HAVE SIMILAR RIGHTS. THESE RIGHTS AND OBLIGATIONS HAVE BEEN GENERALLY RESPECTED. IN 1987, THERE WERE NUMEROUS ILLEGAL AND LEGAL WORK

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SUBJECT: 1987 COUNTRY REPORT ON HUMAN RIGHTS
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STOPPAGES MOTIVATED BY BOTH ECONOMIC AND POLITICAL FACTORS. SEVERAL OF THESE STRIKES PRODUCED DISTURBANCES THAT LED TO POLICE BREAKING UP OF

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ILLEGAL STRIKE DEMONSTRATIONS AND
BRIEF DETENTIONS OF UNION LEADERS.

33. ACCORDING TO THE GOVERNMENT, LESS
THAN 20 PERCENT OF THE WORK FORCE IS
ORGANIZED IN TRADE UNIONS. UNIONS ARE
NOT FORMALLY LINKED WITH POLITICAL
PARTIES, BUT LEADERS OF MOST LABOR
ORGANIZATIONS ARE ACTIVE PARTICIPANTS
IN PARTISAN POLITICAL ACTIVITIES.

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34. TOTAL MEMBERSHIP IN MARXIST-LED
UNIONS AND PEASANT ORGANIZATIONS IS
MUCH LARGER THAN IN ORGANIZATIONS LED
BY NON-MARXISTS. A SIGNIFICANT
PORTION OF THE LABOR FORCE, HOWEVER,
IS NOT REPRESENTED BY UNIONS AND
APPEARS NOT TO BE FIRMLY UNDER THE
INFLUENCE OF ANY POLITICAL GROUP.
LEADERS OF THE NATION'S LARGEST
LABOR CONFEDERATION MET WITH THE
PRESIDENT AND LABOR MINISTER AT MID-
YEAR TO DISCUSS A NUMBER OF TRADE
UNION AS WELL AS POLITICAL GRIEVANCES.
PERUVIAN LABOR CONFEDERATIONS AFFILIATE
FREELY WITH REGIONAL AND INTERNATIONAL
TRADE UNION ORGANIZATIONS OF ALL
IDEOLOGICAL TENDENCIES. THEIR MEMBERS
TRAVEL FREELY TO ATTEND TRADE UNION
MEETINGS AND EDUCATIONAL SEMINARS
HELD THROUGHOUT THE WORLD. PERU
IS AN ACTIVE MEMBER OF THE INTERNATIONAL
LABOR ORGANIZATION.

C. FREEDOM OF RELIGION

35. THE ROMAN CATHOLIC FAITH PREDOMINATES
IN PERU, AND THE CONSTITUTION FORMALLY
RECOGNIZES THE CHURCH'S IMPORTANCE. THE

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CONSTITUTION ESTABLISHES THE INDEPENDENCE OF CHURCH AND STATE AND GUARANTEES THE FREEDOM OF RELIGION AND CONSCIENCE. THESE LIMITED OFFICIAL USE

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RIGHTS ARE RESPECTED IN PRACTICE. MEMBERS OF MINORITY RELIGIONS ENCOUNTER NO DIFFICULTY IN PRACTICING THEIR FAITH OR IN EXEMPTING THEIR CHILDREN FROM RELIGIOUS INSTRUCTION IN PUBLIC SCHOOLS. MISSIONARY ORGANIZATIONS OPERATE FREELY IN THE COUNTRY WITH THE COOPERATION OF GOVERNMENT MINISTRIES.

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- D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION
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36. THE CONSTITUTION GUARANTEES THE RIGHT OF FREE MOVEMENT AND PROHIBITS THE EXILE OF CITIZENS. THERE ARE NO POLITICAL OR LEGAL CONSTRAINTS ON FOREIGN TRAVEL OR EMIGRATION; HOWEVER, FREEDOM OF MOVEMENT IS SUSPENDED IN THOSE AREAS UNDER A STATE OF EMERGENCY. PERU IS A PARTY TO THE 1967 UNITED NATIONS PROTOCOL ON THE STATUS OF REFUGEES. PERSONS FLEEING TURMOIL IN OTHER COUNTRIES TRADITIONALLY HAVE BEEN ENCOURAGED TO RETURN EVENTUALLY TO THEIR COUNTRY OF ORIGIN BUT HAVE NOT BEEN FORCED TO DO SO. INVOLUNTARY REPATRIATION OCCURS ONLY IN THE CASES OF PERSONS ACCUSED OF NONPOLITICAL CRIMES.

38. SUFFRAGE IS UNIVERSAL FOR PERSONS OVER 18 YEARS OF AGE, EXCEPT FOR MEMBERS OF THE MILITARY. IN APRIL 1985, PERU HELD OPEN AND FREE ELECTIONS FOR A PRESIDENT, TWO LIMITED OFFICIAL USE

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VICE PRESIDENTS, AND 240 CONGRESSMEN AND

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SUBJECT: 1987 COUNTRY REPORT ON HUMAN RIGHTS
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STOPPAGES MOTIVATED BY BOTH ECONOMIC
SENATORS.

39. THE JULY 1985 INAUGURATION OF
PRESIDENT GARCIA MARKED THE FIRST TRANSFER
OF POWER BETWEEN DEMOCRATICALLY ELECTED
GOVERNMENTS IN 40 YEARS AND THE FIRST
ACCESSION OF POWER OF THE AMERICAN
POPULAR REVOLUTIONARY ALLIANCE (APRA).
THE CURRENT ADMINISTRATION HAS A MAJORITY
IN THE CONGRESS. NATIONWIDE MUNICIPAL
ELECTIONS TOOK PLACE IN NOVEMBER 1986,
CONTESTED BY THREE MAJOR PARTIES AND
MORE THAN A HALF DOZEN SMALLER ONES.
ALTHOUGH MOST OF THE CONTESTS OCCURRED
WITHOUT INCIDENT, SEVERAL IMPORTANT
RACES WERE CLOSE AND LED OPPOSITION
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GROUPS TO CLAIM THE GOVERNMENT HAD
COMMITTED FRAUD OR IMPROPRIETIES.
IN JANUARY 1987, THE INDEPENDENT
NATIONAL ELECTIONS BOARD DECIDED NO
FRAUD HAD OCCURRED.

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

40. PERU IS AN ACTIVE MEMBER OF THE
UNITED NATIONS HUMAN RIGHTS COMMISSION.
THE GOVERNMENT WELCOMED VISITS IN 1986
BY AMNESTY INTERNATIONAL, AMERICAS WATCH,
AND THE UNITED NATIONS HUMAN RIGHTS
COMMISSION WORKING GROUP ON FORCED OR
INVOLUNTARY DISAPPEARANCES. NONE OF
THE ABOVE GROUPS SENT DELEGATIONS TO PERU IN 1987.
THE INTERNATIONAL COMMITTEE OF THE
RED CROSS (ICRC) HAS WORKED IN PERU
SINCE 1984. UNTIL 1987, THE ICRC HAD
ACCESS TO ALL PRISONS AND POLICE
STATIONS IN PERU, INCLUDING (STARTING
IN 1986) THOSE IN THE EMERGENCY ZONE
(BUT EXCLUDING MILITARY DETENTION
CENTERS). IN EARLY 1987, HOWEVER,
THE MILITARY WITHDREW THE ICRC'S PERMIS-
SION TO VISIT PRISONERS OR DETAINEES IN
THE AYACUCHO EMERGENCY ZONE. IN MAY
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1987, THE ANTI-TERRORISM POLICE (DIRCOTE)
REFUSED TO ALLOW THE ICRC CONTINUED
ACCESS UNDER CONDITIONS OF PRIVACY TO
PRISONERS IN DIRCOTE'S DETENTION CENTER.
LOCAL HUMAN RIGHTS GROUPS HAVE CRITICIZED
THESE DEVELOPMENTS; THE GOVERNMENT HAS
NOT RESPONDED PUBLICLY.

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41. THE FEBRUARY 1987 AMNESTY INTERNATIONAL SPECIAL REPORT ON THE 1986 PRISON KILLINGS WAS HIGHLY CRITICAL OF THE GOVERNMENT. AMONG ITS CHARGES, AMNESTY CLAIMED THERE HAD BEEN A "DELIBERATE COVERUP OF THE EVENTS BY CIVILIAN, AS WELL AS MILITARY, AUTHORITIES, WHICH TENDED TO HIDE THE NOTORIOUS VIOLATIONS OF HUMAN RIGHTS." THE GOVERNMENT LIMITED ITS RESPONSE TO CLAIMS THAT PORTIONS OF THE AMNESTY REPORT, WHICH IT NEVER IDENTIFIED, WERE FALSE. THE GOVERNMENT HAS NOT ADDRESSED SPECIFIC CRITICISMS VOICED IN REGULAR AMNESTY INTERNATIONAL OR AMERICAS WATCH REPORTS. SOME GOVERNMENT OFFICIALS HAVE CRITICIZED FOREIGN AND DOMESTIC HUMAN RIGHTS GROUPS FOR NOT PAYING ENOUGH ATTENTION TO TERRORIST VIOLATIONS OF HUMAN RIGHTS.

42. THE INDEPENDENT NATIONAL COORDINATOR FOR HUMAN RIGHTS GROUPS TOGETHER SEVERAL PRIVATE HUMAN RIGHTS ORGANIZATIONS. THESE INCLUDE THE ASSOCIATION FOR HUMAN RIGHTS, THE CATHOLIC CHURCH'S EPISCOPAL COMMISSION FOR SOCIAL ACTION, THE NATIONAL

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HUMAN RIGHTS COMMISSION, AND THE

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H-01 IO-19 ARA-00 SSO-00 L-03 LAB-04 STR-17
SIL-01 INRE-00 RP-10 SP-02 /079 W
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TAGS: PHUM, PE
SUBJECT: 1987 COUNTRY REPORT ON HUMAN RIGHTS
- PRACTICES IN PERU

STOPPAGES MOTIVATED BY BOTH ECONOMIC
INSTITUTE FOR LEGAL DEFENSE. SMALLER
GROUPS WORK IN OTHER CITIES. THESE
GROUPS ARE CREDIBLE OBSERVERS. THEY
CONCENTRATE, HOWEVER, ON GOVERNMENT
AS OPPOSED TO TERRORIST HUMAN RIGHTS ABUSES.
LIMA IS ALSO THE HEADQUARTERS OF THE
ANDEAN COMMISSION OF JURISTS. WHICH
SPONSORS HUMAN RIGHTS ANALYSIS IN PERU
AND THE ANDEAN REGION. LOCAL HUMAN
RIGHTS GROUPS HAVE NOT BEEN HARASSED
OR THREATENED BY THE GOVERNMENT. THE
GROUPS COMPLAIN THAT THEIR REQUESTS TO
THE GOVERNMENT FOR INFORMATION ARE OFTEN
IGNORED.

43. LOCAL HUMAN RIGHTS GROUPS REMAINED
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WORRIED IN 1987 ABOUT TRENDS IN THE HUMAN
RIGHTS SITUATION. WHILE RECOGNIZING THAT
DISAPPEARANCES AND SUMMARY EXECUTIONS BY
THE SECURITY FORCES MAY HAVE STABILIZED,
THEY WERE CONCERNED THAT GOVERNMENT
RESTRICTION OF INDEPENDENT OBSERVERS'
ACCESS TO THE ZONES OF CONFLICT WOULD
LEAD TO UNDERREPORTING OF ABUSES AND
THAT THE GOVERNMENT HAD NOT ADOPTED
MEASURES THAT WOULD REDUCE VIOLATIONS
FURTHER. THE GROUPS ALSO POINT OUT
THAT TERRORISTS ARE SEEKING TO PROVOKE
THE GOVERNMENT INTO ILLEGAL RESPONSES.
LOCAL GROUPS ARE CONCERNED THAT RECENT

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EVENTS SUCH AS THE "EL DIARIO" BOMBING
INCIDENT FORESHADOW INCREASED GOVERNMENT
OR GOVERNMENT PARTY USE OF ILLEGAL
VIOLENCE AGAINST TERRORISTS AND
POLITICAL OPPONENTS.

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ACTION HA-09

INFO	LOG-00	COPY-01	ADS-00	INR-10	SS-00	OIC-02	EB-00
	H-01	IO-19	ARA-00	SSO-00	L-03	LAB-04	STR-17
	SIL-01	INRE-00	RP-10	SP-02	/079 W		
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CONDITIONS OF LABOR

46. PERUVIAN LAW PROHIBITS THE EMPLOYMENT
OF CHILDREN UNDER 14 YEARS OF AGE BUT
ALLOWS THE EMPLOYMENT OF OLDER CHILDREN
WHO ARE LITERATE. ALTHOUGH MINIMUM WAGE
LEGISLATION GENERALLY IS ENFORCED IN
ALL SECTORS OF THE OFFICIAL ECONOMIC
SYSTEM, CHRONIC SOCIAL PROBLEMS LEAD
MANY DESTITUTE CHILDREN TO SEEK A LIVING
ON THE STREETS.

47. EMPLOYERS ARE REQUIRED BY LAW TO PAY
A MINIMUM WAGE. MINISTRY OF LABOR
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INSPECTORS ARE CHARGED WITH ENFORCING COMPLIANCE WITH WORKPLACE SAFETY AND HEALTH REGULATIONS. BOTH PUBLIC AND PRIVATE SECTOR EMPLOYEES ARE COVERED UNDER THE STATE-RUN SOCIAL SECURITY INSTITUTE HEALTH PLAN. WORKERS HAVE AN EIGHT-HOUR WORKDAY AND AN OFFICIAL WORK WEEK OF 40 HOURS.

WATSON

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