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E.O. 12356: DECL: OADR  
TAGS: SHUM, PE  
SUBJECT: 1986 HUMAN RIGHTS REPORT FOR PERU

REF: STATE 005333

1. C - ENTIRE TEXT.
2. THE FOLLOWING IS THE FINAL TEXT OF THE 1986 HUMAN RIGHTS REPORT AS IT WAS DELIVERED TO CONGRESS JAN. 31.
3. EMBARGO AND RELEASE: POST IS REMINDED, PER REFTEL, THAT REPORT IS TO REMAIN CLASSIFIED UNTIL RELEASED BY CONGRESS ON FEB. 19. ONLY THE PUBLIC VERSION WILL BECOME UNCLASSIFIED WHILE ALL EARLIER DRAFTS REMAIN RPT REMAIN CONFIDENTIAL. POST MUST TAKE GREAT CARE THAT TEXT OF REPORTS SENT IN ADVANCE ARE CLOSELY HELD. TEXT MAY NOT BE GIVEN TO HOST GOVERNMENT, MEDIA REPRESENTATIVES, DIPLOMATIC COLLEAGUES, OR OTHERS UNTIL SPECIFIC AUTHORIZATION HAS BEEN RECEIVED FROM THE DEPARTMENT. HA EXPECTS TO CABLE THIS AUTHORIZATION TO ALL POSTS ON FEB.

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UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: OSCAR J. OLSON  
DATE/CASE ID: 8 AUG 2001 200102000

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## 4. BEGIN TEXT:

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 DEFENDER. POLITICAL REPRESENTATION IN CONGRESS RANGES FROM CONSERVATIVE TO MARXIST. INDEPENDENT TRADE UNIONS ARE ACTIVE. ALTHOUGH THERE ARE ALLEGATIONS OF GOVERNMENT PRESSURE ON THE MEDIA, ALL OPPOSITION GROUPS CAN FREELY EXPRESS THEIR VIEWS. PERU'S HISTORY HAS BEEN PUNCTUATED BY PERIODS OF MILITARY RULE, MOST RECENTLY FROM 1968 TO 1980. PERU HELD GENERAL ELECTIONS IN APRIL 1985, AND MUNICIPAL ELECTIONS WERE HELD IN NOVEMBER 1986. THE OPPOSITION CLAIMED THERE WERE IMPROPRIETIES IN A FEW CLOSE, IMPORTANT RACES; AS OF EARLY JANUARY 1987, THE ELECTIONS BOARD HAD NOT RULED ON THE VALIDITY OF ALL THE ALLEGATIONS REGISTERED. PRESIDENT ALAN GARCIA TOOK OFFICE IN JULY 1985, MARKING THE FIRST TRANSFER OF POWER BETWEEN DEMOCRATICALLY ELECTED PRESIDENTS IN 40 YEARS AND THE FIRST ACCESSION TO POWER OF THE AMERICAN POPULAR REVOLUTIONARY ALLIANCE (APRA) IN ITS 60 YEARS OF EXISTENCE. THE NEW ADMINISTRATION HAS REPEATEDLY STATED THE IMPORTANCE IT PLACES ON RESPECT FOR HUMAN RIGHTS.

PERU HAS A MIXED ECONOMY WITH A LARGE PRIVATE SECTOR, AND PRIVATE PROPERTY IS GENERALLY RESPECTED. NATURAL DISASTERS AND LOW COMMODITY PRICES HAVE SERIOUSLY AFFECTED THE ECONOMY IN RECENT YEARS, AND PER CAPITA INCOME HAS DECLINED TO THE 1966 LEVEL. THE GOVERNMENT HAS INITIATED AN AMBITIOUS DEVELOPMENT PROGRAM TO IMPROVE

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CONDITIONS OF THE POOR, FOCUSING ON MOUNTAIN AREAS MOST AFFECTED BY TERRORISM.

SINCE 1980 THE MAOIST TERRORIST GROUP "SENDERO LUMINOSO" ("SHINING PATH") HAS WORKED TO UNDERMINE DEMOCRATIC INSTITUTIONS. REJECTING CALLS FOR DIALOGUE, AND LACKING WIDESPREAD POPULAR SUPPORT, SENDERO HAS ASSASSINATED LOCAL AUTHORITIES, MEMBERS OF THE SECURITY FORCES, AND APRA PARTY MEMBERS, AND HAS DESTROYED ECONOMIC INFRASTRUCTURE. DURING 1986 SENDERO STEPPED UP ITS ATTACKS IN THE CAPITAL, LIMA, AND IN RURAL AREAS, KILLING

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OVER 425 PERSONS BETWEEN JANUARY AND AUGUST. ALTHOUGH NOT ALONE IN COMMITTING ABUSES, SENDERO IS A MAJOR HUMAN RIGHTS VIOLATOR AND BEARS HEAVY RESPONSIBILITY FOR THE RISE IN VIOLENCE IN PERU.

THREE POLICE SERVICES PLAY AN IMPORTANT ROLE IN COMBATING TERRORISM, REPORTING TO THE PRESIDENT THROUGH THE

INTERIOR MINISTRY. THE ANTITERRORIST ROLE OF THE ARMED FORCES HAS INCREASED DRAMATICALLY SINCE 1983, AS ALL EXECUTIVE BRANCH AUTHORITY IS VESTED IN THE LOCAL MILITARY COMMAND IN AREAS UNDER A STATE OF EMERGENCY. A STATE OF EMERGENCY, DECLARED BY THE PRESIDENT, SUSPENDS RESTRICTIONS ON ARBITRARY DETENTION AND SEARCH WARRANTS AND RESTRICTS THE RIGHTS TO MOVEMENT AND ASSEMBLY. BY 1986 SUCH MEASURES WERE IN EFFECT IN 24 OF PERU'S 181 PROVINCES, INCLUDING LIMA.

IN 1986 THERE WERE REPORTS OF GOVERNMENT ABUSES, INCLUDING SUMMARY EXECUTIONS, DISAPPEARANCES, TORTURE, AND ARBITRARY ARRESTS. ALTHOUGH ALLEGATIONS OF DISAPPEARANCES CONTINUED TO DROP SUBSTANTIALLY, SEVERAL CASES OF SUMMARY EXECUTIONS CARRIED OUT BY SECURITY FORCES WERE ACKNOWLEDGED BY THE GOVERNMENT IN THE COURSE OF THE YEAR.

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DURING PRISON RIOTS IN JUNE, SECURITY FORCES ALLEGEDLY EXECUTED BETWEEN 100 AND 128 INMATES AFTER THEY HAD SURRENDERED. SOME 40 POLICEMEN ACCUSED OF THESE SUMMARY EXECUTIONS ARE IMPRISONED AWAITING INVESTIGATION OF THIS INCIDENT. HUMAN RIGHTS GROUPS EXPRESSED CONCERN THAT SUMMARY EXECUTIONS HAD ALSO TAKEN PLACE AT ANOTHER PRISON DURING THE RIOTS. IN AYACUCHO, THE MILITARY ACKNOWLEDGED THAT AN ARMY PATROL HAD VIOLATED ORDERS AND EXECUTED SEVEN ALLEGED TERRORISTS, AND HAD REPORTED THE KILLINGS AS CASUALTIES IN AN ARMED CONFRONTATION.

PRESIDENT GARCIA HAS REPEATEDLY STATED HIS OPPOSITION TO HUMAN RIGHTS ABUSES AND HIS SUPPORT FOR PUNISHMENT OF VIOLATORS. AFTER THE PRISON RIOTS, HE PROMISED A FULL INVESTIGATION; HOWEVER, THE PROBE WAS REPEATEDLY POSTPONED, AND NONE HAD BEGUN BY THE END OF THE YEAR. IN THE AYACUCHO INCIDENT, THE ARMY FILED COMPLAINTS WITH THE

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MILITARY JUDICIAL SYSTEM AGAINST THE TWO OFFICERS IN CHARGE OF THE PATROL AND ALL OTHER PERSONNEL RESPONSIBLE.

THE JUDICIAL SYSTEM FACES SIGNIFICANT PROBLEMS IN DEALING WITH ACCUSED TERRORISTS AND HUMAN RIGHTS OFFENDERS. CIVILIAN JUDGES COMPLAIN OF TERRORIST THREATS AND LACK OF POLICE PROTECTION. IN OCTOBER THE GOVERNMENT INTRODUCED LEGISLATION TO CREATE A PROTECTED CIVILIAN COURT SYSTEM FOR TERRORISM CASES. MILITARY TRIALS OF HUMAN RIGHTS VIOLATIONS ARE CLOSED AND HAVE YET TO PRODUCE A CONVICTION. A NAVY OFFICER ACCUSED OF HUMAN RIGHTS VIOLATIONS DISAPPEARED IN FEBRUARY; THE GOVERNMENT DID NOT INVESTIGATE HIS DISAPPEARANCE, DESPITE ALLEGATIONS HE HAD FLED WITH THE HELP OF HIS SUPERIORS.

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RESPECT FOR HUMAN RIGHTS

SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING

FREEDOM FROM:

## A. POLITICAL KILLING

POLITICAL KILLING HAS BEEN A SIGNIFICANT PROBLEM IN PERU SINCE 1980 WHEN SENDERO LUMINOSO BEGAN ITS TERRORIST ATTACKS. REJECTING DIALOGUE AND COMMITTED TO THE OVERTHROW OF DEMOCRACY, SENDERO ASSASSINATED POLICEMEN, SOLDIERS, LOCAL OFFICIALS, AND RECALCITRANT PEASANTS, SOMETIMES AFTER TORTURE OR MOCK TRIALS. SENDERO ALSO TARGETED RURAL INFRASTRUCTURE, DESTROYING BRIDGES AND ELECTRICAL TRANSMISSION TOWERS. IN THE CITIES, SENDERO FREQUENTLY BOMBED RESTAURANTS, SHOPPING CENTERS, MOVIE THEATERS, AND FOREIGN EMBASSIES, AND SET OFF CAR BOMBS. IN THE COUNTRYSIDE, SENDERO OFTEN RAIDED VILLAGES AT NIGHT, DRAGGING LOCAL OFFICIALS FROM BED TO FACE A MOCK TRIAL AND EXECUTION. THE MILITARY REPORTED 2,123 TERRORIST INCIDENTS NATIONWIDE BETWEEN JANUARY AND SEPTEMBER. ATTACKS IN LIMA AND RURAL AREAS RESULTED IN THE DEATHS OF APPROXIMATELY 527 PEOPLE BETWEEN JANUARY AND DECEMBER, INCLUDING 107 POLICE AND MILITARY PERSONNEL AND 420 CIVILIANS. SENDERO ATTACKS INCLUDED THE FEBRUARY EXECUTION OF 11 PEASANTS IN APURIMAC PROVINCE; THE MARCH

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ASSASSINATIONS OF THE ICA DEPARTMENT PREFECT, A NAVY OFFICER, AND 2 LABOR LEADERS; THE MAY ASSASSINATION OF AN ADMIRAL AND 3 APRA PARTY MEMBERS, AND THE DESTRUCTION OF A MAJOR RAILROAD BRIDGE; JUNE BOMBINGS IN A LIMA PLAZA WHICH KILLED 2 CIVILIANS; BOMBING OF A TOURIST TRAIN IN CUZCO WHICH KILLED 8 PERSONS, INCLUDING 2 AMERICANS; THE MURDER OF 5 DEVELOPMENT TECHNICIANS IN AYACUCHO; AND THE OCTOBER ASSASSINATION OF A BANK PRESIDENT.

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TWO OTHER TERRORIST GROUPS, THE TUPAC AMARU REVOLUTIONARY MOVEMENT (MRTA) AND THE PEOPLES REVOLUTIONARY COMMAND (CPR-MIR), WERE REPORTED TO HAVE KILLED TWO PEOPLE.

SINCE 1983 THE ARMED FORCES HAVE ASSUMED MAJOR ANTITERRORIST DUTIES. TERRORIST CASUALTIES MOUNTED AS DID ALLEGATIONS OF BOTH ACCIDENTAL AND DELIBERATE MILITARY KILLINGS OF CIVILIANS, IN ADDITION TO SUMMARY EXECUTIONS OF TERRORISTS. ACCORDING TO PRESS AND ARMY COMMUNIQUES, THE ARMED FORCES HAD KILLED ABOUT 813 TERRORISTS AS OF AUGUST. PERUVIAN HUMAN RIGHTS GROUPS BELIEVE THIS FIGURE INCLUDES SUMMARY EXECUTIONS OF BOTH

SUSPECTED TERRORISTS AND INNOCENT PERSONS. SOME OBSERVERS CLAIM THAT THE NUMBER OF EXTRAJUDICIAL KILLINGS BY SECURITY FORCES, WHICH HAD DECLINED DURING 1985, ROSE IN 1986. SUCH ALLEGATIONS OFTEN ARE DIFFICULT TO EVALUATE: OFFICIAL COMMUNIQUES FREQUENTLY LACK IMPORTANT INFORMATION ABOUT VICTIMS; LOCAL AUTHORITIES OFTEN REFUSE TO INVESTIGATE; AND THE THREAT OF VIOLENCE DISCOURAGES PRIVATE OBSERVERS FROM TRAVELING IN CONFLICTIVE AREAS.

SOME CLAIMS OF GOVERNMENT ABUSES APPEAR POLITICALLY MOTIVATED. AN ALLEGED 1985 MILITARY BOMBARDMENT OF CHAPI, A VILLAGE WITH A POPULATION OF 300, SUPPOSEDLY KILLED 3,000 PEOPLE. A BRIEF CONGRESSIONAL INVESTIGATION FOUND CHAPI DESERTED, BUT NO PROOF OF AERIAL BOMBARDMENT, MASSIVE DEATHS, OR ANY HARD EVIDENCE OF HUMAN RIGHTS VIOLATIONS. HOWEVER, THE GOVERNMENT'S PUBLIC ACKNOWLEDGMENT THAT MILITARY AND POLICE FORCES WENT BEYOND THE SCOPE OF THEIR ORDERS INDICATES THAT SERIOUS PROBLEMS REMAIN IN THE CONDUCT OF COUNTERTERRORIST OPERATIONS. THE MOST RECENT EXAMPLE OCCURRED IN OCTOBER

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IN THE TOWNS OF POMATAMBO AND PARCCO. A MILITARY COMMUNIQUE CLAIMED THAT 13 TERRORISTS HAD DIED THERE IN A CLASH WITH AN ARMY PATROL. JOURNALISTS LATER UNCOVERED EVIDENCE THAT 12 OF THE PERSONS HAD BEEN SUMMARILY EXECUTED BY SOLDIERS AND THEIR CORPSES BURNED. THE VICTIMS INCLUDED 2 CHILDREN AND 2 PERSONS OVER 80 YEARS OLD. THE MILITARY SUBSEQUENTLY ACKNOWLEDGED THAT THE PATROL HAD EXECUTED 7 SUSPECTED TERRORISTS, AND KILLED 5 OTHERS IN A FIREFIGHT; IT SAID THOSE RESPONSIBLE WOULD BE INVESTIGATED AND CHARGED IN MILITARY COURTS. THE MILITARY REPORTEDLY HAS NOT COOPERATED WITH AN INVESTIGATION BY A DISTRICT ATTORNEY IN THE CASE. A CONGRESSIONAL COMMISSION NAMED TO LOOK INTO THE INCIDENT HAS NOT RECEIVED PERMISSION FROM THE CONGRESS TO TRAVEL TO THE SITE.

THE SECURITY FORCES' ACTIONS IN RESPONSE TO THE JUNE 18 RIOTS BY SENDERO INMATES AT THREE LIMA PRISONS WERE WIDELY CONDEMNED. SENDERO MEMBERS HAD CONTROLLED SPECIAL TERRORIST CELLBLOCKS FOR SOME TIME. THE INMATES WERE ARMED AND IN EL FRONTON PRISON HAD BUILT TUNNELS AND BUNKERS. THE GOVERNMENT PEACE COMMISSION, ESTABLISHED IN LATE 1985, UNSUCCESSFULLY ATTEMPTED TO PERSUADE THE RIOTERS TO RELEASE THEIR HOSTAGES AND PERMIT AUTHORITIES TO REGAIN CONTROL OVER THE CELLBLOCKS. AFTER CONSULTING THE CABINET AND HIS MILITARY ADVISERS ON JUNE 18, PRESIDENT GARCIA ORDERED MILITARY AND POLICE FORCES TO RETAKE THE THREE PRISONS. APPROXIMATELY 234 PRISONERS DIED IN THE 2-DAY ASSAULT ON EL FRONTON, LURIGANCHO, AND

SANTA BARBARA PRISONS. AT EL FRONTON THE NAVY INITIALLY REPORTED 30 PRISONERS DEAD AND 35 CAPTURED; THE BODIES OF AN ESTIMATED 78 PRISONERS WERE ALLEGEDLY BURIED IN THE RUBBLE OF A MAZE OF TUNNELS CONSTRUCTED AND FORTIFIED BY THE INMATES. AT LURIGANCHO ALL 124 SENDERO PRISONERS PERISHED. AT THE SANTA BARBARA WOMEN'S PRISON TWO

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PRISONERS DIED IN THE ATTACK. THE MILITARY EXCLUDED CIVILIAN AUTHORITIES FROM THE PRISONS, REPORTEDLY CARRIED OUT CURSORY AUTOPSIES, AND BURIED THE BODIES IN SCATTERED CEMETERIES WITHOUT NOTIFYING RELATIVES.

AS A RESULT OF THE HEAVY DEATH TOLL, THE GOVERNMENT ISSUED A COMMUNIQUE JUNE 21 IN WHICH IT "PRESUMED" THAT SECURITY FORCES HAD COMMITTED "EXCESSES," AND CALLED UPON THE MILITARY, THE PUBLIC MINISTRY, AND THE CONGRESS TO INVESTIGATE. ON JUNE 24 PRESIDENT GARCIA ANNOUNCED THAT 95 POLICEMEN HAD BEEN DETAINED IN CONNECTION WITH THE SUMMARY EXECUTION OF "30 TO 40" INMATES AT LURIGANCHO, LATER REVISED TO "OVER 100". GARCIA REITERATED HIS GOVERNMENT'S STRONG COMMITMENT TO HUMAN RIGHTS AND ANNOUNCED THAT THOSE RESPONSIBLE FOR THE KILLINGS WOULD BE PUNISHED. THE JUSTICE MINISTER AND THE PRISON INSTITUTE DIRECTOR, WHO HAD BEEN IN OFFICE ONLY A FEW MONTHS, RESIGNED. ALTHOUGH ARMY GENERAL JORGE RABANAL COMMANDED THE OVERALL OPERATION AT LURIGANCHO, AN ARMY INVESTIGATION CONCLUDED THAT THE POLICE HAD CARRIED OUT THE EXECUTIONS. THE POLICE COUNTERED THAT THE POLICEMEN WERE UNDER ARMY COMMAND. THE POLICE INSPECTOR GENERAL'S REPORT SUBMITTED TO CONGRESS PLACED POLICE CHIEF MARTINEZ LIRA AND GENERAL RABANAL AT THE SCENE OF THE EXECUTIONS. THE ATTORNEY GENERAL'S REPORT FAILED TO ESTABLISH RESPONSIBILITY. CONGRESS, CONTROLLED BY THE GOVERNMENT PARTY, DID NOT NAME AN INVESTIGATIVE COMMISSION UNTIL AUGUST 22; IT THEN APPOINTED AN OPPOSITION MEMBER AS THE COMMISSION PRESIDENT WITHOUT FIRST CONSULTING HIM. THE PERSON CHOSEN RESIGNED ON AUGUST 26. NO REPLACEMENT WAS NAMED, AND THE COMMISSION HAS FAILED TO FUNCTION.

IN JULY GENERAL RABANAL REFUSED TO APPEAR BEFORE A LOCAL

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PROSECUTOR WHO BROUGHT CHARGES AGAINST HIM, CITING CONFLICTING APPOINTMENTS IN A MILITARY JUDICIAL INVESTIGATION WHICH HAD CHARGED HIM WITH NEGLIGENCE AND ABUSE OF AUTHORITY IN THE LURIGANCHO EPISODE. IN AUGUST THE SUPREME COURT RULED THAT THE MILITARY COURT HAS JURISDICTION OVER GENERAL RABANAL AND THE 40 POLICEMEN INVOLVED IN THE ASSAULT. HUMAN RIGHTS ADVOCATES AND OPPOSITION POLITICIANS CLAIM ADDITIONAL SUMMARY EXECUTIONS TOOK PLACE AT EL FRONTON, BUT THERE HAS BEEN

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NO INVESTIGATION OF THESE CHARGES.

B. DISAPPEARANCE

DISAPPEARANCES HAVE DECLINED DRAMATICALLY UNDER THE CURRENT ADMINISTRATION, AND THIS TREND CONTINUED IN 1986. THE PUBLIC MINISTRY'S HUMAN RIGHTS OFFICE RECEIVED 175 REPORTS OF ALLEGED DISAPPEARANCES AS OF OCTOBER, WHILE OTHER PERUVIAN HUMAN RIGHTS GROUPS CLAIM TO HAVE RECEIVED ABOUT 75 DISAPPEARANCE REPORTS OVER APPROXIMATELY THE SAME TIME PERIOD. OF THE 276 CASES REPORTED TO THE PUBLIC MINISTRY IN THE FIRST 15 MONTHS OF THE GARCIA ADMINISTRATION, 162 HAD BEEN RESOLVED AS OF OCTOBER.

AMNESTY INTERNATIONAL HAS LISTED A TOTAL OF 1,100 DISAPPEARANCES AS OF DECEMBER 1985; LOCAL GROUPS HAVE PRESENTED ABOUT 800 CASES WITH MORE COMPLETE DOCUMENTATION TO THE UNITED NATIONS HUMAN RIGHTS COMMISSION WORKING GROUP ON FORCED OR INVOLUNTARY DISAPPEARANCES. THE PUBLIC MINISTRY HAD 2,219 CASES REPORTED PRIOR TO JULY 1985 WHEN THE PRESENT ADMINISTRATION CAME TO POWER. OF THESE, ONLY 198 HAVE BEEN RESOLVED; THE REMAINDER ARE UNDER INVESTIGATION. ALTHOUGH MANY OF THESE CASES ARE BASED ON FRAGMENTARY DATA, THE MINISTRY HAS COMPILED MUCH INFORMATION ON DISAPPEARANCES, SEEKING TO ENLIST THE AID OF POLICE AND

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OTHER OFFICIALS.

THE VAST MAJORITY OF RESOLVED CASES FOUND THE ALLEGED VICTIM ALIVE. SOME DISAPPEARANCES INVOLVED PERSONS WHO JOINED SENDERO, OR WHO WERE DETAINED AND RELEASED BUT WHOSE FAMILIES FAILED TO NOTIFY THE AUTHORITIES. CLAUDIO BELLIDO, A SENDERO LEADER ALSO KNOWN AS COMRADE CASZELLY, WHOM SECURITY FORCES REPORTEDLY KILLED IN OCTOBER, HAD BEEN LISTED AS MISSING BY AMNESTY INTERNATIONAL FOR 2 YEARS.

WHILE NOTING THAT THE NUMBER OF DISAPPEARANCES HAS DECLINED SINCE THE PRESENT ADMINISTRATION TOOK OFFICE, DOMESTIC AND INTERNATIONAL HUMAN RIGHTS GROUPS HAVE EXPRESSED SERIOUS CONCERN ABOUT DISAPPEARANCES ALLEGEDLY

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CARRIED OUT BY THE SECURITY FORCES. AMNESTY INTERNATIONAL LISTS ABOUT 90 OF THE EL FRONTON PRISON VICTIMS AS "DISAPPEARED." LOCAL HUMAN RIGHTS GROUPS, HOWEVER, HAVE NO DOUBT THAT THE PRISONERS UNACCOUNTED FOR WERE KILLED DURING OR AFTER THE FINAL ASSAULT. HUMAN RIGHTS GROUPS CAUTION THAT DISAPPEARANCES IN ISOLATED AREAS ARE LESS LIKELY TO BE REPORTED. SOME CASES REPORTED BY THE PRESS ARE NOT INVESTIGATED PROMPTLY. AN

EXAMPLE IS THE CASE OF TEOFILO RIMAC CAPCHA, A MARXIST WHO DISAPPEARED AFTER BEING DETAINED JUNE 23 BY THE SECURITY FORCES IN CERRO DE PASCO. NOT UNTIL AUGUST DID THE ARMY ACKNOWLEDGE THAT CAPCHA HAD BEEN DETAINED; THE ARMY CLAIMED THAT HE HAD ESCAPED FROM PRISON ON JUNE 25. AS OF OCTOBER HIS CASE WAS NOT ON THE LIST OF ALLEGED DISAPPEARANCES MAINTAINED BY THE ATTORNEY GENERAL. LEFTIST POLITICIANS DISPUTE THE CLAIM THAT CAPCHA ESCAPED AND BELIEVE HE WAS KILLED OR REMAINS DETAINED. THE

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SENATE AGREED IN NOVEMBER TO SEND A COMMISSION TO INVESTIGATE THE DISAPPEARANCE, BUT AS OF THE END OF THE YEAR IT HAD NOT DONE SO.

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

THE CONSTITUTION PROHIBITS TORTURE AND INHUMAN OR HUMILIATING TREATMENT. NEVERTHELESS, CHARGES OF BRUTALITY TOWARD DETAINEES AND ACCUSED CRIMINALS HAVE BEEN COMMONPLACE, PARTICULARLY IN THE AYACUCHO EMERGENCY ZONE. IN DECEMBER THE GOVERNMENT AGREED THAT "EXCESSES" HAD OCCURRED IN SOME CASES, BUT ASSERTED THAT OFFICIALS WHO CONDONED SUCH ILLEGAL ACTS WERE PUNISHED. THE GOVERNMENT IS INVESTIGATING CHARGES OF BRUTALITY AND TORTURE IN TWO CASES INVOLVING SUSPICIOUS DEATHS OF SUSPECTS IN POLICE DETENTION. IN ONE CASE THREE POLICEMEN WERE IMPLICATED AND ARE AWAITING TRIAL IN THE BEATING DEATH OF A ROBBERY SUSPECT, NICANOR DIAZ BAUTISTA. AN AUTOPSY OF ANOTHER ROBBERY SUSPECT, ERASMO GERMAN JAVIER RODRIGUEZ, REVEALED THAT HE HAD BEEN BEATEN AND SUBJECTED TO ELECTRIC SHOCKS. THESE CASES ARE UNDER JUDICIAL INVESTIGATION. FIVE ACCUSED TERRORISTS, LATER FREED FOR LACK OF EVIDENCE, CLAIMED POLICE HAD BEATEN AND

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SEXUALLY MISTREATED THEM IN CUZCO IN NOVEMBER.

SOME LOCAL HUMAN RIGHTS GROUPS AND CRIMINAL LAWYERS STATE PRIVATELY THAT THE SECURITY FORCES FREQUENTLY ENGAGE IN ABUSIVE PRACTICES TOWARD DETAINEES. PRISON CONDITIONS ARE EXTREMELY POOR, AND DETAINEES ARE LIKELY TO ENCOUNTER LIMITED HYGIENIC FACILITIES, POOR NUTRITION, ILL-TREATMENT BY PRISON STAFF, AND ABUSE FROM OTHER PRISONERS WHO TAKE ADVANTAGE OF LAX SUPERVISION. THE GOVERNMENT HAS MOVED TO IMPROVE PRISON CONDITIONS. DURING 1986 IT CLOSED THE INFAMOUS "EL SEXTO" JAIL AND OPENED A MORE MODERN MAXIMUM SECURITY PRISON AT CANTO

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GRANDE. IT CONTINUED TO REDUCE PRISON OVERCROWDING BY RELEASING MINOR OFFENDERS AND IMPROVED CONDITIONS AT WOMEN'S PRISONS.

D. ARBITRARY ARREST, DETENTION, OR EXILE .

THE CONSTITUTION REQUIRES THAT PERSONS ARRESTED 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, INCLUDING LIMA, UNDER A STATE OF EMERGENCY. ARRAIGNMENT NORMALLY OCCURS IN A TIMELY MANNER. ARRESTED PERSONS ARE ENTITLED TO HAVE AN ATTORNEY PRESENT WHEN THEY MAKE STATEMENTS TO THE POLICE. PUBLIC PROSECUTORS FROM THE ATTORNEY GENERAL'S OFFICE ARE SUPPOSED TO BE PRESENT DURING INTERROGATIONS TO ENSURE THAT STATEMENTS ARE NOT MADE UNDER THREAT OR COERCION. HUMAN RIGHTS GROUPS CONTINUE TO EXPRESS CONCERN THAT THESE SAFEGUARDS ARE NOT ALWAYS RESPECTED BY AUTHORITIES, ESPECIALLY IN CASES INVOLVING TERRORISM IN AREAS UNDER A STATE OF EMERGENCY. THESE GROUPS CLAIM SECURITY FORCES FREQUENTLY DETAIN CITIZENS ARBITRARILY FOR BRIEF PERIODS, BUT STATISTICS ARE LACKING. THE GOVERNMENT REPORTED THAT SEVERAL DOZEN PERSONS, WHO WERE REPORTED TO HAVE DISAPPEARED IN 1986, LATER TURNED UP IN POLICE OR MILITARY CUSTODY.

THE CONSTITUTION RECOGNIZES THE CONCEPT OF JUDICIAL DETERMINATION OF THE LEGALITY OF DETENTION. HUMAN RIGHTS GROUPS POINT OUT, HOWEVER, THAT REQUESTS FOR SUCH

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JUDGMENTS IN AREAS UNDER A STATE OF EMERGENCY FREQUENTLY ARE IGNORED OR DISMISSED, EVEN THOUGH A STATE OF EMERGENCY DECREE DOES NOT SUSPEND THIS RIGHT. ALTHOUGH

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BAIL IS AVAILABLE IN MOST CASES, IN PRACTICE THE GOVERNMENT DENIES IT TO ACCUSED TERRORISTS.

THE CONSTITUTION PROHIBITS COMPULSORY LABOR OR UNPAID PERSONAL SERVICE.

## E. DENIAL OF FAIR PUBLIC TRIAL

THE PERUVIAN JUDICIARY IS AN INDEPENDENT BRANCH OF GOVERNMENT. JUDICIAL APPOINTMENTS ARE MADE FOR LIFE; ONLY SUPREME COURT JUSTICES REQUIRE LEGISLATIVE APPROVAL. THE LEGAL SYSTEM IS BASED 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 5 MONTHS, FOLLOWED BY A PUBLIC TRIAL. SENTENCES MAY BE APPEALED, AND COURTS MAY SEND CASES BACK TO LOWER COURTS FOR ADDITIONAL INVESTIGATION. ALTHOUGH PUBLIC DEFENDERS EXIST, THEIR NUMBERS ARE INADEQUATE; MOST DEFENDANTS MUST PAY FOR LEGAL COUNSEL OR DEPEND UPON PUBLIC DEFENSE

LAWYERS. UNTIL JULY, ALL TERRORIST TRIALS WERE HELD IN LIMA; MOST PERSONS ACCUSED OF TERRORISM ARE HELD WITHOUT BAIL.

THE COURTS FACE SEVERE BACKLOGS, A PRODUCT OF THE SHARP INCREASE IN TERRORISM CASES, INEFFICIENCY, AND, ACCORDING TO SOME OBSERVERS, INFLUENCE PEDDLING. ACCORDING TO THE GOVERNMENT, THE MAJORITY OF PRISONERS HAVE NOT BEEN SENTENCED AND REMAIN AT SOME STAGE IN THE TRIAL PROCESS. LOCAL HUMAN RIGHTS GROUPS HAVE DOCUMENTED NUMEROUS CASES OF PERSONS WHO HAVE BEEN DETAINED WITHOUT BAIL, AWAITING TRIAL, FOR PERIODS UP TO 4 YEARS. TERRORISTS REPORTEDLY HAVE THREATENED JUDGES HANDLING TERRORISM CASES. NUMEROUS OBSERVERS HAVE CRITICIZED THE RELEASE OF DETAINED TERRORISTS AS A RESULT OF INSUFFICIENT EVIDENCE

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OR PROBABLE EXTORTION. DEBATE WITHIN THE COUNTRY INDICATES A GROWING CONSENSUS FOR A MORE EFFICIENT AND SECURE JUDICIAL SYSTEM. IN DECEMBER THE SENATE PASSED A GOVERNMENT PROPOSAL TO CREATE A SPECIALIZED COURT SYSTEM WITH PROTECTED JUDGES. THE BILL AWAITS LOWER HOUSE ACTION.

THE CONSTITUTION MANDATES THAT CIVILIANS BE TRIED IN CIVILIAN COURTS. A MILITARY COURT EXISTS FOR SOME MILITARY AND POLICE OFFENDERS. THE SUPREME COURT IS EMPOWERED TO DECIDE THE VENUE OF CASES INVOLVING MILITARY AND POLICE OFFENDERS AND, IN CASES INVOLVING THE MILITARY, GENERALLY RULES IN FAVOR OF THE MILITARY COURT, WITH ONE NOTABLE EXCEPTION. IN JANUARY THE SUPREME COURT RULED THAT NAVY COMMANDER ALVARO ARTAZA BE TRIED IN A CIVILIAN COURT FOR THE ALLEGED DISAPPEARANCE OF JOURNALIST JAIME AYALA IN 1984. ON FEBRUARY 2 ARTAZA WAS REPORTEDLY KIDNAPED. LOCAL HUMAN RIGHTS GROUPS, SOME OF THE MEDIA, AND SOME OPPOSITION FIGURES BELIEVE THAT HE FLED THE COUNTRY, WITH NAVY ASSISTANCE, TO AVOID PROSECUTION. THE GOVERNMENT HAS NOT INVESTIGATED ARTAZA'S DISAPPEARANCE.

THE CIVILIAN COURTS HEARD A NUMBER OF MAJOR CASES OF ALLEGED HUMAN RIGHTS VIOLATIONS BY POLICE IN 1986, AMONG THEM THE JULY 1984 DEATH OF PEASANT LEADER JESUS OROPEZA, THE MARCH 1982 KILLINGS OF PRISONERS IN AN AYACUCHO HOSPITAL, AND THE NOVEMBER 1983 DEATH OF FRANCISO NUFFLO IN A POLICE STATION. GUILTY VERDICTS WERE REACHED AGAINST POLICE IN 1986 IN THE NUFFLO AND AYACUCHO HOSPITAL CASES, AS WELL AS THE NOVEMBER 1983 SOCCOS KILLINGS. THE DEFENDANTS APPEALED TO THE SUPREME COURT, WHICH HAS YET TO RULE. THE SUPREME COURT DISMISSED

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CHARGES AGAINST NAVY COMMANDER ARTAZA FOR THE JANUARY

1984 KILLING OF SIX EVANGELICAL MISSIONARIES. A CIVILIAN COURT CONVICTED AND SENTENCED 11 POLICE OFFICERS TO BETWEEN 10 AND 25 YEARS IN PRISON FOR KILLING 32 INDIAN PEASANTS IN A CAMPAIGN AGAINST GUERRILLAS IN NOVEMBER 1983. THE DEFENSE FILED AN APPEAL OF THE GUILTY VERDICT

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IN JULY.

IN THE MILITARY COURTS, IN ADDITION TO THE TRIALS OF GENERAL RABANAL AND 40 POLICEMEN FOR THE LURIGANCHO PRISON KILLINGS, AT LEAST 3 OTHER TRIALS FOR ALLEGED HUMAN RIGHTS VIOLATIONS ARE UNDER WAY. THESE INCLUDE THE TRIAL OF LIEUTENANT TELMO HURTADO FOR THE 1985 MURDERS IN ACCOMARCA, THAT OF ARMY OFFICER OSWALDO DIAZ FOR THE 1985 MURDER OF THREE PERSONS IN HUANUCO, AND THE TRIAL OF FOUR PERSONS FOR KILLINGS IN 1985 IN PUCAYACU. THESE TRIALS ARE NOT PUBLIC. HUMAN RIGHTS GROUPS NOTE THAT THE MILITARY CODE OF JUSTICE CONTAINS NO PROVISION FOR MURDER OR TORTURE, AND DEFENDANTS ARE CHARGED ONLY WITH "NEGLIGENCE" AND "ABUSE OF AUTHORITY." CORRECTIVE LEGISLATION PASSED THE SENATE AND AWAITS LOWER HOUSE ACTION. NO MEMBER OF THE MILITARY SERVICES HAS BEEN CONVICTED IN EITHER THE MILITARY OR CIVIL COURT SYSTEMS FOR HUMAN RIGHTS VIOLATIONS.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

THE CONSTITUTION STIPULATES THAT POLICE ARE REQUIRED TO HAVE A JUDICIAL WARRANT TO ENTER A PRIVATE DWELLING, AND THIS IS GENERALLY RESPECTED IN PRACTICE. THE REQUIREMENT FOR A WARRANT IS SUSPENDED IN AREAS UNDER A STATE OF EMERGENCY, 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:

A. FREEDOM OF SPEECH AND PRESS

THE CONSTITUTION GUARANTEES FREEDOM OF SPEECH AND THE PRESS, AND THESE RIGHTS ARE EXERCISED EFFECTIVELY. WITH 7 TELEVISION STATIONS, 33 RADIO STATIONS, 15 DAILY NEWSPAPERS AND SOME 16 PERIODICALS IN LIMA ALONE, EVERY SEGMENT OF THE POLITICAL SPECTRUM HAS ITS VOICE. IN MARCH THE GOVERNMENT RETURNED 25 RADIO STATIONS CONFISCATED BY THE FORMER MILITARY GOVERNMENT TO THEIR OWNERS. THE GOVERNMENT GENERALLY RESPECTS PRESS FREEDOMS. SOME JOURNALISTS, HOWEVER, SUGGEST THAT MEDIA

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DEBTS TO GOVERNMENT BANKS AND USE OF GOVERNMENT ADVERTISING COULD LEAD TO SELF-CENSORSHIP. ONE

TELEVISION JOURNALIST CLAIMED THE GOVERNMENT MOVED TO SUSPEND A PROGRAM ON ALLEGED NAVY INVOLVEMENT IN THE DISAPPEARANCE OF COMMANDER ARTAZA. THE GOVERNMENT DENIED THE ALLEGATION, AND THE PROGRAM WAS SHOWN LATER. ONE LEFTIST DAILY CLAIMED SECURITY FORCES BROKE INTO ITS OFFICES IN JUNE AND PREVENTED ITS PUBLICATION FOR ONE DAY. THE INTERIOR MINISTRY DENIED THE REPORT, AND THE NEWSPAPER CONTINUES TO PUBLISH. IN NOVEMBER THE FOREIGN PRESS ASSOCIATION PROTESTED OFFICIAL ACTIONS AGAINST THE FOREIGN PRESS. THESE INCLUDED THE MILITARY'S DETENTION OF THREE LOCAL AND ONE FOREIGN JOURNALIST INVESTIGATING KILLINGS IN POMATAMBO.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THESE RIGHTS ARE EXPRESSLY GUARANTEED IN THE CONSTITUTION AND ARE NORMALLY RESPECTED IN PRACTICE. MUNICIPAL

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AUTHORITIES ARE USUALLY FORTHCOMING IN APPROVING PERMITS FOR DEMONSTRATIONS. UNAUTHORIZED DEMONSTRATIONS OCCUR AND, FOR THE MOST PART, THE GOVERNMENT DEALS WITH THEM IN A NONCONFRONTATIONAL MANNER. HOWEVER, DURING ONE ILLEGAL DEMONSTRATION IN NOVEMBER MINERS AND RIOT SQUADS CLASHED, LEAVING 30 TO 50 DEMONSTRATORS AND POLICE INJURED. THE GOVERNMENT ANNOUNCED THAT SEVEN UNIDENTIFIED POLICEMEN, INCLUDING THREE OFFICERS, WOULD BE PUNISHED FOR THE BEATING OF CONGRESSMAN MANUEL CORTEZ FERNADEZ, WHO ACCOMPANIED THE MINERS. UNTIL AUGUST, THE RIGHT TO ASSEMBLE WAS SUSPENDED IN THOSE AREAS UNDER A STATE OF EMERGENCY. USING EMERGENCY POWERS, THE ARMED FORCES JOINT COMMAND IN MAY DENIED A REQUEST BY THE SOCIALIST REVOLUTIONARY PARTY TO HOLD A CONGRESS IN LIMA.

THE CONSTITUTION GUARANTEES PRIVATE WORKERS THE RIGHT TO ORGANIZE, TO BARGAIN COLLECTIVELY, AND TO STRIKE. UNIONS ARE REQUIRED TO ENGAGE IN DIRECT NEGOTIATION AND TO SEEK CONCILIATION AT THE MINISTRY OF LABOR PRIOR TO ANY STRIKE ACTION. PUBLIC SECTOR WORKERS, EXCEPT FOR THE MEMBERS OF THE ARMED FORCES AND SENIOR GOVERNMENT OFFICIALS, HAVE SIMILAR RIGHTS.

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ACCORDING TO THE GOVERNMENT, 17.5 PERCENT OF THE WORK FORCE ARE ORGANIZED IN TRADE UNIONS. UNIONS GENERALLY ARE NOT FORMALLY LINKED WITH POLITICAL PARTIES, BUT IMPORTANT NATIONAL CONFEDERATIONS ARE IDENTIFIED WITH PARTICULAR POLITICAL GROUPS, RANGING FROM THE FAR LEFT TO THE GOVERNMENT PARTY. TOTAL MEMBERSHIP IN COMMUNIST AND OTHER FAR LEFT UNIONS IS LARGER THAN IN DEMOCRATICALLY ORIENTED UNIONS. UNION LEADERS ARE CONSULTED REGULARLY BY THE GOVERNMENT. PERUVIAN LABOR ORGANIZATIONS

AFFILIATE FREELY WITH REGIONAL AND INTERNATIONAL TRADE UNION ORGANIZATIONS OF ALL IDEOLOGICAL TENDENCIES. PERU IS AN ACTIVE MEMBER OF THE INTERNATIONAL LABOR

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ORGANIZATION.

## C. FREEDOM OF RELIGION

THE ROMAN CATHOLIC FAITH OVERWHELMINGLY PREDOMINATES IN PERU, AND THE CONSTITUTION FORMALLY RECOGNIZES THE CHURCH'S IMPORTANCE. THE CONSTITUTION ALSO ESTABLISHES THE INDEPENDENCE OF CHURCH AND STATE AND GUARANTEES FREEDOM OF RELIGION AND CONSCIENCE. THESE RIGHTS ARE FULLY 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.

## D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

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 GOVERNED BY 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

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PERSONS ACCUSED OF NONPOLITICAL CRIMES.

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

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PERU IS A DEMOCRACY GOVERNED BY A FREELY ELECTED  
PRESIDENT AND CONGRESS. THE POLITICAL PROCESS IS  
COMPLETELY OPEN AND IS VIGOROUSLY CONTESTED BY GROUPS  
RANGING FROM CONSERVATIVE TO MARXIST. HOWEVER, SENDERO  
LUMINOSO PERSISTENTLY SEEKS TO DISRUPT ELECTIONS.  
PARTICULARLY IN REMOTE MOUNTAIN AREAS, IT KILLS  
CANDIDATES AND ELECTED OFFICIALS AND THREATENS VOTERS.

SUFFRAGE IS UNIVERSAL FOR PERSONS OVER 18 YEARS OF AGE,  
EXCEPT FOR MEMBERS OF THE MILITARY. IN APRIL 1985, PERU  
HELD ELECTIONS FOR A PRESIDENT, 2 VICE PRESIDENTS, AND  
240 CONGRESSMEN AND SENATORS. NO SERIOUS ALLEGATIONS OF  
FRAUD WERE RAISED.

THE JULY 1985 INAUGURATION OF PRESIDENT GARCIA MARKED THE  
FIRST TRANSFER OF POWER BETWEEN DEMOCRATICALLY ELECTED  
GOVERNMENTS IN 40 YEARS AND THE FIRST ACCESSION TO 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 GROUPS TO CLAIM THE  
GOVERNMENT HAD COMMITTED FRAUD OR IMPROPRIETIES. AS OF  
EARLY JANUARY 1987, THE NATIONAL ELECTIONS BOARD HAD NOT  
YET ADJUDICATED THESE CLAIMS.

LEADERSHIP OF THE VARIOUS PARTIES TENDS TO BE DOMINATED  
BY THE URBAN ELITE WHOSE EDUCATIONAL, FINANCIAL, AND  
COMMUNICATIONS RESOURCES GIVE THEM ADVANTAGES OVER THE  
POOR AND RURAL-BASED SECTORS. INDIANS AND THE SMALL  
BLACK COMMUNITY REMAIN UNDERREPRESENTED AT TOP LEVELS OF  
GOVERNMENT INSTITUTIONS AND THE PROFESSIONS.

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

THE GOVERNMENT HAS WELCOMED VISITS BY INTERNATIONAL HUMAN RIGHTS GROUPS. IN 1986 IT RECEIVED VISITS FROM AMNESTY INTERNATIONAL, AMERICAS WATCH, THE UNITED NATIONS HUMAN RIGHTS COMMISSION WORKING GROUP ON FORCED OR INVOLUNTARY DISAPPEARANCE, AND A PRIVATE GROUP LED BY ADOLFO PEREZ ESQUIVEL, ARGENTINA'S 1980 NOBEL LAUREATE. HIGH LEVEL OFFICIALS, SOMETIMES INCLUDING THE PRESIDENT, MET WITH THESE GROUPS. FOLLOWING THE PRISON KILLINGS, AMERICAS WATCH AND AMNESTY INTERNATIONAL BECAME INCREASINGLY CONCERNED ABOUT THE HUMAN RIGHTS SITUATION. THE GOVERNMENT DID NOT COMMENT ON A SEPTEMBER AMERICAS WATCH REPORT. IN AUGUST AMNESTY INTERNATIONAL SENT THE GOVERNMENT A DETAILED LIST OF ITS CONCERNS; AS OF EARLY JANUARY 1987, THE GOVERNMENT HAD NOT RESPONDED.

A NUMBER OF HUMAN RIGHTS GROUPS WORK IN PERU, ASSOCIATED UNDER THE PRIVATE NATIONAL COORDINATOR FOR HUMAN RIGHTS. THE THREE LARGEST GROUPS ARE THE ASSOCIATION FOR HUMAN RIGHTS FORMED IN 1983; THE CATHOLIC CHURCH'S EPISCOPAL COMMISSION FOR SOCIAL ACTION; AND THE NATIONAL HUMAN RIGHTS COMMISSION. SMALLER GROUPS ALSO EXIST IN LIMA AND THE DEPARTMENTAL CAPITALS. LIMA IS HEADQUARTERS FOR THE

ANDEAN COMMISSION OF JURISTS, WHICH SPONSORS HUMAN RIGHTS ANALYSIS IN PERU AND THE ANDEAN REGION. LOCAL GROUPS RECOGNIZED SOME POSITIVE GOVERNMENT STEPS IN 1986 BUT WERE CONCERNED THAT THE OVERALL TREND IN HUMAN RIGHTS WAS NEGATIVE; THEY SAID CIVILIAN INSTITUTIONS WERE UNABLE OR

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UNWILLING TO INVESTIGATE AND PUNISH VIOLATORS. MEMBERS OF A GOVERNMENT-APPOINTED PEACE COMMISSION RESIGNED IN JANUARY CHARGING THE GOVERNMENT FAILED TO RESPOND TO ITS RECOMMENDATIONS ON TERRORISM AND HUMAN RIGHTS. A NEW COMMISSION WAS APPOINTED, BUT ITS MEMBERS RESIGNED FOLLOWING THE JUNE PRISON RIOTS. IN OCTOBER THE GOVERNMENT ESTABLISHED A NATIONAL HUMAN RIGHTS COUNCIL UNDER THE JUSTICE MINISTRY. COMPOSED OF OFFICIAL AND

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PRIVATE MEMBERS, IT HAS A BROAD MANDATE TO PROMOTE RESPECT FOR HUMAN RIGHTS.

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

THE CONSTITUTION GRANTS WOMEN EQUALITY WITH MEN, AND LAWS ON MARRIAGE AND DIVORCE DO NOT DISCRIMINATE AGAINST WOMEN. NEVERTHELESS, TRADITION STILL TENDS TO IMPEDE THE ACCESS OF WOMEN TO LEADERSHIP ROLES IN MAJOR SOCIAL AND POLITICAL INSTITUTIONS. THERE ARE 3 WOMEN IN THE 60-MEMBER SENATE AND 10 IN THE 180-MEMBER CHAMBER OF DEPUTIES. WOMEN REPRESENT 26 PERCENT OF THE PERUVIAN LABOR FORCE. IN 1984, 61.9 PERCENT OF THE FEMALE WORKFORCE WERE EMPLOYED IN COMMERCE AND SERVICES, 16.6 PERCENT IN THE INDUSTRIAL SECTOR, AND THE REMAINING 19.5 PERCENT IN OTHER OCCUPATIONS, MAINLY AS DOMESTICS. THE AVERAGE WAGE OF MALE WORKERS IS DOUBLE THAT OF FEMALES.

THE RURAL INDIGENOUS POPULATION AND PERU'S SMALL BLACK COMMUNITY FACE SITUATIONS SIMILAR TO THOSE OF WOMEN. THE FORMER GROUP TRADITIONALLY HAS LACKED ACCESS TO PUBLIC SERVICES. COMPOSED OF SEVERAL DISTINCT GEOGRAPHIC REGIONS, PERU IS A CLASSIC CASE OF DIFFERENTIAL DEVELOPMENT: PUBLIC INVESTMENT TRADITIONALLY HAS BEEN FOCUSED ON THE COAST, DRAWING MIGRANTS TO THE CITIES, ESPECIALLY LIMA. ONE-THIRD OF THE POPULATION IS IN THE CAPITAL AREA AND ACCOUNTS FOR TWO-THIRDS OF THE GROSS

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DOMESTIC PRODUCT. THE GOVERNMENT HAS CONSIDERABLY INCREASED 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 AREAS OUT OF THE MAINSTREAM OF HISPANIC CULTURE AND ECONOMIC ACTIVITY. AS A RESULT OF THIS DICHOTOMY AND OF HISTORICAL PREJUDICES, THE ECONOMIC AND SOCIAL NEEDS OF PERUVIANS OF EUROPEAN ANCESTRY ARE

MORE LIKELY TO BE MET THAN THOSE OF MIXED OR PURE INDIAN HERITAGE.

CONDITIONS OF LABOR

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PERUVIAN LAW PROHIBITS THE EMPLOYMENT OF CHILDREN UNDER 14 YEARS OF AGE BUT ALLOWS THE EMPLOYMENT OF OLDER CHILDREN WHO ARE LITERATE. ALTHOUGH MINIMUM-AGE 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.

EMPLOYERS ARE REQUIRED BY LAW TO PAY A MINIMUM WAGE. MINISTRY OF LABOR 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 HAD AN 8-HOUR WORKDAY SINCE 1918, AND THE OFFICIAL WORKWEEK IS 40 HOURS. SHULTZ

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