



Department of State TELEGRAM

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REF: STATE 261750 N	
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1. CONFIDENTIAL-ENTIRE TEXT.	
2. INTRODUCTION. PRESIDENT FERNANCE BE	LAUNCE TOOK OFFICE
IN LLY 1980, FOLLOWING FREE AND OPEN	F F***** #F * * **
나는 이 얼마나 이 아니까 얼마나 얼마나 얼마나 아이에 있다면 이 나는 사람들이 되었다면 하는데 나는 사람들이 얼마나 되었다면 하는데 보다면 모네네 하고 있는데 그는데 그렇게 되었다. 그 그 그는데	CONSTITUTION WRITTEN
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BY AN ELECTED CONSTITUTENT ASSEMBLY IN	19.9. 71 310
PERUVIAN CONSTITUTION ESTABLISHES A DE	MOCRATIC REPUBLIC
WITH AN EXECUTIVE BRANCH, A BICAMERAL	LEGISLATURE AND AN
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FOR AN INCEPENDENT PUBLIC MINISTRY, HE	ACEC BY AN ALTONOMOUS
ATTORNEY GENERAL WITH BOTH PROSECUTORS	1 145 599 55984
ROLES.	
3. PERL'S RETURN TO DEMOCRACY CAME AFT	ER MORE THAN A
SECADE OF MILITARY RULE THAT BEGAN	'+ A CCLP IN 1968.
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SEEKS TO ELIMINATE VESTIGES OF ALTHOR	TARIANISM. A MALIR

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SOAL IS TO STRENGTHEN THE NATIONS'S DEMOCRATIC INSTITUTIONS AND TO GUARANTEE CITIZENS BASIC POLITICAL RIGHTS, LONG DENIED.

- *. THE BELAUNDE ADMINISTRATION ALSO ATTEMPTS TO ACHIEVE EQUITABLE ECONOMIC GROWTH THROUGH GENERALLY MARKET-CRIENTED ECONOMIC POLICIES. MOMEYER, AS THE RESULT OF AN EXTRAORDINARY ARRAY OF ADVERSE FACTORS INCLUDING A) LEGACY OF STATISM AND DEBT INMERITED FROM THE PREDECESSOR REGINE; B) WORLDWIDE RECESSION AND CONSEQUENT LOW PRICES FOR PERUVIAN RAW MATERIAL EXPORTS; AND C) DEVASTATING NATURAL DISASTERS. SOME ECONOMIC TARGETS WERE NOT MET IN 1983. WHICH INCREASED SOCIAL AND POLITICAL PRESSURES THROUGHOUT THE COUNTRY.
- S. CONCURRENTLY. IN LATE 1982 AND 1983 PERU WAS BESET BY A SMARP INCREASE IN TERRORIST VIOLENCE PERPETRATED BY THE VIOLENT MADIST SENDERO LUMINOSO (SL) WHICH CREATED STRONG PRESSURES ON THE GOVERNMENT FOR EFFECTIVE COUNTERTERRORIST ACTION. CENTERED IN POVERTY STRICKEN PORTIONS OF MOUNTAIN PROVINCES OF THE CENTRAL SIERRA REGION. TERRORISTS ASSASSINATED AN INCREASING NUMBER OF VILLAGERS AND LOCAL OFFICIALS IN AN EFFORT TO BRING ABOUT A GENERALIZED REVOLUTION. DURING 1983, THE TERRORISTS SPREAD THE SCOPE OF THEIR ACTION TO OTHER AREAS OF THE COUNTRY CREATING A CLIMATE OF FEAR AND INDIGNATION. SENDERO LUMINOSO WAS DENOUNCED BY ALL PARTICIPANTS IN THE PERUVIAN DEMOCRATIC PROCESS. INCLUDING REPRESENTATIVES OF THE MARXIST LEFT.
- 6. IN LATE 1982 PRESIDENT BELAUNDE RELUCTANTLY ACCEDED TO DEMANDS THAT HE DEAL WITH THE GROWING TERRORIST THREAT BY CONFIDENTIAL CONFIDENTIAL

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SENDING MILITARY FORCES INTO AN "EMERGENCY ZONE" COMPOSED OF PORTIONS OF THE THREE AFFECTED DEPARTMENTS. IN ACCORDANCE WITH "STATE OF EMERGENCY" PROVISIONS OF THE CONSTITUTION. CERTAIN SPECIFIC GUARANTEES WERE AGAIN SUSPENDED AND REMAINED SUSPENDED THROUGHOUT 1983; WITH MILITARY OFFICERS EXERCISING POLITICAL AUTHORITY, IN THE ZONE...
THE SPREAD OF TERRORIST: VIOLENCE TO LIMA IN LATE HAY:
PROVOKED THE DECLARATION OF A NATIONAL STATE OF THEREBY THAT LASTED UNTIL MID-SEPTEMBER WHEN THE GOVERNMENT
LIFTED IT TO FACILITATE A NATIONWIDE MUNICIPAL ELECTION

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CAMPAIGN.

7. ALTHOUGH THE STATE OF EMERGENCY HAD LITTLE IMPACT ON DAILY LIFE FOR MOST PERUVIANS, IT AFFECTED THOSE LIVING IN THE EMERGENCY ZONE. OPERATING UNDER A UNIFIED "POLITICAL MILITARY COMMAND". UNITS OF PERU'S THREE NATIONAL POLICE SERVICES WORK WITH SOLDIERS AND MARINES TO REESTABLISH GOVERNMENT CONTROL IN THE ZONE. THE COMBINED SECURITY FORCE PRESENCE ACHIEVED SOME APPARENT SUCCESSES IN FEBRUARY AND MARCH. BUT A SERIES OF COMMUNAL MASSACRES BY THE TERRORISTS IN APRIL DEMONSTRATED THAT GOVERNMENT CONTROL IN THE REGION WAS SPOTTY. AND THAT TERRORIST CADRES RETAINED THEIR ABILITY TO OPERATE AT WILL. THE REGION'S NATURAL ISOLATION. COMPOUNDED BY ITS CULTURAL DISTANCE FROM WESTERNIZED NEWS MEDIA ALONG THE COAST, MADE INFORMATION GATHERING OR INDEPENDENT VERIFICATION OF RESPONSIBILITY FOR EVENTS DIFFICULT. BUT THE PATTERN OF DEVELOPMENTS DEMONSTRATED THAT. DESPITE THE GOVERNMENT'S AUGMENTED EFFORTS. MOST PERSONS IN THE REGION WERE LESS SECURE IN THEIR HOMES AND PERSONS IN 1983 THAN IN 1982.

8. THE DETERIORATING SITUATION IN THE EMERGENCY ZONE WAS PERHAPS BEST EXEMPLIFIED IN THE GOP'S OFFICIAL STATISTICS. FROM THE ONSET OF SIGNIFICANT TERRORIST VIOLENCE IN MAY 1980 UNTIL THE END OF 1982, SOME 166 COMFIDENTIAL CONFIDENTIAL

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PERSONS (INCLUDING 27 POLICE, 71 CIVILIANS, AND 48 TERRORISTS) LOST THEIR LIVES. SPEAKING TO FOREIGN NEWSMEN ON AUGUST 19, INTERIOR MINISTER PERCOVICH PROVIDED AN UPDATED FIGURE OF 1.580 (POLICE LOSSES GIVEN AS 59, CIVILIANS 465, AND TERRORISTS 1,033). ALMOST ALL THESE DEATHS OCCURRED IN THE EMERGECNY ZONE.

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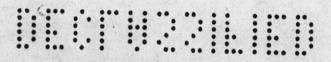
PERSONNEL ACTING WITHOUT OFFICIAL SANCTION. IN SIMILAR FASHION, THE GOP AND SOME MEDIA REJECTED A SPECIFIC GROUP OF CHARGES HADE BY AMNESTY INTERNATIONAL IN AUGUST AND CITED SPECIFIC FACTUAL ERRORS IN AMNESTY'S REPORT.

10. THE HUMAN RIGHTS CASUE, ONE OF THE LAUDABLE ACHIEVEMENTS OF THE NEW DEMOCRATIC GOVERNMENT, WAS NOT ADVANCED IN PERU IN 1983. ALTHOUGH VERIFIABLE FACTS ARE EXTREMELY HARD TO COME BY, IT APAARS LIKELY THAT IN THE COURSE OF THE STRUGGLE AGAINST A PARTICULARLY VIOLENT TERRORIST THREAT, SOME VIOLATIONS OF HUMAN RIGHTS TOOK PLACE. THE BELAUNDE ADMINISTRATION HAS MADE CLEAR. HOWEVER, THAT IT DOES NOT CONDONE THESE VIOLATIONS AND. THERE ARE RECENT (SEPT.) REPORTS THAT FIELD COMMANDERS WERE ORDERED TO EXERCISE GREATER CARE IN SEEING TO IT THAT SUCH VIOLATIONS DO NOT TAKE PLACE.

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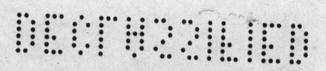
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11. SECTION ONE. RESPECT FOR THE INTEGRITY OF THE



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PERSON, INCLUDING:

A. FREEDOM FROM UNLAWFUL OR ARBITRARY DEPRIVATION OF LIFE. THE TERRORIST VIOLENCE THAT BEGAN IN PERU IN MAY 1980 ACCELERATED IN 1983. LOSSES AMONG THE TERRORISTS THEMSELVES INCREASED AS SECURITY FORCES TOOK COUNTER-MEASURES.

12. ALTHOUGH SENDERO'S INITIAL VIOLENCE WAS SELECTIVE. ITS TARGETS BEING POLICE, GOVERNMENT AUTHORITIES, AND "EXPLOITATIVE" MERCHANTS AND LANDLORDS, 1983 WITHESSED A GENERALIZATION OF VIOLENCE AND A CORRESPONDINGLY HIGHER CIVILIAN DEATH TOLL. THE WORST INCIDENT OCCURED IN EARLY APRIL IN THE EMERGENCY ZONE, WHEN A SENDERO-LED BAND NUMBERING SOME 200 PERSONS ATTACKED AND MASSACRED VILLAGERS IN THE ANDEAN COMMUNITY OF LUCAMAMARCA. THE 67 PEOPLE WHO DIED THERE NEARLY DOUBLED THE CIVILIAN DEATH FIGURE OVER THE PRECEDING THREE YEARS. A JULY 11 ATTACK IN LIMA WAS MUCH LESS BLOODY (THREE DEAD). BUT MARKED YET ANOTHER FRIGHTENING INCREMENT OF VIOLENCE. IN THIS INCIDENT, TERRORISTS ENTERED THE DOWNTOWN HEAD-QUARTERS OF THE GOVERNING ACCION POPULAR PARTY AND, UNDER COVER OF A TEMPORARY BLACKOUT THEY INDUCED BY DYNAMITING ELECTRICAL TRANSMISSION TOWERS. PROCEEDED IN RANDOM MANNER TO GUN DOWN THOSE PRESENT. THE INCIDENT WAS CONFIDENTIAL CONFIDENTIAL

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13. THE AUTHORITIES' RESPONSE TO THIS TERRORIST ESCALADE PRODUCED BOTH HIGHER LOSSES IN SENDERO'S RANKS AND GERERATED CONTROVERSY. THE BULD OF THOSE TERMED TERRORISTS WERE KILLED IN WHAT THE SECURITY FORCES CALLED "ARMED CONFRONTATIONS" IN THE EMERGENCY ZONE. BUT AN AUGUST REPORT BY AMNESTY INTERNATIONAL DISPUTED THIS VERSION AND ASSERTED THAT MANY OF THE DEAD WERE PERSONS EXTRAJUDICIALLY KILLED SUBSEQUENT TO THEIR CAPTURE AND INTERROGATION. AMNESTY BASED ITS ALLEGATIONS INPART ON COMMUNICATIONS SENT DIRECT TO IT BY MARXIST POLITICIANS AND CLIPPINGS FROM MARXIST NEWSPAPERS AND OTHER OPPOSITION SOURCES AND INPART. ON THE PERUVIAN AUTHORITIES' OWN STATISTICAL DATA. COM-MUNIQUES ISSUED IN APRIL AND MAY BY THE EMERGENCY ZONE POLITICAL MILITARY COMMAND REFFERED REPETIVELY TO DEATHS SUFFERED BY SENDERO IN "ARMED ENCOUNTERS" BUT MADE NO MENTION OF EITHER TERRORISTS INJURED OR CAPTURED OR, FOR THAT MATTER, SECURITY FORCE LOSSES. THIS IS INTERPRETED AS ILLUSTRATING AMMESTY'S POINT.

14. THE AMMESTY REPORT ALSO REFFERRED TO EXTRAJUDICIAL KILLINGS CARRIED OUT "BY OR WITH THE ACQUIESENCE OF GOVERNMENT AUTHORITIES." THE POINT OF DEPARTURE FOR THIS DISCUSSION WAS THE DEATH, IN LATE JANUARY, OF EIGHT PERUVIAN JOURNALISTS IN THE ISOLATED ANDEAN COMMUNITY OF UCHURACCAY. A SPECIAL INVESTIGATING COMMISSION, APPAOINTED BY THE PERUVIAN GOVERNMENT AND HEADED BY NOTED PERUVIAN AUTHOR MARIO VARGAS LLOSA, DETERMINED THAT THE EIGHT DIED AT THE HANDS OF LOCAL VILLAGERS WHO, ACTING UNDER THE CONVCTION THAT THE CONFIDENTIAL

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POLICE ENCOURAGED THEIR DOING SO, RESOLVED BEFORE HAND TO KILL (PRESUMED TERRORISTS ENTERING THEIR COMMUNITIES. THE VARGAS LLOSA COMMISSION STATED THEIR ABSOLUTE CONVICTION THAT SECURITY AUTHORITIES DID NOT ENCOURAGE SUCH VIGILANTE TYPE ACTIONS ON A SYSTEMATIC BASIS, BUT THAT IN ISOLATED CASES THEY SUPPORTED SUCH ACTIONS.

IS. THE EXTENT TO WHICH SUCURITY FORCES:
ENCOURAGE ISOLATED VILLAGERS TO TAKE THE LAW INTO THEIR:
OWN HANDS APPEARS FAR LESS SIGNIFICANT THAN THE FACT

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THAT THERE IS ONLY LIMITED GOVERNMENT CONTROL IN THE ZONE. IN THE ABSENCE OF ENFORCEDLAW AND ORDER. SELF-RESTRAINT MAY BE A VIRTUE THAT SOME EMERGENCY ZONE VILLAGERS MENACED BY THE THREAT OF TERRORIST VIOLENCE BELIEVE THEY CANNOT AFFORD.

16. B. FREEDOM FROM DISAPPEARANCE. A COMBINATION OF CIRCUMSTANCES CONVERTED THE QUESTION OF DISAPPEARED PERSONS ("DESAPARECIDOS") INTO A MAJOR POLICICAL ISSUE IN AUGUST-SEPTEMEBER. UNTIL THEN, CHARGES THAT SECURITY FORCES WERE RESPONSIBLE FOR THE DISAPPEARANCE AND DEATH IN THE EMERGENCY ZONE OF PERSONS PRESUMED TO BE TERRORISTS CAME SOLELY FROM CERTAIN POLITICAL AND PRESS FIGURES ON THE MARXIST LEFT. AMMESTY'S AUGUST REPORT FOCUSED PUBLIC ATTENTION ON THE ISSUR, HOVERVER, AND LISTED SEVERAL CASES OF PRISONERS DESCRIBED AS "DIS-APPEARED AND SUBSEQUENTLY FOUND DEAD." ALAN GARCIA. SECRETARY GENERAL OF PERU'S LEADING OPPOSITION PARTY (APRA), PAID A CAMPAIGN VISIT TO THE ZONE ON AUGUST 27 AND SUBSEQUENTLY ANNOUNCED THAT HE HAD BEEN PRESENTED THERE WITH A LIST OF SEVERAL HUNDRED SUPPOSED "DESAPARECIDO". TWO WEEKS LATER, LIMA'S LEADING TELEVISION-DOCUMENTARY PROGRAM "VISION" BROADCAST A REPORT ON THE SUBJECT CITING A LESSER FIGURE. THE PRESIDENT OF LINA'S BAR ASSOCIATION ALSO EXPRESSED CONFIDENTIAL CONFIDENTIAL

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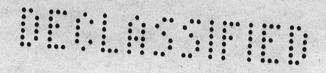
CONCERN ABOUT REPORTS OF DISAPPEAREDPERSEON FOLLOWING CONCERN ABOUT REPROTS OF DISAPPEARED PERSONS FOLLOWING A VISIT TO THE ZONE. GOVERNMENT OFFICIALS VEHENENTLY DENIED THAT SECURITY FORCES WERE RESPONSIBLE FOR DESAPPEARANCES AND SSERTED THAT SENDERO TERRORISTS CUSTOMARILY KILLED PERSONS THEY CARRIED OFF. SOME GOVERNMENT SPOKESMEN HELD THAT PERSONS WHO SIDAPPEARED WERE SENDERO RECRUITS WHO, IF THEY TURNED UP DEAD, DIED IN CONFRONTATIONS WITH THE POLICE OR MILITARY. LIMA NEWS WEEKLY "CARETAS" UNCOVERED ONE PERSON ON AMNESTY'S LIST WHO WAS ALIVE.

17. DESPITE THE DIFFERENT CHARGES AND EXPLANATIONS.

LITTLE IS YET KNOWN OF THE FATE OF HOST OF THOSE
PERSONS NOW UNACCOUNTED FOR AND ALLEGED TO HAVE BEEN:

DETAINED BY THE SECURITY: PORCES (SEE DISCUSSION BELOW:

UNDER "D". WE BELIEVE IT LIKELY THAT HOST OF THOSE



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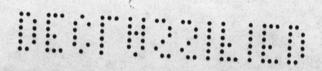
NOW MISSING. WILL EVENTUALLY BE ACCOUNTED FOR.

DEGRADING TREATMENT OR PUNISHMENT. AS A MATER OF POLICY AND LAW, PERU PROHIBITS TORTURE AND THE USE OF VIOLENCE AGAINST DETAINEES AND MAKES EVENTHE THREAT OR COERCION A CRIMINAL OFFENSE, PUNISHABLE BY LAW, MEVERTHELESS, THERE WERE INCREASED INSTANCES OF ALLEGED MISTREATMENT OF PRISOMERS ACCUSED OF TERRORIST CRIMES IN 1983. THE BULK OF REPORTED COMPLAINTS ORIGINATED IN THE EMERGENCY ZONE. ALTHOUGH MOST HAD TO DO WITH CHARGES OF PHYSICAL IONS APPEARING IN ANTIGOVERNMENT MEDIA SPOKE OF ELECTRICAL SHOCK AND IMMERSION IN COLD WATER. THE SITE MGOST FREQUENTLY ASSOCIATED WITH SUCH CHARGES WAS THE LOS CABITOS BARRACKS IN AYACHCHO, THE COMMAND CONFIDENTIAL

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POST FOR POLITICAL MILITARY AUTHORITIES IN THE ZONE.
AVAILABLE EVIDENCE SUGGESTS THAT ZONE SECURITY FORCES.
WHO ROUTINELY EMPLOT SEVER METHODS OF INTERROGATION.
DO NOT AS A MATTER OF POLICY ENGAGE IN TORTURE OR OTHER WISE
EXACT RETRIBUTION ON DETAINED SUSPECTS.

19 INCIDENTS OF ABUSE OCCURRING WITHOUT OFFICIAL SANCTION, HOWEVER, ARE BELIEVED TO OCCUR. THE VARGAS



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LLOSA COMMISSION FELT "OBLIGED" TO POINT OUT THAT SECURITY FORCES MAD COMMITTED "EXCESSES". AND "CARETAS" REBUTTAL OF CERTAIN AMMESTY ALLEGATIONS ALSO INCLUDED CORROBORATION OF CHARGES OF OCCASIONAL PRISOMER MISTREATMENT. DESPITE OFFICIAL POLICY TO RESPECT HUMAN RIGHTS. SECURITY FORCE COMPORTMENT MAY REMAIN SUSPECT SO LONG AS STATE OF EMERGENCY PROVISIONS LEAVE CONSTITUTIONAL GUARANTEES SUSPENDED AND THE ROLE OF AUTONOMOUS PUBLIC MINISTRY REPRESENTATIVES CURTAILED.

26. ELSEWHERE, IN PERU, THOSE SUSPECTED OF COMMON CRIMES FACE LONG PERIODS OF DETENTION IN DEGRADING CONDITIONS, WHILE THEIR CASES REMAIN UNDER INVESTIGATION. THE 1983 FOOD BUDGET AT THE 6.000 PRISOMER LURIGANCHO PRISON FOR COMMON CRIMINALS ALLOWED SOME 40 CENTS (U.S.) DAILY TO PEED EACH PRISONER. PERU'S CUMBERSONE JUDICIAL SYSTEM ASSURES PROLONGED DELAYS FOR PRISONERS FACING TRIAL. OF SOME 760 PERSONS INDICTED FOR TERRORISM BETWEEN MID-1966 AND MID-1963, ONLY 13 WERE FOUND GUILTY AND SENTENCED. WITH 16 ABSOLVED AND SET FREE, AT THE END OF THAT PERIOD.

21. D. FREEDOM FROM ARBITRARY ARREST. DETENTION. OR EXILE. PERU'S 1979 CONSTITUTION REQUIRES THAT AN ARRESTEE CONFIDENTIAL CONFIDENTIAL

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IMIT IS 15 DAYS. ADMINISTRATIVE DIFFICULTIES SOMETIMES RECLUDE THE 24-HOUR DEADLINE FROM BEING MET. BUT RRAIGNMENT OCCURS IN A TIMELY MANNER. THE 15-DAY LIMIT S ALMOST INVARIABLY RESPECTED.

!. THE ABOVE DESCRIPTION MAY NOT APPLY UNIFORMLY. IQUEVER. TO THE ARREST AND PROCESSING OF TERRORISM SUSPECTS IN THE EMERGENCY ZONE. AMMESTY'S REPORT REFERRED TO SEVERAL CASES OF PERSONS WHO IT ALLEGED HAD DISSAPPEARED" AND SUBSEQUENTLY WERE ACKNOWLEDGED TO BE IN MILITARY CUSTODY. OF THESE, THE MOST PROMINENT WAS THAT OF DR. JAINE URRUTIA, AM ANTHROPOLOGY PROFESSOR AT THE UNIVERSITY OF HUAMANGA IN AVACUCHO AND VICE PRESIDENT OF THE AYACUCHO BRANCH OF THE NATIONAL COM-MISSION FOR HUMAN RIGHTS. WHO WAS TAKEN FROM HIS HOME AT MIGHT BY MASKED MEN. ALTHOUGH SECURITY FORCES INITIALLY DENIED RESPONSIBILITY FOR DR. URRUTIA'S DISAPPEARANCE (AND SUGGESTED HE WAS THE VICTIM OF A KIDNAPPING). LATER-DEVELOPMENTS REVEALED HE WAS BEING HELD INCOMMUNICADO IN LOS CABITOS. SUBSEQUENT TO HIS TRANSFER TO POLICE AUTHORITIES. HE WAS RELEASED (16 DAYS AFTER HIS DETENTION) WHEN THE PUBLIC PROSECUTOR REJECTED CHARGES OF SUBVERSION BROUGHT AGAINST HIM.

23. OFFICIAL GOVERNMENT STATISTICS. WHICH ARE NOT ALWAYS WELL COMPLIED, REFERRED TO FLUCTUATING NUMBERS OF "DETAINEES" (SOME 2,400 IN EARLY MAY, 2,630 IN MID-JULY, 2,120 IN MID-AUGUST). BUT THE NUMBERS OF PERSONS FORMALLY CHARGED WITH TERRORISM, AND ACCORDINGLY INCORPORATED INTO JUDICIAL SYSTEM STATISTICS, WERE SUBSTANTIALLY LOWER (658 IN MID-JUNE, SOME 900 IN COMFIDENTIAL

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JULY). PRESUMABLY MANY RELEASES WENT UMRECORDED. BUT IT IS ALSO POSSIBLE THAT, AS IN THE CASE OF DR. URRUTIA. SOME PERSONS REPORTED AS "DISAPPEARED" IN THE EMERGENCY ZONE REMAIN IN THE CUSTODY OF SECURITY FORCES.

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CONFIRMATION. CHARGES OF LOWER COURT MALFEASANCE ARE INVESTIGATED BY THE SUPREME COURT. WHILE THE MATIONAL COUNCIL OF THE MAGISTRACY INVESTIGATES ANY COMPLAINTS AGAINST THE SUPREME COURT ITSELF. AND TURNS THEN OVER TO THE ATTORNEY GENERAL IF THERE ARE GROUNDS FOR CHARGES. THE SUPREME COURT ITSELF HAS RESPONSIBILITY FOR FINAL ACTION.

25. ALL CIVIL CRIMES ARE TRIED IN CIVILIAN COURTS.

ARRESTEES ARE ENTITLED TO HAVE AN ATTORNEY PRESENT
WHEN THEY MAKE STATEMENTS TO THE POLICE. PUBLIC
PROSECUTORS ARE CHARGED WITH ASSURING THAT DEFENDANTS
HAVE LEGAL REPRESENTATION. THERE ARE NO PUBLIC
DEFENDERS BELEOW THE SUPERIOR COURT LEVEL. HOWEVER, AND
INDIGENT ARRESTEES HUST RELY ON VOLUNTEERS FROM THE
BAR ASSOCIATION, IF AVAILABLE. THE CONSTITUTION
PRESUMES INNOCENCE, AND GUARANTEES A TRIL REVIEW
SYSTEM. THE FIRST IS A CLOSED JUDICIAL INVESTIGATION
BY A HAGISTRATE, WHILE THE SECOND IS PUBLIC TRIAL
IN SUPERIOR COURT FOR THOSE HELD FOR PROBABLE CAUSE
AT THE LOWER LEVES. THE SUPREME COURT HEARS FINAL
APPEALS.

26. ALL THESE GUARANTEES ARE FORMALLY RESPECTED.
FAIRNESS, HOWEVER, CAN BE COMPROMISED BY LONG INVESTIGATIVE
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DELAYS. THE MOST NOTABLE EXAMPLE OF THIS IN 1983 WAS THE MANDLING OF THE UCHURACCAY MASSACRE. ALTHOUGH INITIAL PUBLIC CLAMAOR WAS SATISFIED BY THE NAMING OF THE VARGAS LLOSA COMMISSION AND THE SUBSEQUENT, THE VARGAS LLOSA COMMISSION FOR THE SUBSEQUENT, SWIFT COMPLETION OF ITS REPORT, THE JUDICIAL PROCEEDING IT WAS MEANT TO COMPLEMENT HAD NOT, SOME EIGHT HONTHS LATER, EITHER TERMINATED OR LED TO THE ARREST OF SUSPECTS.

27. THE GOVERNMENT OF PERU IS SENSITIVE TO ANY SUGGESTION THAT PERSONS DETAINED OR SENTENCED ON CHARGES OF TERRORISH ARE "POLITICAL PRISONERS".

AVAILABLE EVIDENCE SUGGESTS THAT THE BULD OF THOSE ACCUSED (SEE D) EITHER D'D' PARTICIPATE "TO #CTS OF: ""

VIOLENCE OR, IF THEY DID NOT THEIR FREEDOM ONCE. ""

INITIAL OR JUDICIAL INVESTIGATIONS HAD LERLEIED JRIER ..."

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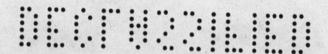
28. F. FREEDOM FROM ARBITRARY INTERFERENCE WITH PRIVANCY FAMILY, HOME, OR CORRESPONDENCE. A JUDICIAL WARRANT IS REQUIRED TO ENTER A PRIVATE RESIDENCE, THE INVIOLABILITY OF WHICH IS CONSTITUTIONALLY GUARANTEED. STATE AUTHORITIES DO NOT INTERFERE WITH OR REGULATE THE RIGH OF INDIVIDUALS TO JOIN POLICICAL OR RELIGIOUS ORGANIZATIONS. NO WYIDENCE IS AVIALABLE TO INDICATE THAT AUTHORITIES ENGAGE IN GENERALIZED MONITORING OF CORRESPONDENCE OR TELEPHONES, OR THAT THEY ATTEMPT TO JAM RADIO BROADCASTS OR PROHIBIT THE RECEIPT OF FOREIGN PUBLICATIONS. THE GOVERNMENT PERMEITS AND ENCOURAGES, TO THE EXTENT RESOURCES PERMET, THE SCIENTIFIC STUDY AND PROMOTION OF INDIGENOUS LANGUAGES.

29. THE CONSTITUTIONS'S STATE OF EMERGENCY PROVISION CONFIDENTIAL CONFIDENTIAL

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SUSPENDS THE GUARANTEE ASSURING INVIOLABILITY OF HOMES. SECURITY AUGHORITIES IN THE EMERGENCY ZONE ROUTINELY AVAILED THEMSELVESOF THIS SUSPENSION TO CONDUCT SEARCH OPERATIONS. ELSEWHERE IN THE COUNTRY. DURING THE LIMITED PERIOD IN WHICH A NATIONAL STATE OF EMERGENCY PREVAILED, POLICE EXERCISED THIS AUTHORITY SPARINGLY.

30. REMAINING PORTION OF DRAFT HUMAN RIGHTS REPORT TO BE TRANSMITTED TUESDAY, OCTOBER11. ORTIZ



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