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C O N F I D E N T I A L SECTION 01 OF 09 LINA 13032

E.O. 12356: DECL: OADR
TAGS: SHUN, PE
SUBJECT: REPORT ON HUMAN RIGHTS PRACTICES IN PERU - 1984

REF: (A) STATE 271064, (B) 83 LINA 12604 ✓

1. CONFIDENTIAL - ENTIRE TEXT.
2. THE 1984 HUMAN RIGHTS PRACTICES REPORT FOR PERU, FOLLOWING FORMAT PROVIDED REF A, APPEARS BELOW. IN A FEW INSTANCES, LANGUAGE USED IN THIS REPORT IS IDENTICAL WITH THAT EMPLOYED LAST YEAR (REF B). FOR THE MOST PART, HOWEVER, HUMAN RIGHTS DEVELOPMENTS IN 1984 HAVE BEEN SUFFICIENTLY COMPLEX TO WARRANT EXTENSIVE REWRITING OF LAST YEAR'S TEXT.
3. INTRODUCTION. PERU RETURNED TO DEMOCRATIC RULE IN JULY 1980, FOLLOWING FREE AND OPEN ELECTIONS HELD IN ACCORDANCE WITH THE 1979 CONSTITUTION WRITTEN BY AN ELECTED CONSTITUENT ASSEMBLY. THE CONSTITUTION ESTABLISHED A REPUBLIC WITH AN EXECUTIVE BRANCH, A BICAMERAL LEGISLATURE, AND AN AUTONOMOUS JUDICIAL SYSTEM. IT ALSO PROVIDED FOR AN INDEPENDENT PUBLIC MINISTRY, HEADED BY AN AUTONOMOUS ATTORNEY GENERAL WHOSE FUNCTIONS WERE ENVISIONED AS INCORPORATING BOTH PROSECUTORIAL AND OMBUDSMAN-LIKE ROLES.
4. PERU'S RETURN TO DEMOCRACY CAME AFTER MORE THAN A DECADE OF MILITARY RULE THAT BEGAN WITH A COUP IN 1968.

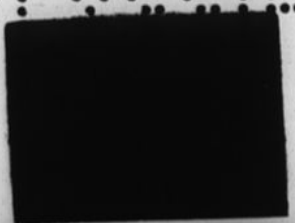
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THE AUTHORITARIAN MILITARY GOVERNMENTS WHICH RULED IN

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DEPARTMENT OF STATE A/CDC/MR
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THIS PERIOD ATTEMPTED TO IMPROVE SOCIAL CHANGE FROM ABOVE. THE BELLAUNDE GOVERNMENT, BY CONTRAST, HAS SOUGHT TO ELIMINATE VESTIGES OF AUTHORITARIANISM, STRENGTHEN DEMOCRATIC INSTITUTIONS, AND GUARANTEE PERUVIANS LONG-DENIED BASIC POLITICAL RIGHTS. PERUVIANS HAVE DEMONSTRATED THEIR ENTHUSIASM FOR THE ELECTORAL PROCESS AND THE RIGHT TO CHOOSE AMONG PARTISAN ALTERNATIVES. A LARGE PLURALITY OF VOTERS OPTED FOR THE CANDIDACY OF FERNANDO BELLAUNDE AND HIS POPULAR ACTION PARTY IN NATIONAL ELECTIONS HELD IN MAY 1980, A CHOICE THEY REPEATED IN MUNICIPAL ELECTIONS HELD LATER THAT SAME YEAR. BUT IN MUNICIPAL ELECTIONS HELD IN NOVEMBER 1983, VOTERS OPTED FOR CANDIDATES OF TWO MAJOR OPPOSITION GROUPS. THROUGHOUT 1984, THE FOCUS OF THE POLITICAL PROCESS REMAINED FIXED ON CANDIDATE SELECTION AMONG THE FOUR MAIN, AND MOST OF SMALLER, PARTIES EXPECTING TO COMPETE IN NATIONAL ELECTIONS SCHEDULED FOR APRIL 1985. A LIVELY, UNBIASED, AND OPEN-MINDED HIGHLY PARTISAN PRESS KEPT PERUVIANS INFORMED OF POLITICAL DEVELOPMENTS AND OPINIONS IN THEIR COUNTRY.

5. INDEED, RESTORATION OF A FREE PRESS WAS ONE OF THE NEW BELLAUNDE GOVERNMENT'S MAJOR ACHIEVEMENTS. IN MID-1984, PRESIDENT BELLAUNDE REALIZED ANOTHER MONUMENTAL ACCOMPLISHMENT WHEN HE SIGNED INTO LAW A MAJOR REVISION OF THE COUNTRY'S CIVIL CODE. THE PRODUCT OF NEARLY NINETEEN YEARS OF STUDY, THE REVISED CODE MODERNIZES PERUVIAN LAW, LEGAL INSTITUTIONS, AND PRACTICES IN AN ATTEMPT TO ACHIEVE GREATER COMPATIBILITY WITH CONTEMPORARY SOCIETY. DUE TO TAKE EFFECT IN NOVEMBER 1984, THE CODE REPRESENTS A MAJOR STEP FORWARD FOR WOMEN IN PERU, WHO NOW HAVE THEIR CONSTITUTIONALLY GUARANTEED EQUALITY WITH MEN SOLIDIFIED.

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6. ALTHOUGH PERU'S RESTORED DEMOCRATIC INSTITUTIONS CONTINUED TO MATURE IN 1984, THE BELLAUNDE GOVERNMENT'S EFFORTS TO REVITALIZE A DETERIORATING ECONOMY AND STEADY CONSEQUENT SOCIAL UNREST MET WITH ONLY LIMITED SUCCESS. PERSISTENT LOW LEVELS OF WORLD COMMODITY PRICES AND A VERY HIGH DEBT SERVICE BURDEN FORCED MONETARY AUTHORITIES TO FOLLOW A POLICY OF STRICT AUSTERITY. PER CAPITA GNP FELL 14.4 PERCENT IN 1983, A TREND THAT CONTINUED IN 1984. LABOR UNREST, PARTICULARLY AMONG STATE EMPLOYEES, LED THE GOVERNMENT

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TO DECLARE A NATIONAL STATE OF EMERGENCY: ON JUNE 8, 1982. THE REAPPEARANCE OF SENDERO LUMINOSO ("SHINING PATH" TERRORIST ATTACKS IN LIMA AND ELSEWHERE IN THE COUNTRY AT HIS-VEAR FORCED THE GOVERNMENT TO EXTEND THE STATE OF EMERGENCY. SECURITY CONDITIONS IMPROVED SUFFICIENTLY TO PERMIT RESTORATION OF SUSPENDED GUARANTEES IN MOST OF PERU BY OCTOBER 6. BUT LIBERTIES REMAINED CURTAILED THROUGHOUT THE YEAR (AS HAD BEEN THE CASE IN MOST OF THE PERIOD 1981-82 BEFORE THAT) IN A BRASS, THREE-DEPARTMENTAL "EMERGENCY ZONE" IN THE SOUTH-CENTRAL SIERRA. THIS ZONE REMAINED UNDER THE POLITICAL-MILITARY CONTROL OF PERU'S ARMED FORCES, WHICH PRESIDENT BELANDIERE HAD CALLED ON IN LATE 1982 TO RESTORE ORDER IN THE FACE OF THE TERRORISTS' THREAT. THE GOVERNMENT ALSO DECIDED TO MAINTAIN UNDER A CONTINUING STATE OF EMERGENCY A SMALLER, MOSTLY JUNGLE REGION IN NORTH-CENTRAL PERU, WHERE A COMBINATION OF NARCOTICS TRAFFIC LAWLESSNESS AND OPPORTUNISTIC EXPANSION OF SENDERO TERRORISM HAD PLACED LIMA'S AUTHORITY IN QUESTION.

8. THE SENDERO LUMINOSO TERRORIST PHENOMENON HAS HAD

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C O N F I D E N T I A L SECTION 02 OF 09 LINA 13032

E.O. 12958: DECL: OADR
TAGS: OADR, PE
SUBJECT: REPORT ON HUMAN RIGHTS PRACTICES IN PERU - 1904

A SERIOUSLY DESTABILIZING EFFECT ON THE POLITICAL LIFE OF THIS DEMOCRATIC COUNTRY. IT HAS BEEN RESPONSIBLE FOR A SIGNIFICANT INCREASE IN THE LEVEL OF OVERALL SOCIETAL VIOLENCE. THE RANDOM AND PARTICULARLY BRUTAL KILLINGS WHICH SENDERO PERPETRATED IN THE EMERGENCY ZONE SINCE EARLY 1903 SHOCKED THE PERUVIAN POPULACE. ACCORDING TO RECENTLY PUBLISHED STATISTICS, 70 LOCAL GOVERNMENT OFFICIALS HAVE BEEN ASSASSINATED BY SENDERO IN THE EMERGENCY ZONE SINCE THE BEGINNING OF THE BELAUNDE ADMINISTRATION - 51 IN THE PERIOD JAN-OCT, 1904. THE OVERALL DEATH ROLL IN THE ZONE RESULTING FROM SENDERO ACTIONS HAS NOT BEEN TABULATED BUT IS BELIEVED TO BE HEAVY. AS OF LATE 1904, THE GOVERNMENT HAD NOT ISSUED ANY MORE DETAILED STATISTICS.

9. ALTHOUGH THE NATIONWIDE STATE OF EMERGENCY HAD LITTLE IMPACT ON DAILY LIFE FOR MOST PERUVIANS, THOSE LIVING IN THE EMERGENCY ZONE WERE AFFECTED BY THE SPECIAL REGIME THERE. OPERATING UNDER A UNIFIED "POLITICAL-MILITARY COMMAND," UNITS OF PERU'S THREE NATIONAL POLICE SERVICES WORKED WITH SOLDIERS AND MARINES TO REESTABLISH
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GOVERNMENT CONTROL. SUCCESSES WERE SPOTTY. THE GOVERNMENT ENDED 1903 BY EXPANDING THE REGION COVERED BY THE

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ZONE. AN ACT IT DEEMED NECESSARY TO REPEAT IN EARLY 1994. AN UPGRADE OF TERRORIST VIOLENCE AT MID-YEAR APPEARED TO PROVOKE A CORRESPONDING CAMPAIGN OF SECURITY FORCE COUNTER-VIOLENCE. BY LATE 1994, GOVERNMENT FORCES HAD SUCCEEDED IN BREAKING SENDRO'S DOMINANCE IN AVACUCHO, THE ZONE'S MAIN CITY, AS WELL AS IN A NUMBER OF RURAL AREAS, BUT ELSEWHERE IN THE REGION TERRORIST CADRES RETAINED AN ABILITY TO OPERATE OPENLY.

10. THE EMERGENCY ZONE'S NATURAL ISOLATION, COMPOUNDED BY ITS CULTURAL DISTANCE FROM WESTERNIZED MASS MEDIA IN LIMA, MADE INFORMATION GATHERING OR INDEPENDENT VERIFICATION OF RESPONSIBILITY FOR EVENTS DIFFICULT. NEVERTHELESS, THE FACT OF A RISING DEATH TOLL AND WIDESPREAD ENRAGEMENT WAS INDISPUTABLE. IN AUGUST 1993, PERUVIAN AUTHORITIES INDICATED TOTAL LOSSES (SINCE THE ONSET OF TERRORIST VIOLENCE IN MAY 1990) OF APPROXIMATELY 1,500. ONE YEAR LATER, HOWEVER, THAT FIGURE HAD VIRTUALLY TRIPLED. INTERNATIONAL AND LOCAL HUMAN RIGHTS SPOKESMEN EXPRESSED CONCERN THAT SOME OF THIS LOSS OF LIFE WAS THE CONSEQUENCE OF INDISCRIMINATE KILLING BY THE SECURITY FORCES, A CHARGE THAT BOTH MILITARY AND TOP CIVILIAN GOVERNMENT LEADERS DENIED. AMNESTY INTERNATIONAL ISSUED REPORTS SUPPLEMENTING THOSE IT HAS RELEASED IN AUGUST AND SEPTEMBER 1993. IN THESE STATEMENTS, IT REFERRED TO INCIDENTS IN WHICH PERSONS REPORTEDLY DETAINED BY SECURITY FORCES SUBSEQUENTLY "DISAPPEARED," EVENTUALLY TURNING UP DEAD AND, IN SOME CASES, WITH THEIR CORPSES DISPLAYING SIGNS OF TORTURE.

11. PRESIDENT DELANUE AND TOP OGP LEADERS HAVE
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CONTINUED TO SUPPORT HUMAN RIGHTS. THEY HAVE MADE IT CLEAR THAT THE DELANUE ADMINISTRATION DOES NOT CONDONE HUMAN RIGHTS VIOLATIONS. ON BALANCE, MOST PERUVIANS WERE, IN FACT, LESS FRIGHTENED BY TERRORIST-RELATED VIOLENCE AND COUNTER-VIOLENCE IN 1994 THAN WAS THE CASE IN 1993. PARTICULARLY IN MAJOR URBAN AREAS, POLICE DID A BETTER JOB THIS YEAR THAN LAST IN PROTECTING THE POPULACE FROM TERRORIST DEPREDATIONS. BUT THE EXPERIENCE OF IMMIGRANTS OF THE EMERGENCY ZONE WAS DIFFERENT. FOR THEM, AND REGARDLESS OF THE ORIGIN OF THE VIOLENCE, THE LAST TWELVE MONTHS BROUGHT MORE FEAR AND SUFFERING THAN

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THE TWELVE WHICH PRECEDES. THE UPWARD IN TERRORIST OPERATIONS AND SECURITY FORCE REACTIONS WERE PRIMARY FACTORS.

12. SECTION ONE: RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. POLITICAL KILLING. THE PHENOMENON OF WIDESPREAD POLITICAL KILLING IN PERU IS RELATIVELY NEW. ALTHOUGH SENDERO VIOLENCE BEGAN IN MID-1980, EXTENSIVE ACTS OF BRUTAL KILLING DID NOT BEGIN UNTIL EARLY 1982. THE TERRORISTS' INITIAL TARGETS USUALLY WERE SELECTED: POLICE, GOVERNMENT AUTHORITIES, AND "EXPLOITATIVE" LANDLORDS AND MERCHANTS. BUT IN EARLY 1982 SENDERO CHANGED TACTICS, FORMING COMMUNAL MARCHES IN WHICH LARGE NUMBERS OF PERSONS--MOSTLY RURAL VILLAGERS--DIED INDISCRIMINATELY. IN 1984, AS VILLAGES ANTAGONISTIC TO SENDERO BEGAN TO ORGANIZE SELF-DEFENSE UNITS, INTERCOMMUNE CLASHES BETWEEN PRO AND ANTI-SENDERO COMMUNITIES BECAME MORE FREQUENT.

13. SECURITY FORCES RESPONDED TO ESCALATED SENDERO VIOLENCE WITH INCREASED VIOLENCE OF THEIR OWN. ALTHOUGH MILITARY AUTHORITIES DISCONTINUED IN 1984, A PRACTICE COMMON IN 1980 (ISSUING FREQUENT COMMUNES DECREEING
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E.O. 12812-DECL: OADR

TAGS: SWAN, PE

SUBJECT: REPORT ON HUMAN RIGHTS PRACTICES IN PERU - 1994

RECORDS LOGGED SUFFERED IN "ARMED CONFRONTATIONS" IN THE EMERGENCY ZONE). INDIRECT EVIDENCE SUGGESTED THAT THE PACE OF KILLING INCREASED. NEWSPAPER AND MAGAZINE ACCOUNTS IN THE FINAL WEEKS OF 1993 REPORTED THE DISCOVERY OF BODIES, SIMPLY AND IN GROUPS, IN VARIOUS SPOTS NEAR THE EMERGENCY ZONE'S TWO MAIN CENTERS, THE CITIES OF AYACUCHO AND HUANTA. MOST OF THESE WERE THE CORPSES OF YOUNG MEN, SOME WITH SOME WERE IDENTIFIED AS INDIVIDUALS PREVIOUSLY REPORTED AS "MISSING." A SECOND SERIES OF SUCH DISCOVERIES FOLLOWS IN THE WAKE OF A BOMBED BOMBING OFFENSIVE THAT BEGAN IN LATE JUNE. ANTI-GOVERNMENT CRITICS CHARGED THAT THESE EVENTS DISCLOSED A SECURITY FORCE PRACTICE OF KILLING SUSPECTS WITHOUT TRIAL OR FOR THAT MATTER, WITHOUT REGARD TO EVIDENCE OF THEIR INVOLVEMENT IN SUBVERSIVE ACTS. SOME PRO-GOVERNMENT SPEAKERS ACKNOWLEDGED THE POSSIBILITY OF MISDEEDS BEING COMMITTED AND WHO RESPONSIBLE FOR THE DEATHS AND HOW SHOULD BE DONE.

IS. A THIRD TYPE OF MASS KILLING ALSO AFFECTED THE

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EMERGENCY ZONE. GOVERNMENT AUTHORITIES ACKNOWLEDGED THE INVOLVEMENT OF A LOCAL POLICE BARRISON IN THE

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MASSACRE OF OVER 30 VILLAGERS IN SOCOS IN MID-NOVEMBER 1963. CIVIL GUARD HEAD JUAN BALAGUER REVEALED ON SEPTEMBER 7 THAT 24 POLICEMEN (LATER INDICTED) WERE IMPLICATED IN THAT EVENT. ALTHOUGH HE PROVIDED NO DETAILS, NEWS MEDIA ALLEGED THAT THE POLICE IN QUESTION HAD ACTED UNDER THE INFLUENCE OF ALCOHOL -- WITH A MINOR DISPUTE BETWEEN VILLAGERS AND POLICEMEN SETTING OFF A TRAGIC KILLING WHICH THE POLICE LATER SOUGHT TO COVER UP. PRESS REPORTING ON OTHER OCCASIONS ALSO CHARGED COMRADES AMONG SECURITY FORCES AS A CASUAL FACTOR IN PRODUCING EMERGENCY ZONE TRAGEDIES. THE ZONE'S POLITICAL-MILITARY HEAD, GENERAL ADRIAN MURAN, ATTEMPTED TO RESTRICT ACCESS TO ALCOHOL BY PERSONNEL UNDER HIS COMMAND.

15. B. DISAPPEARANCE. THE QUESTION OF DISAPPEARED PERSONS ("DESAPARECIDOS") BECAME A MAJOR POLITICAL ISSUE IN AUGUST-SEPTEMBER 1963, WITH THE PUBLICATION OF AMNESTY'S REPORTS. AMNESTY ISSUED FOLLO-UP REPORTS IN EARLY 1964 BUT, WITH A CHANGE OF MILITARY LEADERSHIP IN THE EMERGENCY ZONE AND APPARENT CORRESPONDING CHANGE IN SECURITY FORCE TACTICS, THE ISSUE RECEIVED FROM THE FORGEMEN. THE (PRIVATE CITIZEN) NATIONAL COMMISSION ON HUMAN RIGHTS ON NOV 9 PRESENTED TO THE PUBLIC MINISTRY A DOCUMENTED LIST OF 461 CASES OF DISAPPEARANCES. ALMOST WITHOUT EXCEPTION, HOWEVER, THIS LIST DEALT WITH COMPLAINTS THAT HAD BEEN REGISTERED IN 1963 (I.E., BEFORE THE JANUARY 1 CHANGE IN ZONE COMMAND). STATISTICS RELEASED IN LATE APRIL BY AYACUCHO'S DISTRICT ATTORNEY, BENJAMIN MAGUENO, OFFERED A SIMILAR PICTURE: OF SOME 600 INSTANCES FILED WITH HIS OFFICE, THE LARGEST PORTION

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(CALL NOV 100) DATED FROM 1963. ANTI-GOVERNMENT LINA "REPUBLICA" REPORTED, ON JUNE 24, THAT THE TOTAL NUMBER OF COMPLAINTS PRESENTED TO PUBLIC MINISTRY AUTHORITIES FROM SEPTEMBER 1962 UNTIL NOV 1963 NUMBERED 1,000, THE GREATEST SECURITY HAVING OCCURRED IN THE SINGLE DEPARTMENT OF AYACUCHO.

16. NOV, BEGINNING IN LATE JULY AND CONTINUING THROUGH AUGUST AND SEPTEMBER, THE CONTROVERSY SURROUNDING DISAPPEARANCES INCREASED DRAMATICALLY. WHAT PROVED TO BE THE INITIAL EVENT IN A SERIES OF MAJOR PUBLIC OCCUR-

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RENCES WAS THE DETENTION. ON JULY 27, OF CAMPESINO LEADER JESUS GROPEZA IN A POLICE STATION IN THE SOUTH AYACUCHO TOWN OF PUNO. BETWEEN THAT DATE AND THE DISCOVERY OF HIS MUTILATED CORPSE ON AUGUST 10, GROPEZA WAS OFFICIALLY "MISSING," AS POLICE AUTHORITIES ASSERTED THEY HAD TURNED GROPEZA OVER TO AN UNIDENTIFIED MILITARY UNIT ON THE NIGHT OF THE 27TH AND KNEW NO MORE OF HIM. THEN INTERIOR MINISTER LUIS PERCOVICH REPORTED TWICE TO THE SENATE ON THE CASE. IN AN INITIAL ACCOUNT OF AUGUST 13, HE TRANSMITTED A POLICE INVESTIGATING REPORT THAT, WHILE CHANGING FUNDAMENTAL DETAILS FROM THE ORIGINAL POLICE VERSION, MAINTAINED THE POSITION THAT THEY HAD NOT BEEN RESPONSIBLE FOR GROPEZA'S DEATH. BUT ON AUGUST 16, PERCOVICH TESTIFIED BEFORE A CLOSED SENATE SESSION AND ENDED TO ACKNOWLEDGE THAT PUNO POLICE PRESUMABLY WERE RESPONSIBLE. THE SENATE ITSELF ISSUED A COMMUNIQUE NOTING THAT GROUNDS EXISTED "TO PRESUME THAT THE CITIZEN GROPEZA COULD HAVE BEEN VICTIMIZED BY (THOSE) FORCES RESPONSIBLE FOR HIS CUSTODY AND TRANSPORT."

17. A SECOND, PARALLEL CASE DEVELOPED IN NORTHERN AYACUCHO. JAINE AYALA, "REPUBLICA" CORRESPONDENT IN HUANTA, WENT TO SECURITY FORCE (MARINE) HEADQUARTERS ON AUGUST 2 TO PROTEST AN INCURSION MADE BY POLICE EARLIER

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E.O. 12958: DECL: OADR

TAGS: SHUR, PE

SUBJECT: REPORT ON HUMAN RIGHTS PRACTICES IN PERU - 1904

IN THE DAY AT HIS MOTHER'S HOME. ALTHOUGH MILITARY AUTHORITIES SUBSEQUENTLY DENIED THAT AYALA HAD BEEN DETAINED (ASSERTING, INSTEAD, THAT HE HAD LEFT THE BARRACKS THE SAME DAY HE VISITED IT), AYALA WAS NEVER SEEN THEREAFTER. ALTHOUGH NO LESS A PERSONAGE THAN PERU'S ATTORNEY GENERAL KINDLY WENT TO HUANTA AUGUST 14 TO INVESTIGATE, EFFORTS TO CLARIFY AYALA'S DISAPPEARANCE PROVED FRUITLESS.

10. ON AUGUST 24, THE PRESS REPORTED THE FINDING, 36 KILOMETERS FROM HUANTA, OF NUMEROUS CORPSES IN SEVERAL "CLAUDESTINE" GRAVES. APPROXIMATELY FIFTY BODIES WERE UNCOVERED AT THIS SITE (KNOWN AS PUCAYACO). BOTH PRESIDENT BELAUNDE AND THE MILITARY HIGH COMMAND DISCLAIMED SECURITY FORCE RESPONSIBILITY FOR THE DEATHS, ASSERTING THAT THE VICTIMS WERE LIKELY SENDRISTA MILITANTS WHO HAD FALLEN IN COMBAT AND BEEN BURIED BY THEIR COMRADES. BUT MANY PRESS COMMENTATORS IN LIMA DISMISSED. THEY ASSOCIATED THIS FINDING WITH PREVIOUS REPORTS OF DISAPPEARANCES, CITING THE FACT THAT THE VICTIMS' CORPSES HAD BEEN DISFIGURED AND LEFT NUDE TO
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PREVENT IDENTIFICATION, AND THAT MANY HAD BEEN BLIND-FOLDED AND BOUND. THE NAMES OF DEATH TOO, THEY POINTED

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OUT, WAS INCONSISTENT WITH BATTLE INFLECTED WOUNDS. THESE EVENTS PROVOKED WIDESPREAD PUBLIC DISCUSSION OF THE CONDUCT OF PERU'S WAR AGAINST SUBVERSION. MANY NORMALLY PRO-GOVERNMENT PUBLICATIONS EDITORIALIZED ON THE DANGERS TO PERUVIAN POLITICAL SOCIETY OF ALLOWING SECURITY FORCE EXCESSES TO OCCUR. BUT WHILE EDITORIAL COMMENT CONDEMNED SUCH PRACTICES, COMPLAINTS OF DISAPPEARANCES (SUCH AS THAT OF HUANCAYELICA LABOR UNION LEADER HILARIO AYUQUE ON SEPTEMBER 20) CONTINUED, AND LIMA'S PRESS REPORTED THE DISCOVERY OF MORE CLANDESTINE GRAVES NEAR HUANTA.

19. C. TORTURE AND CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT. PERU'S 1979 CONSTITUTION PROHIBITS CAPITAL PUNISHMENT (EXCEPT FOR TREASON IN TIME OF FOREIGN WAR), TORTURE, AND INHUMAN OR DEGRADING TREATMENT. NEVERTHELESS, CHARGES OF SECURITY FORCE BRUTALITY TOWARD DETAINED PRISONERS HAVE BEEN COMMONPLACE SINCE THE MILITARY ENTERED THE EMERGENCY ZONE IN DECEMBER 1982. AMNESTY INTERNATIONAL'S REPORT "TORTURE IN THE EIGHTIES" ASSERTS THAT TORTURE VICTIMS IN PERU "HAVE INCLUDED PEOPLE FROM ALL WALKS OF LIFE," ALTHOUGH THOSE OF "THE LARGELY INDIAN PEASANTRY, OR FROM SECTIONS OF THE URBAN POOR" ARE MORE LIKELY TO EXPERIENCE SERIOUS MISTREATMENT. THE AMNESTY REPORT ALSO CHARGED THAT TORTURE IS MORE LIKELY TO OCCUR BEFORE PRISONERS APPEAR IN COURT AND (REFERRING TO THE EMERGENCY ZONE) OFTEN PRECEDES EXTRAJUDICIAL EXECUTIONS.

20. IN GENERAL, JAIL CONDITIONS IN PERU ARE PRIMITIVE, AND DETAINED PERSONS ARE LIKELY TO ASSOCIATE THEIR DE-
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TENTION WITH LIMITED HYGIENIC FACILITIES, POOR NUTRITION, AND OCCASIONAL ILL-TREATMENT BY POORLY PAID PRISON STAFF. CHARGES OF OUTRIGHT TORTURE IN SUCH FACILITIES, HOWEVER, WERE NOTABLY ABSENT IN 1984. TORTURE CHARGES THAT DID APPEAR IN THE PRESS ASSOCIATED SUCH ACTIVITY WITH SENIOR LUMINOUS TERRORISTS AND SECURITY FORCES ENGAGED IN COMBATING SUBVERSION. CHARGES OF DEPUTIES PRESIDENT ELIAS BENGUZA ACKNOWLEDGED (AUGUST 13) THAT, LAURENTABLY, SOME OF THOSE ENGAGED IN THE ANTITERRORIST EFFORT INDEED HAD COMMITTED ABUSES. ALTHOUGH PRO AND ANTIGOVERNMENT

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OLITICAL LEADERS OFTEN DISMISSED AS TO THE IDENTITY OF THOSE RESPONSIBLE FOR PARTICULAR EVENTS. THE UNTILATED SERIES OF VICTIMS UNCOVERED IN THE EMERGENCY ONE FREQUENTLY TESTIFIED TO THEM HAVING BEEN OBTAINED PRIOR TO EXECUTION. WOMEN HELD PRISONER IN THE ZONE APPEARED TO RUN PARTICULAR RISKS. MALE PRISONERS NOT AS LIKELY TO EXPERIENCE SEVERE BEATINGS AS MALE PRISONERS. A NUMBER OF FEMALE RETAINERS COMPLAINED THAT THEY HAD BEEN RAPED OR SEXUALLY ABUSED. IN ONE SUCH EXAMPLE, JUANA LIDIA BARRERA, A KEY WITNESS IN THE TRIAL OF SUSPECTS ACCUSED OF THE JANUARY 1983 MURDER OF EIGHT PERUVIAN MEMBERS AT UCHIRACAY, ACCORDING TO CHARGES FILED BY THE PUBLIC PROSECUTOR, WAS RAPED BY SECURITY FORCE MEMBERS AFTER SHE WAS TAKEN INTO CUSTODY IN 1982-SEPTEMBER 1984.

11. 8. ARBITRARY ARREST, DETENTION, OR EXILE. PERU'S 1979 CONSTITUTION REQUIRES THAT AN ARRESTEE BE JUDICATED WITHIN 24 HOURS FOR ALL CRIMES EXCEPT DRUG TRAFFICKING, TERRORISM, OR ESPIONAGE, FOR WHICH THE LIMIT IS 15 DAYS. ADMINISTRATIVE DIFFICULTIES SOMETIMES PRECLUDE THE 24-HOUR DEADLINE FROM BEING

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C O N F I D E N T I A L SECTION 08 OF 09 LINA 13032

E.O. 12958: DECL: OADR
TAGS: SUSA, PE
SUBJECT: REPORT ON HUMAN RIGHTS PRACTICES IN PERU - 1964

NET, BUT ABRAIDMENT OCCURS IN A TIMELY MANNER.
THE CONSTITUTION ALSO GUARANTEES HUMAN RIGHTS,
WHICH IS RESPECTED IN PRACTICE. THESE GUARANTEES
ARE SUSPENDED, HOWEVER, BY THE DECLARATION OF A
STATE OF EMERGENCY. WHILE THE EMERGENCY DECREE
REMAINS IN FORCE, POLICE AUTHORITIES THEORETICALLY
ARE EMPOWERED TO DETAIN INDIVIDUALS INDEFINITELY.

22. ASIDE FROM THE PARTICULAR EXPERIENCE OF THE
SOUTH-CENTRAL SIERRA EMERGENCY ZONE, HOWEVER, THE
120 DAYS THAT PERU SPENT UNDER A NATIONAL STATE OF
EMERGENCY IN 1964 PASSED VIRTUALLY UNNOTICED,
WITH LIMITED EXCEPTIONS. POLICE AUTHORITIES DID NOT
MAKE USE OF THEIR EXPANDED POWER TO DETAIN PERSONS
BEYOND THREE PERIODS PERMITTED BY THE CONSTITUTION.
WITHIN THE ZONE, LITTLE CHANGED IN REGARD TO
SECURITY FORCE PRACTICES ESTABLISHED IN 1963.
CHANGES WERE MADE TO BE PUBLISHED IN LIMA'S PRESS
CONCERNING THE VIOLATION OF RIGHTS IN THE ZONE BY
SECURITY FORCE PERSONNEL, ONE OF WHICH RELEVANTLY

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EFFECTED DETENTIONS WHILE NOT IN UNIFORM, OR WHILE
ARMED, AND OF THE DIFFICULTY EXPERIENCED BY

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RELATIVES IN ESTABLISHING THE WHEREABOUTS OF PERSONS SO DETAINED. THESE COMPLAINTS ON OCCASION WERE SCHEMED BY OFFICIALS OF THE PUBLIC MINISTRY POSTED IN THE ZONE. DISTRICT ATTORNEY MADRUGA, FOR EXAMPLE, PROTESTED PUBLICLY IN APRIL ABOUT A LACK OF COOPERATION BY SECURITY FORCE AUTHORITIES WHO, HE SAID, WERE HINDERING HIS OFFICE'S OPERATIONS. OF SEVERAL HUNDRED INDIVIDUALS REGARDING COMPLAINTS OF MISFEASANCE THAT HIS OFFICE HAD SENT TO THE ZONE'S POLITICAL-MILITARY COMMAND, ONLY A HANDFUL ELICITED RESPONSES. ON NOV 1, MADRUGA DEMONSTRATED IN PROTEST, AN EXAMPLE THAT SOME OTHER PUBLIC MINISTRY REPRESENTATIVES IN AYACUCHO LATER FOLLOWED.

22. PERU'S CONSTITUTION EXPRESSLY FORBIDS THE PRACTICE OF EXILE. AND NO SUCH ACTS OCCURRED IN 1964.

23. E. SERIAL OF FAIR PUBLIC TRIAL. THE PERUVIAN JUDICIARY IS INDEPENDENT OF THE EXECUTIVE IN BOTH LAW AND PRACTICE. THE NATIONAL COUNCIL OF THE MAGISTRACY, WITH THE ATTORNEY GENERAL, SELECTS MEMBERS FOR JUDICIAL POSITIONS. APPOINTMENTS ARE FOR LIFE. ONLY IN CASES WHERE LEGISLATIVE SUPERVISION, SUCH AS IN LOWER COURT POSITIONS, ARE EXERCISED BY THE SUPREME COURT, WHILE THE NATIONAL COUNCIL OF THE MAGISTRACY INVESTIGATES AND COMPLAINTS AGAINST THE TOP TRIENAL AND THEN SENDS THEM OVER TO THE ATTORNEY GENERAL IF THERE ARE GROUNDS FOR CHARGES. THE SUPREME COURT ITSELF HAS RESPONSIBILITY FOR FINAL ACTION.

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24. ALL CIVIL CASES ARE TRIED IN CIVILIAN COURTS. DEFENDERS ARE OBLIGED TO HAVE AN ATTORNEY PRESENT WITH THEM AND TO APPEAR TO THE POLICE. PUBLIC PROSECUTION (FROM THE PUBLIC MINISTRY) CUSTOMARILY

(4)
HANDS IN CIVIL CASES WHERE CASES HAVE NOT BEEN ASSIGNED DUE TO ADMINISTRATIVE BACKLOG. A TRIAL SYSTEM PROVIDED FOR A CLOSED JUDICIAL HEARING, FOLLOWED BY A PUBLIC TRIAL IN SUPERIOR COURT FOR THOSE HELD FOR PROBABLE CAUSE AT LOWER LEVELS.

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WHERE ITS JURISDICTION IS PERMITTED, THE SUPREME COURT HEARS FINAL APPEALS.

26. IN COMMON WITH OTHER PRISONERS, PERSONS ARRESTED AND FORMALLY CHARGED WITH TERRORIST CRIMES FACE LONG PERIODS OF DETENTION WHILE THEIR CASES REMAIN UNDER INVESTIGATION. SOME 900 SUCH PERSONS WERE JAILED IN VARIOUS PRISONS THROUGHOUT PENN IN LATE SEPTEMBER 1988. BY LATE JUNE, THAT NUMBER HAD RISEN TO APPROXIMATELY 1,100. FOR SECURITY REASONS, ALL TRIALS OF TERRORISM CASES ARE CONCENTRATED IN LEEDS -- A FACTOR WHICH ITSELF ADDS TO DELAY (THE OVERWHELMING MAJORITY OF TERRORISM SUSPECTS HAVE YET TO SEE THEIR CASES REACH THE STAGE OF EXONERATION OR CONVICTION).

27. F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CONSCIENCE. A JUDICIAL

NOTE BY OC/T: (P) OMISSION. CORRECTION.

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TAGS: SSMR, PE
SUBJECT: REPORT ON HUMAN RIGHTS PRACTICES IN PERU - 1984

WARRANT IS REQUIRED TO ENTER A PRIVATE RESIDENCE, THE INVIO-
LABILITY OF WHICH (EXCEPT UNDER A STATE OF EMERGENCY) IS GUARANTEED. STATE AUTHORITIES DO NOT INTERFERE WITH OR REGULATE THE RIGHT OF INDIVIDUALS TO JOIN POLITICAL OR RELIGIOUS ORGANIZATIONS. A PUBLIC SCHOOL ERUPTED IN MID-OCTOBER WHEN AN INDIVIDUAL OPERATOR WORKING FOR THE STATE-OWNED TELEPHONE COMPANY INTERCEPTED A WINNING CALL FROM A POPULAR TELEVISION PROGRAM. THERE WAS NO SUGGESTION IN THIS, OR ANY OTHER, INSTANCE, HOWEVER, OF A GENERALIZED MONITORING BY AUTHORITIES OF CORRESPONDENCE OR TELEPHONES. FOREIGN PUBLICATIONS CIRCULATE FREELY, AND RADIO BROADCASTS FROM ABROAD ARE NOT JAMMED. THE GOVERNMENT PERMITS, ENCOURAGES, AND ASSISTS THE PROMOTION OF INDIGENOUS LANGUAGES.

20. SECURITY FORCES IN THE EMERGENCY ZONE ROUTINELY AVOIDED THEMSELVES OF THEIR AUTHORITY UNDER THE STATE OF EMERGENCY DECREE TO MAKE WARRANTLESS SEARCHES OF PRIVATE HOMES. ELEMWERE

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IN THE COUNTRY, HOWEVER, POLICE EXERCISED THIS THIS LIBERALIZED AUTHORITY SPARINGLY.

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29. SECTION TWO: RIGHTS INCLUDING:

RESPECT FOR CIVIC AND POLITICAL

A. FREEDOM OF SPEECH AND PRESS. PERU'S CONSTITUTION GUARANTEES, AND THE GOVERNMENT IN PRACTICE ALLOWS, FREEDOM OF SPEECH AND OF THE PRESS. ACKNOWLEDGED TO BE ONE OF THE DELANOUE ADMINISTRATION'S KEY ACHIEVEMENTS, THE REESTABLISHMENT OF A FULLY INDEPENDENT MEDIA WAS ACCOMPLISHED ON ITS FIRST DAY IN OFFICE. PERUVIAN PUBLICATIONS REFLECT POLITICAL VIEWPOINTS ACROSS THE SPECTRUM, AND THE GOVERNMENT MADE NO ATTEMPT TO CENSOR CRITICISM, INCLUDING CRITICISM OF ITS HUMAN RIGHTS RECORD. PRESS FREEDOM IS IN NO WAY AFFECTED BY THE DECLARATION OF A STATE OF EMERGENCY.

30. MOST PERUVIAN NEWS OUTLETS DEFINE THEIR MISSION ONLY IN PART AS INFORMATIVE, HOWEVER, AND EDITORIAL VIEWPOINTS TEND TO SHAPE NEWS PRESENTATION AS WELL. ON JUNE 3, LINA'S LEADING TELEVISION-DOCUMENTARY PROGRAM "VISION" WAS CUT ABRUPTLY IN MID-BROADCAST, FOLLOWING PRESENTATION OF A FEATURE CRITICAL OF THE GOVERNMENT'S HANDLING OF POLICE DISCIPLINARY MATTERS. ALTHOUGH SOME CRITICS CHARGED THAT GOVERNMENT OFFICIALS WERE BEHIND THE MOVE, STATION OWNERS MADE CLEAR THAT THE DECISION WAS THEIRS, AND THAT THEY HAD CONTAINED THE BROADCAST BECAUSE THEY DISAGREED WITH THE CONTENT OF THE REPORT. "VISION" DIRECTOR CESAR HILDEBRANDT RETURNED TO THE AIR ON JULY 31, BUT ON A DIFFERENT TV CHANNEL.

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31. THE GOVERNMENT ALSO CAME IN FOR OCCASIONAL PRESS CRITICISM IN 1984 RESULTING FROM ALLEGATIONS CONCERNING POLICE BEHAVIOR TOWARD INDIVIDUAL JOURNALISTS COVERING NEWS EVENTS ON LINA'S STREETS. IN ONE SUCH INSTANCE, POLICE ON AUGUST 17 PURSUED AND DISPERSED SEVERAL WOMEN PROTESTING THE DISAPPEARANCE OF CORRESPONDENT JAINE AYALA IN HUANTA. FOLLOWING A FORMAL CONDEMNATION OF THIS POLICE ACTION BY THE PERUVIAN JOURNALISTS' ASSOCIATION'S NATIONAL COUNCIL, LINA PRACTICE ANTONIO ARRANTE ISSUED AN APOLOGY. ON SEPTEMBER 21, THE ORGANIZATION OF JOURNALISTS ASSIGNED TO GOVERNMENT

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PALACE (PERU'S "WHITE HOUSE") MADE A SIMILAR COMPLAINT TO PRIME MINISTER HARIATEGUI. AN INCIDENT THAT OCCURRED A FEW DAYS LATER, IN WHICH A "REPUBLICA" JOURNALIST WAS HOSPITALIZED SUBSEQUENT TO BEING ATTACKED BY AN ALLEGEDLY DRUNK POLICEMAN, ELICITED BOTH AN APOLOGY FROM MINISTER PERCOVICH AND AN ASSURANCE THAT DISCIPLINARY ACTION HAD BEEN TAKEN. NEVERTHELESS, ISOLATED INSTANCES CONTINUED TO RECUR, AND ON OCTOBER 26 (HARRIST NEWSPAPER) "EL DIARIO MAREA" COMPLAINED OF POLICE ABUSE DIRECTED AGAINST A MEMBER OF ITS STAFF WHO HAD BEEN COVERING A MARCH BY STRIKERS IN DOWNTOWN LIMA. NEWLY APPOINTED INTERIOR MINISTER OSCAR BRUSH LAUNCHED THE INCIDENT.

22. AS IN 1963, MORE SERIOUS ALLEGATIONS OF SECURITY FORCE INTERFERENCE WITH PRESS FREEDOM AROSE IN THE EMERGENCY ZONE. TWO "EL DIARIO" CORRESPONDENTS (AGILIO ARROYO IN HUANTA AND LUIS MORALES IN AYACUCHO) COMPLAINED THAT POLICE CONTINUED TO DETAIN THEM ARBITRARILY AND UTTER DEATH THREATS. THE LATTER NEWSMAN'S 16-YEAR OLD SON "DISAPPEARED" BRIEFLY IN APRIL, BUT PROMPT INTERVENTION BY DISTRICT ATTORNEY MADUENO RESULTED IN HIS RELEASE. THE AYALA DISAPPEARANCE LED THE PERUVIAN PRESS ASSOCIATION TO ISSUE A COMMUNIQUE

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ON AUGUST 14 DEMANDING HIS IMMEDIATE LIBERATION AND AN END TO IMPRISONMENTS ON PRESS FREEDOM IN THE ZONE. THE FOREIGN PRESS CORRESPONDENTS ASSOCIATION ALSO ISSUED A PUBLIC PROTEST (AUGUST 21), WHEN SECURITY FORCES BRIEFLY DETAINED THREE MEMBERS (TWO OF THEM FROM UPI) WHEN THEY ARRIVED IN AYACUCHO TO COVER THE AYALA DISAPPEARANCE. CONVERSELY, MANY PERUVIANS WERE CRITICAL OF WHAT THEY CONSIDERED THE GOVERNMENT'S EXCESSIVE TOLERANCE OF DELIBERATELY FALSE REPORTING BY SOME MEDIA REGARDING THE TERRORIST/ANTI-TERRORIST SITUATION WHICH, IN THEIR VIEW, WAS DESTABILIZING AND DAMAGING TO PERU'S IMAGE ABROAD.

33. D. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION. THESE RIGHTS ARE GUARANTEED IN THE CONSTITUTION AND ARE NORMALLY RESPECTED. (THE RIGHT TO ASSEMBLY IS AMONG THOSE SPECIFICALLY SUSPENDED BY THE PROCLAMATION OF A STATE OF EMERGENCY, AND ON OCCASION THE GOVERNMENT AVAILED ITSELF OF THIS SUSPENSION DURING THE 120-DAY PERIOD OF NATIONAL EMERGENCY.) FOR THE MOST PART, HOWEVER, THE GOVERNMENT DEALT EVEN WITH UNAUTHORIZED DEMONSTRATIONS IN A NON-

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CONFRONTATIONAL MANNER.

34. THE CONSTITUTION GUARANTEES PRIVATE SECTOR WORKERS
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THE RIGHT TO ORGANIZE, BARRAIN COLLECTIVELY, AND STRIKE. PUBLIC SECTOR WORKERS (EXCEPT FOR ARMED FORCES, JUDGES, AND HIGH OFFICIALS) HAVE SIMILAR RIGHTS, ALTHOUGH THERE ARE SOME RESTRICTIONS. IN PRACTICE, EMPLOYEES ORGANIZE AND STRIKE FREELY. LEGISLATION TO REGULATE THE RIGHT TO STRIKE IS STILL UNDER CONSIDERATION IN CONGRESS.

36. ABOUT TEN PERCENT OF THE WORK FORCE IS ORGANIZED, AND TOTAL MEMBERSHIP IN COMMUNIST AND OTHER FAR LEFT UNIONS IS SOMEWHAT LARGER THAN THAT OF DEMOCRATICALLY-ORIENTED UNIONS. NO SIGNIFICANT PART OF THE LABOR MOVEMENT IS TIED TO THE GOVERNMENT OR THE GOVERNMENT PARTY. UNIONS GENERALLY ARE NOT FORMALLY LINKED WITH POLITICAL PARTIES, BUT IMPORTANT NATIONAL COOPERATIVES ARE IDENTIFIED WITH PARTICULAR POLITICAL TENDENCIES. THERE IS NO GOVERNMENT PERSECUTION OF UNIONS OR PROFESSIONAL GROUPS. ON THE CONTRARY, UNION LEADERS ARE CONSULTED REGULARLY BY THE PRESIDENT, PRIME MINISTER, AND MINISTER OF LABOR, AS WELL AS CONGRESSIONAL COMMITTEES. PERUVIAN LABOR ORGANIZATIONS AFFILIATE FREELY WITH REGIONAL AND INTERNATIONAL TRADE UNION ORGANIZATIONS OF ALL IDEOLOGICAL TENDENCIES. PERU IS AN ACTIVE AND RESPONSIBLE MEMBER OF THE INTERNATIONAL LABOR ORGANIZATION (ILO).

36. C. FREEDOM OF RELIGION. THE ROMAN CATHOLIC FAITH IS OVERWHELMINGLY PREDOMINANT IN PERU, AND THE CONSTITUTION FORMALLY RECOGNIZES THE CHURCH'S IMPORTANCE. IT ALSO ESTABLISHES THE INDEPENDENCE OF CHURCH AND STATE, WHICH IS RESPECTED IN PRACTICE, AND GUARANTEES FREEDOM OF RELIGION AND CONSCIENCE. MEMBERS OF MINORITY RELIGIONS ENCOUNTER
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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.

37. THE FEW COMPLAINTS THAT AROSE IN 1964 WITH RESPECT TO FREEDOM OF RELIGION HAD TO DO WITH THE CONSEQUENCES OF PERU'S ONGOING EFFORTS TO COMBAT TERRORISM. CHARGES OCCASIONALLY SURFACED IN SECTIONS OF THE MEDIA, AND WERE REPEATED BY SOME GOVERNMENT PARTY MEMBERS OF CONGRESS, OF SUBVERSIVE ACTIVITIES BEING CARRIED OUT IN PERU BY CERTAIN FOREIGN NUNS AND CLERICS. THE OCCASIONAL OVERT-

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tion of a nun or cleric on suspicion of involvement with terrorists (such as that of Salesian priest Rolando Ramos in Cuzco in early October) indicated that the issue was not just rhetorical. In none of these cases, however, did the initial detention lead to the pressing of charges, and all such individuals eventually were set free.

30. B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION. THE CONSTITUTION GUARANTEES THE RIGHT OF FREE MOVEMENT. THERE ARE NO POLITICAL OR LEGAL CONSTRAINTS ON FOREIGN TRAVEL OR EMIGRATION. THE DECLARATION OF A STATE OF EMERGENCY SUSPENDS THE GUARANTEE OF FREE MOVEMENT WITHIN THE COUNTRY BUT, IN PRACTICE, EVEN DURING THE PERIOD OF NATIONAL EMERGENCY IN 1964 TRAVELERS WERE SELDOM HINDERED BY THE SUSPENSION OF THIS GUARANTEE. TRAVEL IN THE EMERGENCY ZONE CONTINUED TO BE AFFECTED MORE BY THE DIFFICULTY OF MOVING ABOUT IN MOUNTAINOUS (AND DANGEROUS) TERRAIN THAN BY PROHIBITIONS SET BY THE SECURITY FORCES.

31. IN JUNE 1964, PERU ACCESSED TO THE 1967 UN PROTOCOL ON REFUGEES. EVEN BEFORE ACCESSION, HOWEVER, THE GOVERN-

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TRIM: SMM, PE
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MENT AND ACCEPTED THE PROTOCOL IN PRINCIPLE AND NEVER FORCED REFUGEES TO RETURN TO COUNTRIES WHERE THEY HAD REASONS TO FEAR PERSECUTION. IN THESE CASES, PERU HAS ASSISTED REFUGEES TO INTEGRATE INTO PERUVIAN LIFE. MOST OF THE CASES REFERRED AND CASE TO PERU IN 1960 HAVE NOW BEEN RESOLVED.) HISTORICALLY, REFUGEES FLEEING TURMOIL IN NEIGHBORING COUNTRIES (SUCH AS BOLIVIA) HAVE BEEN ENCOURAGED EVENTUALLY TO RETURN BUT HAVE NOT BEEN PRESSURED. REFUGEES FROM MORE DISTANT PLACES (SUCH AS SPAIN) EITHER HAVE BEEN RESOLVED OR ASSISTED IN FINDING THIRD COUNTRIES THAT WOULD ACCEPT THEM. THE ONLY CASES IN WHICH PERU HAS APPROVED INVOLUNTARY REPATRIATION HAVE INVOLVED (NON-POLITICAL) CRIMINALS.

40. SECTION THREE: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT. PERU IS A DEMOCRATIC COUNTRY GOVERNED BY A FREELY ELECTED PRESIDENT AND CONGRESS. THE CONSTITUTION PROVIDES UNIVERSAL SUFFRAGE FOR ALL PERUVIANS AND POLITICAL PARTIES ARE COMPLETELY OPEN AND VIGOROUSLY ENGAGED IN A DEMOCRATIC POLITICAL PROCESS. LEADER-

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GROUP OF THE VARIOUS PARTIES TENDS TO REMAIN IN THE HANDS OF BROAD ELITES, WHOSE ACCESS TO EDUCATIONAL, FINANCIAL,

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AND COMMUNICATIONS OPPORTUNITIES AFFORD THEM DE FACTO ADVANTAGES OVER RURAL-BASED ELEMENTS. INDIANS AND PERU'S SMALL BLACK COMMUNITY REMAIN UNDERREPRESENTED AT TOP LEVELS OF ALL GOVERNMENTAL INSTITUTIONS AND PROFESSIONAL ASSOCIATIONS.

41. THE BELLAUNO GOVERNMENT HAS ENJOYED WORKING MAJORITIES IN BOTH HOUSES OF CONGRESS FOR ALMOST ALL OF ITS INCUMBENCY. (THE GOVERNMENT'S SENATE MAJORITY DEPENDS ON COOPERATION BY A COALITION PARTNER, THE POPULAR CHRISTIANS, WHO OFFER TO END THEIR ALLIANCE IN MID-1964.) ALTHOUGH MEMBERS OF CONGRESS TENDED TO ACCEPT PARTY DISCIPLINE, SEVERAL INSTANCES OF BREACHES OCCURRED TO MAKE VOTES, AT TIMES, UNPREDICTABLE. ALL FOUR MAJOR PARTIES/GROUPS SAW SOME OF THEIR MEMBERS DEFECT DURING THE FIVE-YEAR LIFE OF THE CONGRESS ELECTED IN 1960.

42. CONSTITUTIONAL PROVISIONS GUARANTEE PARTICIPATION IN THE POLITICAL PROCESS TO ALL, REGARDLESS OF RACE OR SEX. TRADITION, HOWEVER, HAS IMPEDED THE ACCESS OF BOTH WOMEN AND MEMBERS OF MINORITY GROUPS TO LEADERSHIP ROLES IN MAJOR SOCIAL AND POLITICAL INSTITUTIONS. THIS SLOWLY IS CHANGING. FOR THE FIRST TIME, A WOMAN WAS CHOSEN (DECEMBER 1963) TO HEAD LIMA'S SUPERIOR COURT. ALL MAJOR POLITICAL PARTIES INDICATED INTEREST IN SELECTING MORE WOMEN AS CANDIDATES FOR CONGRESSIONAL RACES IN 1965. PROPOSALS TO OPEN THE OFFICER RANKS OF THE THREE NATIONAL POLICE SERVICES AND ARMED FORCES TO WOMEN, HOWEVER, DID NOT PROCEED IN 1964.

43. SECTION FOUR: GOVERNMENT ATTITUDE REGARDING INTERNA-
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TERRA AND NON-CONFIDENTIAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS. PERU'S GOVERNMENT AUTHORITY HAS BEEN EXTREMELY SENSITIVE TO 1964 TO CRITICISMS OF PERU'S POLITICAL AND SOCIAL INSTITUTIONS AND POLITICAL LEADERS. PERU'S HUMAN RIGHTS AND ASSOCIATIONS, HEAVY HANDED ACT. PERU'S HUMAN RIGHTS LAW PROVISION AND SECOND YEAR PROHIBIT JUDICIAL REVIEW FROM BEING REVERSED. ARRESTY INTERNATIONAL'S 1964 REPORT IS PART OF ONE DEplete WITH ERRORS AND IMMEDIATELY INVESTIGATED ERRORS. GOVERNMENT-OWNED LIMA DAILY "COMERCIO" EDITORIALIZED (OCT. 20) THAT ARRESTY APPEARED "TO HAVE NO OTHER SOURCE

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OF INFORMATION THAN COMMUNIST NEWSPAPERS- CIRCULATING IN
PERS. PRO-GOVERNMENT PRESS SECTORS PERIODICALLY CONDEMNED
FOREIGN PUBLICATIONS, ESPECIALLY IN WESTERN EUROPE, FOR
PRINTING ALLEGEDLY DISTORTED ACCOUNTS OF RIGHTS VIOLA-
TIONS.

44. NOTWITHSTANDING SUCH CRITICISM, HOWEVER, GOVERNMENT
OFFICIALS TREATED VISITING FOREIGN HUMAN RIGHTS ADVOCATES
COURTEOUSLY AND AFFORDED THEM OPPORTUNITIES TO TRAVEL
ABOUT THE COUNTRY AND INTERVIEW BOTH GOVERNMENT SPOKESMEN
AND CRITICS. THIS WAS THE CASE WITH A DECEMBER 1963 VISIT
BY AN "AMERICAN WATCH" DELEGATION, WHICH CONFERRED WITH
(THEN) PRIME MINISTER FERDINAND SCHMIDT AND (THEN) INTERIOR
MINISTER FERDINAND SCHMIDT. THE GOVERNMENT ALSO
TREATED VISITING HUNGARIAN PRESS LEADER ARPAJO FERENCZ
COURTEOUSLY WITH RESPECT, FACILITATING HIS MID-JULY VISIT
TO PERS WITH A TRIP TO SUVAONI AND A PRIVATE INTERVIEW
WITH PRESIDENT BELONJE. WHILE DOMESTIC HUNGARIAN HUMAN
RIGHTS ADVOCATES DENUNCIATED ALLEGED VIOLATIONS AND ATTACKED
THE GOVERNMENT'S LENIENCY IN DEALING WITH THEM, NONE
APPEARED TO SUFFER ANY RETALIATION OR OTHER ADVERSE
CONSEQUENCES AS A RESULT OF THEIR CRITICISM.

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INFO: OADR, PE
SUBJECT: REPORT ON HUMAN RIGHTS PRACTICES IN PERU - 1984

45. THE GOVERNMENT'S TREATMENT OF THE INTERNATIONAL
COMMITTEE OF THE RED CROSS (ICRC), HOWEVER, APPEARED TO
UNDERGO CHANGE AS 1984 ADVANCED. WHILE WELCOMING AND
PUBLICIZING AN ICRC DELEGATION VISIT TO AYACUCHO IN
JANUARY, GOVERNMENT OFFICIALS LATER ON IN THE YEAR
TENDED TO IGNORE THE ORGANIZATION AND DENIED ITS RE-
PRESENTATIVES ACCESS TO DETENTION FACILITIES IN THE
EMERGENCY ZONE.

46. WITH REGARD TO INTERNATIONAL HUMAN RIGHTS MATTERS,
PERU SUPPORTS HUMAN RIGHTS CAUSES IN INTERNATIONAL FORUMS,
BUT MAINTAINS A LOW OFFICIAL PROFILE. MOST PERUVIAN
DECLARATIONS ON INTERNATIONAL HUMAN RIGHTS ISSUES TAKE
THE FORM OF EDITORIAL COMMENT IN THE PRESS AND PUBLIC
COMMENT BY ELECTED PARTY AND POLITICAL FIGURES.

47. ECONOMIC, SOCIAL, AND CULTURAL SITUATION. PROPERTY
RIGHTS ARE PROTECTED IN PERU. A REVISED CIVIL CODE,
SCHEDULED TO TAKE EFFECT IN NOVEMBER 1984, ELIMINATED THE
INEQUALITY IN THIS AREA TO WHICH WOMEN HAD PREVIOUSLY
BEEN SUBJECTED.

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48. COMPOSED OF COMPLETELY DISTINCT GEOGRAPHIC REGIONS,

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PERU IS A CLASSIC CASE OF DIFFERENTIAL DEVELOPMENT. PUBLIC INVESTMENT TRADITIONALLY HAS BEEN FOCUSED ON THE COAST, DRAWING MIGRANTS TO THE CITIES, ESPECIALLY LIMA. THE ONE-THIRD OF THE POPULATION IN THE CAPITAL AREA ACCOUNTS FOR TWO-THIRDS OF GROSS DOMESTIC PRODUCT (GDP). MANY INDIANS LIVE IN PERU'S POOREST REGIONS IN THE MOUNTAINS, AND THE COST OF PROVIDING SERVICES TO AREAS REMOTE FROM THE MAINSTREAM OF (WESTERN) CULTURE AND THE CENTERS OF ECONOMIC ACTIVITY IMPERED DEVELOPMENT EFFORTS. 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 PERUVIANS OF MIXED OR PURE INDIAN HERITAGE.

49. THE PREVIOUS MILITARY GOVERNMENTS MADE SIGNIFICANT EFFORTS TO RECTIFY THIS SITUATION. THE DELANUE ADMINISTRATION ATTEMPTED TO CONTINUE THESE EFFORTS AND PROVIDE FOR SUSTAINABLE AND EQUITABLE ECONOMIC DEVELOPMENT. ADVERSE ECONOMIC CONDITIONS THAT INTENSIFIED IN 1983-84, HOWEVER, OVERWHELMED THE GOVERNMENT AND FORCED IT TO ADOPT AUSTERITY MEASURES. DEPRESSED WORLD ECONOMIC CONDITIONS, PRODUCTION REDUCED BY CLIMATIC CATASTROPHE, AND HIGH REAL INTEREST RATES ON THE FOREIGN DEBT ALL LIMITED THE GOVERNMENT'S ABILITY TO RESPOND EFFECTIVELY TO THE NEED FOR IMPROVED LIVING CONDITIONS AND JOB OPPORTUNITIES.

50. PERU'S POPULATION, GROWING 2.4 PERCENT YEARLY, REACHED OVER 19 MILLION IN 1983. GDP PER CAPITA WAS ABOUT \$1,200 IN 1982 AND DECLINED IN REAL TERMS BY ABOUT 10 PERCENT IN 1983. MEDIAN PER CAPITA INCOME WAS

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ESTIMATED IN MID-1982 AT \$240 IN LIMA AND \$400 IN OTHER MAJOR CITIES; IN RURAL AREAS IT IS LOWER. MANY OTHER INDICES ILLUSTRATE PERU'S RELATIVE POVERTY. IN 1984, LIFE EXPECTANCY AT BIRTH WAS SLIGHTLY OVER 59.2 YEARS, WHILE THE INFANT MORTALITY RATE WAS 90.9 PER 1,000 BIRTHS DATA FROM 1976 SHOW THAT ONLY 20 PERCENT OF THE RURAL POPULATION HAS ACCESS TO POTABLE WATER SOURCES, WHILE 60 PERCENT OF URBAN DWELLERS DO.

51. A 1977 STUDY SHOWED THAT PERUVIANS OBTAINED 96.0 PERCENT OF THEIR CALORIC NEEDS. IN 1980, THE ADJUSTED

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PRIMARY SCHOOL ENROLLMENT RATIO STOOD AT 110, ABOUT 75 PERCENT OF THE ADULT POPULATION WAS LITERATE IN 1972 (THE LAST YEAR FOR WHICH DATA IS AVAILABLE). THIS FIGURE PROBABLY IMPROVED IN THE SUCCEEDING DECADE.

52. THE DEVELOPMENTAL ACHIEVEMENTS OF PRESIDENT BELLAUNDE'S ADMINISTRATION HAVE BEEN LIMITED BY A VARIETY OF FACTORS. AUSTERITY PROGRAMS, ESSENTIAL FOR ECONOMIC RECOVERY, CREATE TEMPORARY HARDSHIP FOR THE UNEMPLOYED AND UNDEREMPLOYED (ABOUT 60 PERCENT OF THE WORK FORCE), AS WELL AS FOR THE EMPLOYED, WHOSE WAGES HAVE DECLINED IN REAL TERMS. JORDAN

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