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R87

PAGE 01 LIMA 15251 01 OF 20 291728Z 004245 3048981
INFO: ARA (01) PPC (01) OAS (01) PPA (01) RJ (01) RSG (01) PE (12)
DAND (01) SPA (01) PNC (01)

LIMA 15251 01 OF 20 291728Z 004245 3048981
ZONE STATUS SINCE THE INSURGENCY BEGAN IN 1980, AN ESTIMATED 20 PERCENT OF PERU'S POPULATION OF 22 MILLION LIVED UNDER A STATE OF EMERGENCY DURING ALL OF 1991. ANOTHER 35 PERCENT, THOSE LIVING IN THE CAPITAL, WERE UNDER A STATE OF EMERGENCY, LEGALLY THE SAME AS THAT IN THE PROVINCIAL EMERGENCY ZONES. IN ACTUAL PRACTICE, HOWEVER, IN LIMA, THE POLICE, NOT THE MILITARY, TOOK THE LEAD IN COUNTER-SUBVERSIVE OPERATIONS. THE POLICE AND THE MILITARY IN THE EMERGENCY ZONES ARE UNDER THE AUTHORITY OF THE EMERGENCY ZONE COMMANDER, NOT CIVILIAN AUTHORITIES. THE CONSTITUTIONAL RIGHTS OF PERSONS DETAINED BY THE MILITARY ARE OFTEN IGNORED.

ACTION NA-09 29/1750Z A2 RD (TOTAL COPIES: 011)

INFO LOG-00 ADS-00 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00
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NSAE-00 NSCE-00 OIC-02 PA-01 PRS-01 P-01 RP-1F
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USIE-00 /078W

0 291720Z OCT 91
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 2838

-----A60AAB 291728Z /38

LIMITED OFFICIAL USE SECTION 01 OF 20 LIMA 15251

PRESIDENT FUJIMORI'S GOVERNMENT HAS PURSUED A TOUGH ECONOMIC STABILIZATION AND STRUCTURAL ADJUSTMENT PROGRAM WITH SEVERE FISCAL AUSTERITY AND TIGHT MONETARY POLICY. ALTHOUGH THE PROGRAM HAS REDUCED INFLATION, AND IS EXPECTED TO BRING LONG-TERM POSITIVE RESULTS, THE IMMEDIATE COST WAS EVEN DEEPER RECESSION AND SOCIAL HARDSHIP.

DEPT FOR HA, ARA, AND S/IL

E.O. 12356: DECL: OADR
TAGS: PHUM, ELAB, PE
SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

THE CHIEF CAUSES OF HUMAN RIGHTS VIOLATIONS IN PERU REMAIN THE TERRORIST ACTIVITIES OF THE SENDERO LUMINOSO (SHINING PATH) MAOIST GUERRILLAS AND, SECONDARILY, THE GOVERNMENT'S

REF: STATE 223037

DIFFICULTY IN MOUNTING A DISCIPLINED RESPONSE. IT IS ESTIMATED THAT AT LEAST 2,260 PERSONS (CIVILIANS AND MILITARY) WERE KILLED IN (TERRORIST-RELATED VIOLENCE) THROUGH SEPTEMBER 1991, A PRO RATA DECREASE OF OVER 13 PERCENT FROM THE PREVIOUS YEAR AND 6 PERCENT PRO RATA LOWER THAN THE 1989 TOTAL.

1. LOU/HOFORN - ENTIRE TEXT.

2. FOLLOWING IS THE 1991 COUNTRY HUMAN RIGHTS REPORT FOR PERU:

SENDERO REGULARLY ASSASSINATES SPECIFICALLY TARGETED INDIVIDUALS PERCEIVED TO BE AN OPPONENT, OR EVEN MERELY UNCOOPERATIVE, INCLUDING ORDINARY CITIZENS. SENDERO AND THE PRO-CUBAN TERRORIST GROUP TUPAC AMARU REVOLUTIONARY MOVEMENT (MRTA) BOTH CONSOLIDATED THEIR CONTROL OVER PARTS OF PERU'S MAJOR

3. (BEGIN TEXT:)

PERU

SINCE 1980 PERU HAS HAD A FREELY ELECTED DEMOCRATIC GOVERNMENT, COMPOSED OF AN EXECUTIVE BRANCH HEADED BY A PRESIDENT, A BICAMERAL LEGISLATURE, AND A SEPARATE AND INDEPENDENT JUDICIARY. ALBERTO FUJIMORI WAS INAUGURATED PRESIDENT IN JULY 1990, SUCCEEDING ALAN GARCIA PEREZ OF THE AMERICAN POPULAR REVOLUTIONARY ALLIANCE (APRA).

PUBLIC SECURITY RESPONSIBILITIES ARE SHARED BY THE POLICE AND THE MILITARY. THE INTERIOR MINISTRY AND ITS POLICE SERVICES HAVE THE PRIMARY COUNTER-TERRORIST ROLE IN THE CAPITAL CITY OF LIMA AND IN THE 128 PROVINCES NOT UNDER A STATE OF EMERGENCY. THE MILITARY LEADS THE EFFORT TO COMBAT SUBVERSION IN THE 55 PROVINCES WHICH ARE CURRENTLY UNDER A STATE OF EMERGENCY. A STATE OF EMERGENCY DESIGNATION PLACES ALL EXECUTIVE BRANCH AUTHORITY IN THE HANDS OF THE LOCAL MILITARY COMMANDER, SUSPENDS RESTRICTIONS ON ARBITRARY DETENTION AND THE REQUIREMENT FOR SEARCH WARRANTS, AND RESTRICTS THE RIGHTS OF MOVEMENT AND ASSEMBLY. IN PRACTICE, THIS IS IMPLEMENTED WITH CONSIDERABLE FLEXIBILITY

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SAM A. MOSKOWITZ
DATE/CASE ID: 9 JUL 1999 199300683

DEPENDING ON LOCAL CIRCUMSTANCES, THE NUMBER OF PROVINCES DECLARED IN EMERGENCY FOR AT LEAST PART OF THE YEAR DECREASED BY 33 IN 1991, THE FIRST REDUCTION OF PROVINCES UNDER EMERGENCY

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PAGE 01 LIMA 15251 02 OF 20 291730Z 004247 S049844
INFO: ARA (01) PPC (01) OAS (01) PPA (01) RJ (01) RSG (01) PE (02)
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LIMA 15251 02 OF 20 291730Z 004247 S049844

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ACTION HA-09

INFO LOG-00 ADS-00 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00
EB-00 H-01 INRE-00 INR-01 10-19 LAB-04 L-00
NSAE-00 NSCE-00 OIC-02 PA-01 PRS-01 P-01 RP-10
SIL-00 SP-00 SR-00 SSO-00 SS-00 STR-18 TRSE-00
USIE-00 /078W

SENTENCE FOR THEIR PRESUMED OFFENSES. ON SEPTEMBER 13, PRESIDENT FUJIMORI ANNOUNCED AND THE COUNCIL OF MINISTERS APPROVED A NEW OFFICIAL HUMAN RIGHTS POLICY, WHICH WOULD INCLUDE THE CREATION OF A SPECIAL PRESIDENTIAL HUMAN RIGHTS OFFICE. MILITARY AND POLICE FORCES INCORPORATED FORMAL HUMAN RIGHTS COMPONENTS INTO REGULARLY SCHEDULED AND SPECIAL TRAINING COURSES. THE ICRC AND LOCAL HUMAN RIGHTS GROUPS HAVE BEEN INVITED TO PARTICIPATE IN THESE COURSES. THE GOVERNMENT HAS AUTHORIZED THE UNLIMITED ACCESS OF CIVILIAN PROSECUTING ATTORNEYS TO ALL MILITARY FACILITIES THROUGHOUT THE COUNTRY, IN ORDER TO DETERMINE THE PRESENCE AND CONDITION OF PERSONS REPORTED DETAINED. SIMILARLY, THE INTERNATIONAL COMMITTEE OF THE RED CROSS HAS BEEN GRANTED ACCESS TO ALL POLICE FACILITIES AND TO ALL MILITARY INSTALLATIONS OF UNITS WHICH CONDUCT COUNTER TERRORISM OPERATIONS, INCLUDING THOSE IN THE EMERGENCY ZONES.

0 291720Z OCT 91
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 2439

LIMITED OFFICIAL USE SECTION 02 OF 20 LIMA 15251

RESPECT FOR HUMAN RIGHTS

DEPT FOR HA, ARA, AND S/IL

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

E.O. 12356: DECL: OADR
TAGS: PHUM, ELAB, PE
SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON COCA-GROWING REGION, THE UPPER HUALLAGA VALLEY (HUW).

A. POLITICAL AND OTHER EXTRA-JUDICIAL KILLINGS

PERUVIAN HUMAN RIGHTS OBSERVERS HAVE DETERMINED THAT SENDERO IS RESPONSIBLE FOR THE MAJORITY OF ASSASSINATIONS/EXECUTIONS THROUGHOUT THE

FOR THE FIRST TIME IN FIVE YEARS, POLITICAL AND OTHER EXTRA-JUDICIAL KILLINGS DECREASED BY 13 PERCENT PRO RATA THROUGH SEPTEMBER 1991. SENDERO LUMINOSO, HOWEVER, CONTINUED TO ASSASSINATE TEACHERS, ENGINEERS, DEVELOPMENT AND HUMAN RIGHTS WORKERS, INDIAN PEASANTS, AND POLITICAL CANDIDATES, AS WELL AS GOVERNMENT, POLICE, AND RULING PARTY OFFICIALS. DUE TO THE ISOLATION OF MANY RURAL AREAS WHERE SENDERO IS MOST ACTIVE, THE NUMBER OF VICTIMS IS UNDERREPORTED. THE SENATE COMMISSION ON PACIFICATION AND VIOLENCE ESTIMATED THAT SENDERO WAS RESPONSIBLE FOR A TOTAL OF 891 DEATHS, INCLUDING 185 POLICE/MILITARY DEATHS, IN 1991;

COUNTRY, EXCEEDING GOVERNMENT ABUSES BY A FACTOR OF 10 TO 1. NEVERTHELESS, SECURITY FORCES PERSONNEL WERE RESPONSIBLE FOR A SIGNIFICANT NUMBER OF SERIOUS HUMAN RIGHTS VIOLATIONS. HUMAN RIGHTS ABUSES BY GOVERNMENT SECURITY FORCES CONTINUED IN 1991, ALTHOUGH INDEPENDENT INVESTIGATIONS REMAINED DIFFICULT TO CARRY OUT DUE TO FEARS OF POSSIBLE SENDERO REPRISALS AND BECAUSE MILITARY COMMANDERS CAN RESTRICT ACCESS WITHIN THE EMERGENCY ZONES.

THERE WERE SIGNIFICANT CREDIBLE REPORTS OF SUMMARY EXECUTIONS, ARBITRARY DETENTIONS, AND TORTURE AND RAPE BY THE MILITARY AND POLICE. INDEPENDENT HUMAN RIGHTS GROUPS RECORDED 245 NEW CASES OF DISAPPEARANCES THROUGH SEPTEMBER 1991, AN 8 PERCENT PRO RATA INCREASE OVER 1990 FIGURES. HOWEVER, UN FIGURES CITED BY THE PERUVIAN MINISTRY OF FOREIGN AFFAIRS INDICATE A 50 PERCENT PRO RATA DECREASE IN DISAPPEARANCES THROUGH THE FIRST HALF OF 1991. PARTIAL DATA FROM TWO INDEPENDENT SOURCES INDICATE A DROP IN DISAPPEARANCES BETWEEN THE LAST YEAR OF THE GARCIA REGIME AND THE FIRST YEAR OF THE FUJIMORI GOVERNMENT. MOREOVER, THERE ARE SOME INDICATIONS THAT GOVERNMENT EFFORTS TO CONTROL ABUSES MET WITH INCREASING SUCCESS IN THE LATTER PART OF THE YEAR.

THE FUJIMORI GOVERNMENT INSTITUTED A NUMBER OF REFORMS AIMED AT IMPROVING THE NATION'S GRAVE

HUMAN RIGHTS SITUATION. THE GOVERNMENT HAS REVISED THE CRIMINAL CODE, AND BEGUN THE PHASED RELEASE OF PRISONERS WHO HAD BEEN INCARCERATED AWAITING TRIAL FOR LONGER THAN THE MAXIMUM

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PAGE 01 LIMA 15251 03 OF 20 291731Z 004249 0049117
INFO: ARA (01) PPC (01) CAS (01) PPA (01) RJ (01) RSG (01) PE (02)
OAND (01) SPA (01) PMC (01)
----- 29/1750Z 02 RD (TOTAL COPIES: 011)

LIMA 15251 03 OF 20 291731Z 004249 0049117
BRUTALLY BEATEN, CASTRATED AND THEIR BODIES
BURNED. FIFTEEN OTHERS WERE SHOT AND THEIR
BODIES PLACED ACROSS THE APURIMAC HIGHWAY WHERE
SENDERO FORCED HEAVY TRUCKS TO CRUSH THEIR
VICTIMS' BODIES. SENDERO WAS ALSO RESPONSIBLE
FOR KIDNAPPING, TORTURING, AND EXECUTING THE
LEADERSHIP OF A NUMBER OF INDIAN TRIBES,
PARTICULARLY THE ASHANINKA.

ACTION HA-09

INFO LOG-00 ADS-00 AID-00 AMAD-01 ARA-00 CIAE-00 OODE-00
EB-00 H-01 INRE-00 INR-01 IO-19 LAB-04 L-00
NSAE-00 NSCE-00 OIC-02 PA-01 PRS-01 P-01 RP-10
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SENDERO OFTEN ATTACKED REGIONAL, MUNICIPAL AND
LOCAL AUTHORITIES. SENDERO ENTERED THE VILLAGE
OF CONJUL, LIMA ON MAY 22 AND HARANGUED THE
VILLAGERS FOR HOURS, ACCUSING THEM OF
COLLABORATING WITH THE GOVERNMENT AND INFORMING
TO THE POLICE. FIVE VILLAGE LEADERS WERE
TORTURED, THEN SHOT AT CLOSE RANGE. SENDERO
THEN SACKED LOCAL BUSINESSES, AND DESTROYED
PUBLIC BUILDINGS AND VEHICLES. IN MAY 1991, THE
29 YEAR OLD MAYOR OF PACHAGAMAC, LIMA WAS
ASSASSINATED BY SENDERO. THE MAYOR'S WIFE AND
MINOR CHILDREN WERE FORCED TO WATCH WHILE
SENDERO SHOT THE MAYOR AND THEN DYNAMITED HIS
BODY. MORE THAN 35 LOCAL ELECTED OR APPOINTED
OFFICE-HOLDERS HAVE BEEN ASSASSINATED DURING 1991.

0 291720Z OCT 91
FM AEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 2840

LIMITED OFFICIAL USE SECTION 03 OF 20 LIMA 15251

DEVELOPMENT WORKERS AND PROVIDERS OF FOOD
ASSISTANCE WERE ALSO PRIME SENDERO TARGETS IN

DEPT FOR HA, ARA, AND S/1

E.O. 12356: DECL: OADR
TAGS: PHUM, ELAB, PE
SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON
SECURITY FORCES FOR 1989; THE MRTA FOR 79; THE
PARAMILITARY RODRIGO FRANCO COMMAND (CRF), TIED
TO ELEMENTS OF THE APRA PARTY, FOR 1; CAMPESINO
ORGANIZATIONS (RONDAS CAMPESINAS) FOR 35; AND
NARCOTICS TRAFFICKERS FOR 57. DATA PUBLISHED BY
PERUVIAN HUMAN RIGHTS GROUPS, WHICH MAINTAIN

1991. IN MAY 1991, A SENDERO COLUMN KILLED FOUR
WOMEN AND FIVE CHILDREN IN AYACUCHO. THE WOMEN
WERE ACTIVE IN THE FREE MILK DISTRIBUTION
PROGRAM. ON AUGUST 31, SENDERO ASSASSINATED THE
DIRECTOR OF THE FREE MILK DISTRIBUTION PROGRAM
IN CALLAO. SENDERO BOMBED THE OFFICES OF THE
POPULAR WOMEN'S FEDERATION IN THE PUEBLO JOVEN
OF VILLA EL SALVADOR ON SEPTEMBER 10, 1991.
SEVERAL MONTHS SUPPLY OF FOOD WAREHOUSED FOR
DISTRIBUTION WAS DESTROYED BY THE EXPLOSION.

THEIR OWN SOURCES OF INFORMATION, ARE GENERALLY
CONSISTENT WITH THE FINDINGS REPORTED BY THE
SENATE COMMISSION.

FOREIGNERS, PARTICULARLY FOREIGN RELIGIOUS AND
DEVELOPMENT WORKERS WERE ALSO TARGETED BY
SENDERO IN 1991. ON MAY 18, 1991, A CANADIAN
CITIZEN EMPLOYED BY WORLD VISION, A CHURCH
AFFILIATED DEVELOPMENT ORGANIZATION, WAS KILLED

FOR THE FIRST YEAR OF THE FUJIMORI GOVERNMENT,
AUGUST 1990-JULY 1991, THE COORDINATING
COMMITTEE OF HUMAN RIGHTS ORGANIZATIONS REPORTED
983 POLITICAL ASSASSINATIONS OR EXTRA-JUDICIAL
EXECUTIONS. OF THIS NUMBER, 699 WERE ATTRIBUTED
TO TERRORISTS (SL 622, MRTA 16, UNIDENTIFIED
SUBVERSIVES 61), 60 TO GOVERNMENT FORCES, 8 TO
LOCAL SELF DEFENSE GROUPS, AND 5 TO
"PARAMILITARY ORGANIZATIONS." IN 202 CASES THE
PERPETRATORS WERE UNKNOWN.

SENDERO OFTEN MASSACRED INDIAN VILLAGERS,
ACCUSING THEM OF SUPPORTING THE GOVERNMENT
BECAUSE OF THE PRESENCE OF LOCAL PEASANT
CIVILIAN SELF-DEFENSE FORCES ("RONDAS
CAMPESINAS") IN THEIR COMMUNITIES. VILLAGES
WERE ALSO ATTACKED BECAUSE OF THEIR FAILURE TO
"SUPPORT THE ARMED REVOLUTION" OF SENDERO. IN
YANAZ, CAJAMARCA ON SEPTEMBER 23, 1991 A SENDERO
COLUMN OF APPROXIMATELY 30 CONVOKED A "POPULAR
ASSEMBLY" AND ACCUSED THE VILLAGERS OF FAILURE
TO COLLABORATE WITH SENDERO. ELEVEN CAMPESINOS
WERE MACHINE GUNNED TO DEATH. IN APRIL, IN
TACAMA, HUANUCO, SENDERO MURDERED EIGHT MEMBERS
OF ONE FAMILY, INCLUDING TWO MINOR CHILDREN.
THE VICTIMS' THROATS WERE CUT AND THEIR BODIES
BURNED. OTHER VILLAGERS SUBSEQUENTLY FLED THE

AREA. SENDERO ATTACKED A CONVOY OF ARMS BEING
DELIVERED TO CIVILIAN SELF-DEFENSE GROUPS IN
TAPUNA, AYACUCHO ON SEPTEMBER 28, 1991. SEVEN
MEMBERS OF THE CIVIL DEFENSE GROUP WERE CAUGHT,

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PAGE 01 LIMA 15251 04 OF 20 291732Z 004250 S049135
INFO: ARA(01) PPC(01) OAS(01) PPA(01) RJ(01) RSG(01) PE(02)
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LIMA 15251 04 OF 20 291732Z 004250 S049135

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ACTION WA-09
INFO LOG-00 ADS-00 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00
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O 291720Z OCT 91
FM AMEMBASSY LIMA
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LIMITED OFFICIAL USE SECTION 04 OF 20 LIMA 15251

DEPT FOR RA, ARA, AND S/IL

E.O. 12356: DECL: OADR
TAGS: PHUM, ELAB, PE
SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON
DURING A VISIT TO PERU. LATER IN MAY, SENDERO
ENTERED HUAHUASI, JUNIN AND FOLLOWING A TYPICAL
POPULAR TRIAL, SHOT AND KILLED AUSTRALIAN NUN,
SISTER IRENE MCCORMICK, AND THREE LOCAL
COMMUNITY LEADERS. SISTER MCCORMICK WAS SINGLED
OUT BOTH BECAUSE SHE WAS A FOREIGNER AND BECAUSE

SHE WAS BELIEVED TO BE INVOLVED IN THE
DISTRIBUTION OF FOREIGN DONATED FOODSTUFFS TO
THE COMMUNITY. IN JULY, SENDERO ENTERED THE
AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER IN
HUARAL, LIMA, KILLED THREE JAPANESE DEVELOPMENT
WORKERS AND DESTROYED MUCH OF THE CENTER'S
EQUIPMENT, VEHICLES AND DOCUMENTATION. MORE
RECENTLY, SENDERO APPEARS TO HAVE TARGETED
FOREIGN PRIESTS. ON AUGUST 9, SENDERO KILLED
TWO POLISH PRIESTS AND ON AUGUST 25, AN ITALIAN
PARISH PRIEST, IN ANCASH. OTHER FOREIGN
RELIGIOUS WORKERS HAVE BEEN THREATENED.

SENDERO ENTICED NINE YEAR OLD JORGE MAYTA SUXSO
TO APPROACH AND THUS CLEAR A SAFE PATH TO A HIGH
TENSION ELECTRIC POWER RELAY TOWER IN SAN JUAN
DE MIRAFLORES DISTRICT OF LIMA ON OCTOBER 24.
THE CHILD TRIPPED A LAND MINE AND LATER DIED
FROM HIS INJURIES.

A SECOND TERRORIST GROUP, THE MRTA, CONTINUED TO
EXPAND BEYOND ITS ORIGINAL BASE OF OPERATIONS IN
LIMA INTO SEVERAL RURAL ZONES. ALTHOUGH THE
MRTA CHIEFLY ENGAGES IN THE DESTRUCTION OF
PROPERTY THROUGH SELECTIVE BOMBING, MRTA ATTACKS
KILLED AT LEAST 79 PEOPLE IN 1991. THE MRTA
BOMBED NUMEROUS TARGETS IN 1991. IT PLACED A
CAR BOMB IN THE PARKING LOT OF JORGE CHAVEZ
INTERNATIONAL AIRPORT ON JANUARY 25 WHICH KILLED
ONE AND INJURED SEVEN OTHERS. A SATCHEL BOMB
LEFT IN THE PARKING LOT OF A PRIVATE SECURITY

FIRM LEFT THREE DEAD AND SIX INJURED ON FEBRUARY
5. IN AUGUST, THE MRTA SIMULTANEOUSLY BOMBED
THE PARKING LOTS OF THE STATE OWNED ELECTRIC AND
TELEPHONE COMPANIES. BROKEN GLASS FROM THE

BLAST AT THE ELECTRIC COMPANY CAUSED MINOR
INJURIES TO STUDENTS AT AN ADJACENT SCHOOL. ON
AUGUST 30, A BOMB HIDDEN IN A STREET CLEANER'S
RECEPTACLE EXPLODED WITHIN YARDS OF MAJOR PUBLIC
BUILDINGS IN LIMA'S PRINCIPAL PLAZA. IT KILLED
THE UNSUSPECTING STREET CLEANER AND INJURED
SEVERAL OTHERS.

WHILE MANY RONDAS UNITS ACTIVELY WORKED IN A
VARIETY OF LEGITIMATE FIELDS, INCLUDING
COMMUNITY DEVELOPMENT AND SELF-DEFENSE, THERE
WERE ALSO CREDIBLE REPORTS THAT SOME RONDAS
COMMITTED SERIOUS HUMAN RIGHTS ABUSES, INCLUDING
THE TORTURE AND EXTRA-JUDICIAL EXECUTION OF
TERRORIST SUSPECTS OR EVEN OF RONDA MEMBERS OF
RIVAL COMMUNITIES. (SEE BELOW)

THERE WERE SEVERAL NOTABLE CASES OF PROBABLE
MILITARY KILLINGS IN 1991. WITNESSES MAINTAIN
THAT A MIXED ARMY/RONDAS CAMPESINAS PATROL WAS
RESPONSIBLE FOR THE KILLING OF 14 PEASANTS
INCLUDING WOMEN AND CHILDREN, WHOSE BODIES WERE
FOUND IN AN ABANDONED MINE IN SANTA BARBARA,
HUANCVELICA. THE VICTIMS HAD BEEN DETAINED ON
JULY 4 BY MEMBERS OF THE ARMY WHO ENTERED THEIR
VILLAGE DEMANDING FOOD AND LIVESTOCK. WHEN
VILLAGERS AND RELATIVES OF THE VICTIMS APPEARED

AT THE SITE DURING THE JULY 18 INVESTIGATION BY
JUDICIAL, POLICE AND MILITARY AUTHORITIES, THE
MILITARY DETAINED 23 PERSONS. TWENTY-ONE WERE
SUBSEQUENTLY RELEASED. IN A SEPARATE INCIDENT,
SARA LUZ MOZOMBITE QUINONES WAS DETAINED BY
MILITARY PERSONNEL FROM THE AUCAYACU MILITARY
BASE ON AUGUST 8. ON AUGUST 13 HER DECAPITATED
HEAD WAS DISCOVERED IN THE HUALLAGA RIVER.
CAMILO ALARCON, TAKEN INTO CUSTODY AT THE SAME
TIME HAS NOT REAPPEARED, BUT HIS CLOTHES WERE
ALSO FOUND IN THE RIVER. THE KILLING OF SIX
RESIDENTS OF HUMAYA AND CHAMBARA, LIMA
DEPARTMENT, IN MAY WAS DENOUNCED BY WITNESSES AS
A MILITARY ACTION, DESPITE THE PERPETRATORS'
ATTEMPTS TO MAKE IT APPEAR TO BE THE WORK OF
SENDERO. THE ATTACKERS WERE DESCRIBED AS BEING

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PAGE 01 LIMA 15251 05 OF 20 291734Z 004255 0049168
INFO: ARA (01) PPC (01) OAS (01) PPA (01) RJ (01) RSG (01) PE (02)
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FM AMEMBASSY LIMA
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LIMITED OFFICIAL USE SECTION 05 OF 20 LIMA 15251

DEPT FOR HA, ARA, AND S/IL

E.O. 12356: DECL: OADR
TAGS: PHUN, ELAB, PE
SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON
OF DISTINCTLY MILITARY BEARING AND EQUIPPED WITH
TYPICAL MILITARY GEAR. WITNESSES ASCRIBED THE
ACTION AS VENGEANCE FOR A PREVIOUS MRTA AMBUSH
OF A MILITARY PATROL IN THE VICINITY. SAN
MARTIN DEPARTMENT DEPUTY BLANCA ROCHA DE JANZ
REPORTED THE OCTOBER 1 KILLING OF 30 RESIDENTS

OF TOCACHE BY MILITARY PERSONNEL TO THE HOUSE OF
DEPUTIES HUMAN RIGHTS COMMISSION. NO JUDICIAL
DENUNCIATION WAS FILED BY WITNESSES OUT OF FEAR
OF REPRISALS. NEVERTHELESS, THE DEPUTY
MAINTAINS THAT HER SOURCE IS RELIABLE AND THAT
ONE OF THE VICTIMS WAS A DISTANT RELATIVE.

IN NONE OF THESE CASES NOR IN THE MAJORITY OF
OTHER 1991 INCIDENTS OF ALLEGED HUMAN RIGHTS
VIOLATIONS BY MILITARY PERSONNEL WERE THE
RESULTS OF OFFICIAL EXECUTIVE BRANCH
INVESTIGATIONS EVER MADE PUBLIC. MILITARY
OFFICIALS ASSERT THAT A NUMBER OF ENLISTED MEN
AND OFFICERS WERE HELD ON CHARGES WITHIN THE
MILITARY JUSTICE SYSTEM RELATING TO HUMAN RIGHTS
VIOLATIONS. FOR THE MOST PART, THESE ASSERTIONS
WERE DIFFICULT TO CONFIRM AS THE MILITARY COURTS
HAVE SEALED RELEVANT RECORDS. ADDITIONALLY, THE
MILITARY JUSTICE CODE CONTAINS NO LANGUAGE FOR
DEALING WITH CASES OF KILLING, KIDNAPPING, OR
TORTURE--ONLY "NEGLIGENCE" AND "ABUSE OF
AUTHORITY." IN JULY, MINISTER OF DEFENSE
ANNOUNCED THAT 71 MILITARY PERSONNEL HAD BEEN
PUNISHED FOR ABUSE OF AUTHORITY, INCLUDING HUMAN
RIGHTS VIOLATIONS. NEITHER THE IDENTITIES OF
THESE INDIVIDUALS, THE NATURE OF THEIR OFFENSES,
NOR THE EXACT SENTENCES IMPOSED HAVE BEEN MADE
PUBLIC.

A NUMBER OF POLICE PERSONNEL WERE IMPRISONED
DURING 1991 FOR A VARIETY OF OFFENSES:

INCLUDING: THE KILLING WHILE IN POLICE CUSTODY
OF MEDICAL STUDENT CARLOS ALBERTO RODRIGUEZ
PIGHI AND TWO TEENAGED BROTHERS SAMUEL AND
EMILIO GOMEZ PAQUIYAUARI IN CALLAO ON JUNE 23;

AND THE JULY 12 SHOOT-DOWN OF A CIVILIAN
COMMERCIAL AIRCRAFT IN BELLAVISTA, SAN MARTIN,
BY DRUNKEN POLICEMEN, WHO THEN PROCEEDED TO LOOT
THE BODIES OF THE VICTIMS. IN THE CALLAO CASE,
FIVE NON-COMMISSIONED OFFICERS HAVE BEEN
DISMISSED FROM THE POLICE AND ARE IN JAIL
AWAITING TRIAL IN CIVILIAN COURTS. DETENTION
ORDERS AGAINST FOUR SUPERIOR OFFICERS AND ONE
NCO HAVE BEEN VACATED BY ORDER OF A CIVILIAN
COURT. THEY REMAIN UNDER INVESTIGATION. POLICE
MAJOR JUAN QUIROZ CHAVEZ, ALLEGED TO HAVE
ORDERED THE KILLINGS, WAS UNDER "ORDERS TO
APPEAR" BEFORE THE COURT. ON OCTOBER 16, THE
MINISTER OF INTERIOR PUBLICLY DISMISSED 33
POLICE OFFICIALS FOR CRIMES INCLUDING HOMICIDE,
EXTORTION AND ROBBERY. NINE OF THE DISMISSED
OFFICIALS ACCUSED OF THE TORTURE AND KILLING OF
AN ACCUSED DRUG TRAFFICKER WHILE IN POLICE
CUSTODY WERE REMANDED TO THE CIVILIAN COURTS
(SECTION 1. C.).

IN OTHER OUTSTANDING 1991 CASES, HOWEVER, NO
JUDICIAL ACTION HAS BEEN TAKEN. THE MARCH 15
LETTER BOMB ATTACK ON HUMAN RIGHTS LAWYER, DR.
AUGUSTO ZUNIGA PAZ, REMAINS UNRESOLVED. DESPITE
SEVERAL OFFICIAL INVESTIGATIONS, THE VICTIM'S
ACCUSATION AND OPEN MEDIA SPECULATION THAT A

POLICE EXPLOSIVES EXPERT WAS RESPONSIBLE, NO ONE
HAS BEEN CHARGED WITH THE CRIME. DETAILS OF THE
INVESTIGATION HAVE NOT BEEN MADE PUBLIC. A
LETTER BOMB WAS DELIVERED TO THE OFFICE OF THE
CIVILIAN AIRPORT ADMINISTRATION ON JUNE 21.
VICTOR HUGO LUIS LEON WAS KILLED. ON JUNE 28, A
LETTER BOMB ACCEPTED BY POLICE GUARD EDMUNDO
CALDERON CASAS AT THE CLOSED OFFICES OF SL
NEWSPAPER "EL DIARIO", CAUSED THE LOSS OF AN
ARM. A LETTER BOMB DELIVERED TO THE MRTA-LINKED
NEWSPAPER "CAMBIO" ON OCTOBER 10, TOOK THE LIFE
OF 23 YEAR OLD NEWS EDITOR MELISSA ALFARO
MENDEZ. THERE WERE ALSO SEVERAL UNSUCCESSFUL
LETTER BOMBINGS. A LETTER BOMB DELIVERED TO THE
OWNER OF A CINEMA WAS SUCCESSFULLY DEFUSED ON
MAY 26. DEPUTY RICARDO LETTS COLMENA WAS THE

IMMEDIATE

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DEPARTMENT OF STATE
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PAGE 01 LIMA 15251 06 OF 20 291735Z 004256 0049187
INFO: ARA (01) PPC (01) OAS (01) PPA (01) RJ (01) RSG (01) PE (02)
DAND (01) SPA (01) PMC (01)

LIMA 15251 06 OF 20 291735Z 004256 0049187

----- 29/1751Z A2 RD (TOTAL COPIES: 011)
ACTION HA-09

INFO LOG-00 ADS-00 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00
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NSAE-00 NSCE-00 OIC-02 PA-01 PRS-01 P-01 RP-10
SIL-00 SP-00 SR-00 SSO-00 SS-00 STR-18 TRSE-00
USIE-00 /078W

-----A60076 291735Z /38

O 291720Z OCT 91
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 2843

LIMITED OFFICIAL USE SECTION 06 OF 20 LIMA 15251

DEPT FOR HA: ARA, AND S/IL

E.O. 12356: DECL: OADR
TAGS: PHUM, ELAB, PE
SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON
INTENDED TARGET OF AN UNSUCCESSFUL LETTER BOMB
ON OCTOBER 16.

IT IS NOT KNOWN WHETHER THESE INCIDENTS ARE
RELATED. HOWEVER, ONE OF THE ATTEMPTS TOOK
PLACE SHORTLY AFTER THE INTENDED VICTIM ALLEGED

A RESUMPTION OF COMMANDO RODRIGO FRANCO (CRF)
ACTIVITY. CRF TERRORISM APPEARED TO HAVE
LARGELY COME TO AN END WHEN THE FORMER APRA
GOVERNMENT GAVE UP CONTROL OF MINISTRY OF
INTERIOR POLICE. THE INABILITY OF POLICE OR
PRIVATE HUMAN RIGHTS GROUPS TO ASCERTAIN
RESPONSIBILITY FOR THESE ATTACKS, MUCH LESS
ARREST THOSE RESPONSIBLE, IS INDICATIVE OF THE
PERUVIAN JUSTICE SYSTEM'S INABILITY TO PRODUCE
RESULTS IN EVEN THE MOST EGREGIOUS OF TERRORIST
CASES.

THERE ARE NO OFFICIAL STATISTICS ON THE NUMBER
OF SUMMARY EXECUTIONS IN 1991.

INVESTIGATIONS INTO SEVERAL EARLIER CASES OF
MILITARY EXCESSES REMAINED BLOCKED. THE PENDING
CIVILIAN COURT CASES AGAINST ARMY SERGEANT
JHONNY ZAPATA ACUNA (AKA "CENTURION") FOR THE
1990 MASSACRE OF 17 CIVILIANS IN CHILCAHUAYCCO,
AYACUCHO REMAINS AT A STANDSTILL WHILE A
MILITARY COURT CASE PROCEEDS SLOWLY. THE
SUPREME COUNCIL OF MILITARY JUSTICE FOUND LT.
COL. VICTOR LA VERA HERNANDEZ (AKA "JAVIER LANDA
DUPONT") AND CAPT. ANADOR VIDAL SAMBENTO (AKA
"OJOS DE GATO") NOT RESPONSIBLE FOR THE NOVEMBER
1988 MURDER OF JOURNALIST HUGO BUSTIOS. UNDER
PERUVIAN LAW, THE ACCUSED CANNOT SUBSEQUENTLY BE
TRIED IN CIVILIAN COURTS FOR THE SAME OFFENSE.

1. 8. DISAPPEARANCE

THE PUBLIC MINISTRY (AN AUTONOMOUS ATTORNEY
GENERAL'S OFFICE) REPORTS THAT THERE HAVE BEEN
CLOSE TO 5,000 CASES OF DISAPPEARANCES SINCE
1983, WITH THE MAJORITY OF THE FORMAL COMPLAINTS

AGAINST THE SECURITY FORCES. LOCAL HUMAN RIGHTS
GROUPS REPORTED RECEIVING 245 NEW CASES OF
DISAPPEARANCES THROUGH SEPTEMBER 1991. DATA ON
1991 DISAPPEARANCES IS BOTH INCOMPLETE AND
INCONSISTENT. THE PUBLIC MINISTRY, WHOSE
NUMBERS DRAWN FROM A LARGER DATA BASE ARE
NORMALLY HIGHER THAN THOSE OF OTHER GROUPS,
REPORTS 230 NEW DISAPPEARANCES THROUGH SEPTEMBER
1991; A 35 PERCENT DECREASE FROM 1990 PRORATED
FIGURES. THE UNITED NATIONS WORKING GROUP ON
DISAPPEARANCES REPORTS ONLY 57 DISAPPEARANCES
DURING THE FIRST HALF OF 1991; A 55 PERCENT
DECREASE FROM 1990 PRORATED. THE NATIONAL HUMAN
RIGHTS COORDINATING COMMITTEE, HOWEVER, REPORTS
245 NEW DISAPPEARANCES THROUGH SEPTEMBER
1991; AN 8 PERCENT INCREASE OVER 1990
PRORATED. THE HUMAN RIGHTS COMMISSION
(COMISEDH), WORKING FROM A SMALLER BUT GENERALLY
THE MOST CAREFULLY VERIFIED DATA BASE, REPORTS
177 CASES THROUGH AUGUST 1991; OR A 5 PERCENT
INCREASE OVER PRORATED 1990 FIGURES.

STRONG ANECDOTAL EVIDENCE SUGGESTS, HOWEVER,
THAT DISAPPEARANCES WERE SHARPLY DOWN DURING THE
THIRD QUARTER OF 1991. IN JUNJI DEPARTMENT,
WHICH ALONE ACCOUNTED FOR 35 PERCENT OF ALL

DISAPPEARANCE CASES THROUGH AUGUST 1991, NO
DISAPPEARANCES WERE RECORDED DURING JULY, AUGUST
OR SEPTEMBER. LIMITED DATA COMPARING THE LAST
YEAR OF THE PREVIOUS ADMINISTRATION OF PRESIDENT
ALAN GARCIA WITH THE FIRST YEAR OF THE FUJIMORI
ADMINISTRATION SHOWED DECREASED DISAPPEARANCES
UNDER THE FUJIMORI GOVERNMENT. THE U.N. WORKING
GROUP ON DISAPPEARANCES REPORTED 356
DISAPPEARANCES DURING THE LAST GARCIA YEAR AND
104 DURING THE FIRST FUJIMORI YEAR; A DECREASE
OF 70 PERCENT. COMISEDH RECORDED 303
DISAPPEARANCES DURING THE FINAL GARCIA YEAR AND
238 DURING THE FIRST FUJIMORI YEAR; A 22 PERCENT
DECREASE.

MOST 1991 DISAPPEARANCE CASES INVOLVED ARMY

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DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 LIMA 15251 07 OF 20 291736Z 004259 0049221
INFO: ARA (01) PPC (01) OAS (01) PPA (01) RJ (01) RSG (01) PE (02)
DAND (01) SPA (01) PHC (01)

LIMA 15251 07 OF 20 291736Z 004259 0049221
PERSONNEL UNDER THE COMMAND OF AN OFFICIAL IDENTIFIED ONLY AS "CENTAURO" WHILE ATTEMPTING TO ENROLL THEMSELVES AS UNITED LEFT PARTY CANDIDATES FOR LOCAL ELECTIONS. THEIR WHEREABOUTS ARE STILL UNKNOWN.

ACTIGN HA-09 29/1751Z A1 RD (TOTAL COPIES: 011)

INFO LOG-00 ADS-00 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00
EB-00 H-01 INRE-00 INR-01 10-19 LAB-04 L-00
NSAE-00 NSCE-00 OIC-02 PA-01 PRS-01 P-01 RP-10
SIL-00 SP-00 SR-00 SSO-00 SS-00 STR-18 TRSE-00
USIE-00 /078W

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

-----A60894 291736Z /38

0 291720Z OCT 91
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 2844

ALTHOUGH THE CONSTITUTION PROHIBITS TORTURE AND INHUMAN OR HUMILIATING TREATMENT, CHARGES OF BRUTALITY TOWARD DETAINEES ARE COMMON. HUMAN RIGHTS GROUPS CHARGE THAT SUSPECTED SUBVERSIVES HELD BY THE GOVERNMENT ARE ROUTINELY TORTURED AT MILITARY DETENTION CENTERS; LAWYERS AND OTHERS FAMILIAR WITH THE POLICE AND JUDICIAL SYSTEM CONCUR. THE PUBLIC MINISTRY NOTED THAT A SIGNIFICANT NUMBER OF DETAINEES HELD BY MILITARY AUTHORITIES CLAIMED TO HAVE BEEN TORTURED OR MISTREATED. IN 1991 THERE WERE RELIABLE ACCOUNTS FROM RELEASED DETAINEES OF TORTURE OR MISTREATMENT BOTH BY POLICE AND THE MILITARY. EARLY IN 1991, FNU SALOME ADAUTO WAS TORTURED WHILE IN DETENTION IN A MILITARY CUARTEL IN HUANCAYO. FOLLOWING HIS FORMAL DENUNCIATION, SALOME DEPARTED PERU AND RESIDES ABROAD. AUREO

LIMITED OFFICIAL USE SECTION 07 OF 20 LIMA 15251

DEPT FOR HA, ARA, AND S/IL

E.O. 12356: DECL: OADR
TAGS: PUBM, ELAB, PE
SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON DETENTION OF PERSONS SUSPECTED OF TERRORIST LINKS IN THE EMERGENCY ZONES, BUT THERE WERE CASES IN LIMA AS WELL. THE VAST MAJORITY OF DISAPPEARANCES WERE REPORTED IN THE VIOLENCE-TORN DEPARTMENTS OF SAN MARTIN, JUNIN AND AYACUCHO. THE BODIES OF DISAPPEARANCE

SIGISFREDO PEREZ AREVALO, A SUSPECTED NARCOTICS TRAFFICKER, ARRESTED IN TRUJILLO, IN OCTOBER 1991, DIED WHILE IN POLICE CUSTODY APPARENTLY AS THE RESULT OF TORTURE. THERE ARE CREDIBLE REPORTS THAT SUSPECTS ARE NOT TORTURED AT THE COUNTER-TERRORISM POLICE (DIRCOTE) DETENTION CENTER IN LIMA. THERE ARE CREDIBLE REPORTS OF RAPE BY ELEMENTS OF THE SECURITY FORCES IN THE EMERGENCY ZONES.

VICTIMS ARE RARELY FOUND. BASED ON THE TESTIMONY OF SURVIVORS, IT APPEARS THAT MOST VICTIMS ARE TAKEN TO MILITARY BASES FOR INTERROGATION. SOME ARE TURNED OVER TO THE COURT SYSTEM AFTER LENGTHY DETENTIONS AND ARE FREED FOR LACK OF INCRIMINATING EVIDENCE. OTHERS ARE IMPRISONED ON TERRORISM CHARGES. HUMAN RIGHTS GROUPS ARE FIRMLY CONVINCED THAT THE REST ARE SUMMARILY EXECUTED BY THE ARMED FORCES. AN UNKNOWN NUMBER OF "DISAPPEARED" PERSONS ARE UNACCOUNTED FOR BECAUSE THEY JOINED THE RANKS OF THE MRTA OR SENDERO, EITHER VOLUNTARILY OR INVOLUNTARILY. IT IS BELIEVED THAT THE NUMBER OF PERSONS "DISAPPEARED" OR FORCIBLY RECRUITED BY SENDERO IS GREATLY UNDERREPORTED, AS SENDERO ROUTINELY THREATENS FAMILY AND SURVIVORS WITH DEATH IF THEY REPORT THE INCIDENT OR OTHERWISE COOPERATE WITH GOVERNMENT AUTHORITIES.

TORTURE OFTEN OCCURS IN THE PERIOD IMMEDIATELY FOLLOWING DETENTIONS. THE 1987 TERRORISM LAW REQUIRES THAT PERSONS DETAINED FOR TERRORISM BE INTERROGATED ONLY IN THE PRESENCE OF A DEFENSE ATTORNEY AND A PUBLIC MINISTRY PROSECUTOR. IN THESE CASES, A COURT INDICTMENT MUST BE SOUGHT

mention in international

ACCORDING TO WITNESSES AND FAMILY MEMBERS, MANUEL PACOTAYPE, MAYOR OF CHUSCHI, AYACUCHO, ALONG WITH MARTIN CAYLAHUA, TOWN COUNCIL SECRETARY, MARCELO CABAN, LIEUTENANT GOVERNOR OF CHUSCHI, AND ISIAS HUAMAN, WERE DETAINED ON MARCH 14 BY MEMBERS OF THE NATIONAL POLICE. AND TAKEN TO THE MILITARY BARRACKS AT PAMPA CANGALLO. THEY HAVE NOT BEEN SEEN SINCE. WITNESSES AND FAMILY MEMBERS BELIEVE THE DISAPPEARANCES WERE IN RETALIATION FOR THE VILLAGE'S REFUSAL TO FORM A CIVILIAN DEFENSE PATROL UNIT UNDER MILITARY CONTROL. THE

MILITARY AUTHORITIES DENY ALL KNOWLEDGE OF THE DISAPPEARED PERSONS AND THEIR FATE IS NOT KNOWN. ON APRIL 19, SEVER RESIDENTS OF HUANCAPI, AYACUCHO WERE DETAINED BY MILITARY

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PAGE 01 LIMA 15251 08 OF 20 291738Z 004260 S049265
INFO: ARA (01) PPC (01) OAS (01) PPA (01) RJ (01) RSG (01) PE (02)
DAND (01) SPA (01) PNC (01)

LIMA 15251 08 OF 20 291738Z 004260 S049265

----- 29/1751Z A2 RD (TOTAL COPIES: 011)
ACTION HA-09

INFO LOG-00 ADS-00 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00
EB-00 H-01 INRE-00 INR-01 IO-19 LAB-04 L-00
NSAE-00 NSCE-00 OIC-02 PA-01 PRS-01 P-01 RP-10
SIL-00 SP-00 SR-00 SSO-00 SS-00 STR-18 TRSE-00
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O 291720Z OCT 91
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 2845

LIMITED OFFICIAL USE SECTION 08 OF 20 LIMA 15251

DEPT FOR HA, ARA, AND S/IL

E.O. 12356: DECL: OADR
TAGS: PHUM, ELAB, PE
SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON
WITHIN 15 DAYS OF ARREST OR THE PRISONER MUST BE

RELEASED. RELIABLE REPORTS OF VIOLATIONS OF
THESE STANDARDS OCCUR FREQUENTLY IN AREAS
CONTROLLED BY THE MILITARY UNDER A STATE OF
EMERGENCY.

MANY VICTIMS OF SENDERO TERRORISM ALSO SHOW
SIGNS OF HAVING BEEN TORTURED BEFORE DEATH.
TORTURE OF THOSE VICTIMS OFTEN FOLLOWS A BRIEF
"POPULAR TRIAL," NORMALLY HELD IN THE PRESENCE
OF RURAL VILLAGERS AS A METHOD OF INTIMIDATION.
SENDERO USES PARTICULARLY BRUTAL METHODS OF
EXECUTION, INCLUDING SLITTING THROATS,
STRANGULATION, STONING, AND BURNING. MUTILATION
OF THE BODY IS COMMON BOTH BEFORE AND AFTER DEATH.

PERUVIAN PRISON CONDITIONS ARE APPALLING,
BORDERING ON THE MEDIEVAL. PRISONERS ARE
EXPOSED TO UNSANITARY FACILITIES, POOR NUTRITION
AND HEALTH CARE, AND ILL-TREATMENT BY PRISON
STAFF AND FELLOW PRISONERS. IN CONTRAST WITH
1990, WHEN MORE THAN 65 INMATES IN LIMA'S
PRISONS DIED DUE TO SEVERE MALNUTRITION, NO SUCH
DEATHS HAVE OCCURRED TO DATE IN 1991.
CORRUPTION IS RAMPANT AMONG PRISON STAFF, WHO
HAVE BEEN IMPLICATED IN A MULTITUDE OF OFFENSES,
FROM SEXUAL BLACKMAIL AND THE SELLING OF
NARCOTICS AND WEAPONS TO INMATES, TO ARRANGING
PRISON ESCAPES. CERTAIN PRISON CELLBLOCKS HAVE
FALLEN UNDER SENDERO OR MRTA CONTROL AND GUARDS
REFUSE TO VENTURE INTO THEM. MILITARY FORCES
HAVE RECENTLY BEEN AUTHORIZED BY A SUPREME
DECREE TO ASSUME RESPONSIBILITY FOR PRISON
PERIMETER SECURITY. PRESIDENT FUJIMORI HAS
CONTINUED HIS PROGRAM OF PHASED RELEASE OF
UNCONVICTED PRISON INMATES AWAITING TRIAL,

ESPECIALLY THOSE WHO HAVE ALREADY SERVED THE
SENTENCE FOR THE CRIME WITH WHICH THEY ARE
CHARGED. REVISED PENAL AND PENAL PROCEDURES
CODES WERE COMPLETED, BUT THE LATTER WILL BE PUT
INTO EFFECT IN MAY 1992.

1. D. ARBITRARY ARREST, DETENTION, OR EXILE

THE CONSTITUTION, THE PENAL CODE, AND
ANTI-TERRORIST LEGISLATION CLEARLY DELINEATE THE
ARREST AND DETENTION PROCESS. HOWEVER, MOST IF
NOT ALL OF THESE PROTECTIONS ARE SUSPENDED IN
PRACTICE IN THOSE AREAS UNDER A STATE OF
EMERGENCY. IN AREAS NOT SUBJECT TO A STATE OF
EMERGENCY, A WARRANT APPROVED BY A JUDGE
TYPICALLY IS REQUIRED FOR ARREST, UNLESS CAUGHT
IN THE ACT. PERSONS ARRESTED MUST BE ARRAIGNED
WITHIN 24 HOURS, EXCEPT IN CASES OF DRUG
TRAFFICKING, TERRORISM, OR ESPIONAGE, FOR WHICH
THE LIMIT IS 15 DAYS. DETAINEES HAVE THE RIGHT
TO CHOOSE THEIR OWN ATTORNEY, OR THE GOVERNMENT
MUST PROVIDE COUNSEL AT NO COST. ARRESTED
PERSONS ARE ENTITLED TO HAVE AN ATTORNEY PRESENT
WHEN THEY MAKE STATEMENTS TO THE POLICE. UNDER
THE 1987 TERRORISM LAW, POLICE MUST ALSO NOTIFY
THE DETAINEE'S FAMILY AND HUMAN RIGHTS GROUPS OF
AN ARREST, ALTHOUGH IN PRACTICE THIS IS NOT
CONSISTENTLY DONE. DETENTION CENTERS DO NOT
MAINTAIN PUBLICLY AVAILABLE REGISTERS DETAILING
DETENTIONS, CHARGES, TRANSFERS, AND RELEASES OF
DETAINEES. IN AUGUST 1991, THE MINISTRY OF

DEFENSE INSTITUTED A NATIONAL REGISTRY OF
DETAINEES HELD BY THE MILITARY. THE MINISTRY OF
DEFENSE IS WILLING TO RESPOND TO INQUIRIES FROM
FAMILIES OF POTENTIAL DETAINEES, NONGOVERNMENTAL
ORGANIZATIONS, THE PUBLIC MINISTRY OR THE
MINISTRY OF FOREIGN AFFAIRS. THERE IS NO
FUNCTIONING BAIL SYSTEM; A FORM OF PROVISIONAL
LIBERTY IS AVAILABLE, MORE IN THEORY THAN IN
REALITY, FOR PERSONS NOT ACCUSED OF TERRORISM,
ESPIONAGE, OR NARCOTICS OFFENSES.

ARREST PROCEDURES ARE DIFFERENT IN THE RURAL
EMERGENCY ZONES. THE ARMED FORCES DO NOT NEED
AN ARREST WARRANT, AND DETAINEES ARE OFTEN
DENIED ACCESS TO AN ATTORNEY DURING
INTERROGATION AND TO FAMILY MEMBERS DURING THEIR

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PAGE 01 LIMA 15251 09 OF 20 291739Z 004261 S049306
INFO: ARA (01) PPC (01) OAS (01) PPA (01) RJ (01) RSG (01) PE (02)
DARD (01) SPA (01) PNC (01)

LIMA 15251 09 OF 20 291739Z 004261 S049306

----- 29/1751Z A2 RD (TOTAL COPIES: 011)

ACTION HA-00

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USIE-00 /078W

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O 291720Z OCT 91
FM AMEMBASSY LIMA
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LIMITED OFFICIAL USE SECTION 09 OF 20 LIMA 15251

DEPT FOR HA, ARA, AND S/IL

E.O. 12356: DECL: OADR
TAGS: PHUM, ELAB, PE
SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON
IMPRISONMENT. ALL DETAINEES, INCLUDING THOSE IN
THE EMERGENCY ZONES, HAVE THE RIGHT TO SEEK
JUDICIAL DETERMINATION OF THE LEGALITY OF THEIR
DETENTION, BUT THIS RIGHT IS ROUTINELY
DISREGARDED BY MILITARY COMMANDERS IN THE
EMERGENCY ZONES. OF THE DETAINEES HELD BY THE

MILITARY INSIDE THE EMERGENCY ZONES, HUMAN
RIGHTS GROUPS KNOW OF VERY FEW WHO WERE TURNED
OVER TO CIVILIAN AUTHORITIES FOR PROSECUTION.
MILITARY SOURCES SAY THAT OF A TOTAL 49
INDIVIDUALS DETAINED DURING THE FIRST MONTH OF
THE MINISTRY OF DEFENSE'S NATIONAL REGISTRY, 24
WERE TURNED OVER TO POLICE AUTHORITIES WITHIN
FIVE DAYS, AND THE REMAINDER RELEASED DIRECTLY.

ARBITRARY ARRESTS AND DETENTION IN THE EMERGENCY
ZONES IN 1991 ARE ESTIMATED TO BE IN THE
HUNDREDS. INCOMMUNICADO DETENTION OF SUSPECTS
WAS A COMMON PRACTICE BY COMBATANT
FORCES--GOVERNMENT AND REBEL ALIKE--OPERATING IN
THE EMERGENCY ZONES. DOZENS OF PERSONS OF WHOSE
DETENTION THE GOVERNMENT'S SECURITY FORCES HAD
DENIED KNOWLEDGE NONETHELESS LATER WERE FOUND TO
HAVE BEEN HELD IN MILITARY DETENTION CENTERS.
FOR THE FIRST EIGHT MONTHS OF THE YEAR, THE
ARMED FORCES ROUTINELY DENIED ACCESS BY COURT
OFFICERS, PUBLIC PROSECUTORS, AND OTHERS TO
MILITARY INSTALLATIONS WHERE PRISONERS ARE KNOWN
TO BE HELD. IN MARCH, A CIVILIAN PROSECUTOR
ATTEMPTING TO PURSUE INQUIRIES INTO THE
WHEREABOUTS OF FOUR RESIDENTS OF CHUSCHI, WHO
HAD BEEN DETAINED EARLIER BY MILITARY
AUTHORITIES WAS CHASED FROM THE MILITARY BASE AT
PAMPA CANGALLO AND HARASSED BY SOLDIERS THROWING
EXPLOSIVE GRENADES.

IN AUGUST 1991, THE GOVERNMENT ISSUED A

LEGISLATIVE DECREE, WITH THE FORCE OF LAW,
GRANTING CIVILIAN PUBLIC PROSECUTORS ACCESS TO
ALL MILITARY BARRACKS AND DETENTION CENTERS,
INCLUDING THOSE IN THE EMERGENCY ZONES. THE

DECREE SPECIFIES THAT THE PROSECUTOR MAY
PRIVATELY INTERVIEW A DETAINEE IMMEDIATELY UPON
HIS DETENTION AND CHECK FOR SIGNS OF PHYSICAL
ABUSE. WHERE APPLICABLE, THE PROSECUTOR MAY
ORDER THE PRISONER REMANDED INTO THE CIVILIAN
COURT SYSTEM. IF REMANDED TO THE COURTS, THE
PROSECUTOR IS TO ACCOMPANY THE PRISONER AND
REQUIRE A FORMAL MEDICAL EXAMINATION UPON
DELIVERING HIM INTO CIVILIAN JUDICIAL CUSTODY.
A PUBLIC PROSECUTOR MUST BE PRESENT AT THE
RELEASE OF ANY PRISONER FROM MILITARY
DETENTION. THIS PROCEDURE HAS NOT YET BEEN
COMPLETELY TESTED. HOWEVER, THE PUBLIC
PROSECUTORS HAVE SUCCESSFULLY ENTERED A NUMBER
OF MILITARY INSTALLATIONS IN THE EMERGENCY ZONES
CHECKING FOR DETAINEES.

THE CONSTITUTION PROHIBITS FORCED INVOLUNTARY
EXILE, AND THERE HAVE BEEN NO KNOWN CASES OF IT
IN THE PAST 10 YEARS.

I. E. DENIAL OF FAIR PUBLIC TRIAL

IN THE PERUVIAN LEGAL SYSTEM WHICH IS BASED
GENERALLY ON THE NAPOLEONIC CODE, ONCE CRIMINAL
CHARGES ARE FILED, A JUDGE DETERMINES WHETHER
PROBABLE CAUSE EXISTS. THE JUDICIAL PROCESS

PRIOR TO TRIAL MAY LAST AS LONG AS SEVERAL
YEARS, FOLLOWED BY A PUBLIC TRIAL. DEFENDANTS
HAVE THE RIGHT TO BE PRESENT AT THE TRIAL, AT
WHICH VERDICTS ARE RENDERED BY A JUDGE OR A
PANEL OF JUDGES. SENTENCES MAY BE APPEALED, AND
JUDGES MAY SEND CASES BACK TO LOWER COURTS FOR
ADDITIONAL INVESTIGATION. SUPREME COURT JUDGES,
28 IN ALL, ARE NOMINATED BY THE PRESIDENT FROM
SLATES SUPPLIED BY AN ADVISORY COMMITTEE, AND
MUST BE APPROVED BY THE SENATE. MANY JUDGES ON
THE SUPERIOR AND SUPREME COURTS ARE ACTIVE IN
POLITICAL PARTIES, AND THERE ARE OCCASIONAL
CLAIMS THAT DECISIONS HAVE BEEN POLITICALLY
MOTIVATED.

COURTS FACE SEVERE BACKLOGS, A PRODUCT OF

IMMEDIATE

INCOMING

DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 LIMA 15251 10 OF 20 291755Z 004284 0049508
INFO: ARA (01) PPC (01) OAS (01) PPA (01) RJ (01) RSG (01) PE (02)
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LIMA 15251 10 OF 20 291755Z 004284 0049508

ACTION HA-09

INFO LOG-00 ADS-00 AID-00 ANAD-01 ARA-00 CIAE-00 DODE-00
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NSAE-00 NSCE-00 OIC-02 PA-01 PRS-01 P-01 RP-10
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O 291720Z OCT 91
FM AMEMBASSY LIMA
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LIMITED OFFICIAL USE SECTION 10 OF 20 LIMA 15251

DEPT FOR HA, ARA, AND S/IL

E.O. 12356: DECL: OADR
TAGS: PHUM, ELAB, PE
SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON
INEFFICIENCY, ARCHAIC CASE LAW AND CRIMINAL
PROCEDURAL LAW, AND THE SHARP INCREASE IN
TERRORISM CASES. THERE ARE TOO FEW PUBLIC
DEFENDERS FOR THE LARGE CASELOADS. THE MINISTRY
OF JUSTICE REPORTED IN 1991 THAT ON AVERAGE EACH
JUDGE OF THE FIRST INSTANCE RECEIVES 340 NEW

CASES A YEAR, BUT PROCESSES ONLY 80 PER YEAR.
HIGHER COURTS, ON AVERAGE, RECEIVE 670 NEW CASES
PER YEAR, AND RESOLVE 120 PER YEAR. THE MEDIAN
TIME FOR A JUDICIAL PROCESS AVERAGED TWO YEARS
AND TWO MONTHS. OVERALL, 46,000 NEW CASES WERE
RECEIVED BY THE COURTS THUS FAR IN 1991, AND
16,000 CASES HAVE BEEN PROCESSED. THERE IS AN
ESTIMATED BACKLOG OF BETWEEN 250,000 AND 300,000
CRIMINAL CASES. HUMAN RIGHTS GROUPS HAVE
DOCUMENTED HUNDREDS OF CASES OF PERSONS WHO HAVE
BEEN DETAINED WITHOUT BAIL WHILE AWAITING TRIAL
FOR PERIODS OF UP TO 4 YEARS--IN A FEW CASES
MORE THAN TWICE THAT LONG. THERE WERE ALSO
WIDESPREAD CHARGES OF CORRUPTION AND THE
SUBORNING OF JUDGES, POLICE, AND WITNESSES AT
ALL STAGES OF THE JUDICIAL PROCESS. A REVISED
CRIMINAL PROCEDURES CODE WILL REQUIRE THE
PRESENCE OF A PUBLIC MINISTRY PROSECUTOR AT ALL
STAGES OF A CRIMINAL INVESTIGATION. IT IS HOPED
THAT THIS MEASURE, TO BE IMPLEMENTED IN MAY 1992
WILL SERVED TO REDUCE THE LACK OF COOPERATION
AND DUPLICATION OF EFFORT BETWEEN TECHNICAL
POLICE AND PUBLIC PROSECUTORS.

THREATS AND INTIMIDATION OF JUDGES HANDLING
TERRORISM CASES REPRESENT A SERIOUS PROBLEM,
ACCOUNTING IN PART FOR THE LOW CONVICTION RATE
OF ACCUSED TERRORISTS. SINCE 1983, ONLY 439
INDIVIDUALS HAVE BEEN TRIED AND CONVICTED FOR
TERRORISM. APPROXIMATELY 100 OF THESE
CONVICTIONS OCCURRED DURING 1991, A THREEFOLD

INCREASE FROM THE PREVIOUS YEAR. OF 900
INDIVIDUALS CURRENTLY IN JAIL ON TERRORISM
CHARGES, LESS THAN 500 HAVE BEEN CONVICTED.
DURING 1991 HOWEVER, 585 NEW TERRORISM CASES

HAVE BEEN OPENED IN THE JUDICIAL SYSTEM. THIS
EXTREMELY LOW RATE OF CONVICTION IN TERRORISM
CASES CONTRIBUTES TO POLICE/MILITARY FRUSTRATION
WITH THE JUDICIAL PROCESS AND TO PUBLIC
TOLERANCE OF ABUSES COMMITTED BY SECURITY FORCES
OPERATING AGAINST PRESUMED TERRORISTS. IN 1987
CONGRESS CREATED SPECIAL TRIBUNALS TO HEAR
TERRORISM CASES AND PROMISED GREATER SECURITY
MEASURES TO PROTECT JUDGES AND WITNESSES. THERE
WERE IMMEDIATE PROBLEMS WITH FINDING JUDGES WHO
WERE WILLING TO SERVE ON THESE COURTS, PROVIDING
THE GUARANTEES OF SAFETY FOR THE JUDGES REQUIRED
IN THE ENABLING LEGISLATION, AND THE LARGE
BACKLOG OF CASES. OVERWHELMED BY THESE
PROBLEMS, THE SPECIAL TRIBUNALS WERE ABOLISHED
IN APRIL 1988--ONLY TO BE REESTABLISHED IN
OCTOBER 1989.

THE SUPREME COURT DECIDES WHETHER MILITARY OR
POLICE OFFENDERS ARE TRIED IN CIVILIAN COURTS OR
IN A SEPARATE MILITARY COURT SYSTEM. THE
MILITARY GENERALLY ASSERTS ITS JURISDICTION IN
CASES INVOLVING ITS PERSONNEL, AND THE COURT
TYPICALLY RULES IN ITS FAVOR. THERE WERE SOME
NOTABLE CASES OF MILITARY PERSONNEL CHARGED IN
CIVILIAN COURTS DURING 1991 FOR HUMAN
RIGHTS-RELATED CRIMES.

ARMY SERGEANT JHONNY ZAPATA ACUNA, AKA EL
CENTURION, WAS CHARGED IN CIVILIAN COURT FOR THE
OCTOBER 1990 MASSACRE OF 17 PERSONS AT
CHILCAHUAYCCO, AYACUCHO. HOWEVER, THE CIVILIAN
COURT TRIAL REMAINS BLOCKED WHILE A PARALLEL
PROCESS PROCEEDS IN THE MILITARY COURTS. ARMY
CAPTAIN AMADOR VIDAL SAMBENTO AND COMANDANTE
VICTOR LA VERA HERNANDEZ WERE CHARGED IN
CIVILIAN COURT FOR THE NOVEMBER 1988 KILLING OF
JOURNALISTS HUGO BUSTIOS SAAVEDRA. IN BOTH
CASES, HOWEVER, MILITARY COURTS ASSERTED
JURISDICTION. IN THE CASE OF CAPTAIN SAMBENTO
AND COMANDANTE LA VERA, THE MILITARY COURT FOUND
THE ACCUSED NOT GUILTY. UNDER PERUVIAN LAW,
THEY CANNOT BE RETRIED FOR THE SAME OFFENSE IN

cont.



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DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 LIMA 15251 11 OF 20 291757Z 004285 0849522
INFO: ARA (01) PPC (01) OAS (01) PPA (01) RJ (01) RSG (01) PE (02)
DAND (01) SPA (01) PHC (01)

LIMA 15251 11 OF 20 291757Z 004285 0849522
ILLEGAL WIRETAPS REMAIN COMMON AND POLITICALLY
CONTROVERSIAL.

----- 29/1758Z AI RD (TOTAL COPIES: 811)

ACTION HA-09
INFO LOC-00 ADS-00 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00
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NSAE-00 NSCE-00 OIC-02 PA-01 PRS-01 P-01 RP-10
SIL-00 SP-00 SR-00 SSO-00 SS-00 STR-18 TRSE-00
USTE-00 /078W

A NUMBER OF RURAL COMMUNITIES ORGANIZED RONDAS TO PROTECT AGAINST TERRORIST AND BANDIT INCURSIONS. MOBILIZATION OF RONDAS HAS BECOME A CENTERPIECE OF THE GOVERNMENT'S ANTI-SUBVERSION STRATEGY. PRESIDENT FUJIMORI HAS PERSONALLY PARTICIPATED IN THE HANDING OUT OF SHOTGUNS TO NEWLY FORMED RONDAS. WHILE IN PARTS OF THE NATION RONDAS HAVE EXISTED FOR CENTURIES AS A FORM OF SOCIAL ORGANIZATION AND TO PROTECT RESIDENTS FROM INVADERS AND RUSTLERS, MANY OF THE NEWER RONDAS WERE ACTIVELY ORGANIZED, AND SOMETIMES IMPOSED, UNDER THE DIRECTION OF THE MILITARY AUTHORITIES. MANY MEMBERS JOINED VOLUNTARILY TO DEFEND AGAINST SENDERO AND MANY LEADERS ARE LOCALLY ELECTED. HOWEVER, IN SOME AREAS THERE WERE NUMEROUS REPORTS OF THE FORCED RECRUITMENT OF PEASANTS TO SERVE AS RONDAS MEMBERS.

0 291720Z OCT 91
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 2848

SENDERO WAS ALSO CREDIBLY ACCUSED OF REPEATED FORCED RECRUITMENTS. SOMETIMES CIVILIANS WERE PRESS-GANGED INTO PROVIDING GUIDE, MANUAL LABOR, OR OTHER SERVICES. SENDERO FORCED PEASANTS TO JOIN THEIR MILITARY RANKS, OFTEN FOR EXTENDED

LIMITED OFFICIAL USE SECTION 11 OF 20 LIMA 15251

DEPT FOR HA: ARA, AND S/IL

E.O. 12356: DECL: OADR
TAGS: PHUM, ELAB, PE
SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON CIVILIAN COURTS. FIVE NON-COMMISSIONED POLICE OFFICERS, SERGEANT GUILLERMO CORNEJO ZAPATA, SUBOFFICIAL JOSE INFANTES QUIROZ, SUBOFFICIAL DAMASO ANTESANA LINAN, SERGEANT FRANCISCO ANTESANA SANTILLAN, AND SUBOFFICIAL ANGEL VASQUEZ CHUMBO, HAVE BEEN ARRESTED AND CHARGED IN

PERIODS, REQUIRING THEIR INVOLVEMENT IN TERRORIST ATTACKS OR EVEN EXECUTIONS. THIS PRACTICE NOT ONLY PROVIDED THE TERRORISTS WITH THE APPEARANCE OF POPULAR SUPPORT AND OVERWHELMING NUMBERS, BUT IT MADE IDENTIFICATION OF THE REAL TERRORISTS MUCH MORE DIFFICULT.

CIVILIAN COURTS WITH THE JULY KILLING OF THREE YOUTHS IN CALLAO, LIMA. DETENTION ORDERS AGAINST FOUR SUPERIOR OFFICERS, COMANDANTE PEDRO GONZALES PAREDES, COMANDANTE VICTOR HUGO BAZAN LLAPAC, CAPT. CESAR AUGUSTO SANTOYO, EDGAR IZQUIERDO VICENTE AND NCO CANALE AMBROSIO VICENTE, HAVE BEEN VACATED BY ORDER OF A CIVILIAN COURT JUDGE, ALTHOUGH THE FOUR REMAIN UNDER INVESTIGATION.

1. G. USE OF EXCESSIVE FORCE AND VIOLATIONS OF HUMANITARIAN LAW IN INTERNAL CONFLICTS

PERU HAS SIGNED THE TWO PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS RELATING TO THE PROTECTION OF VICTIMS OF INTERNATIONAL AND NONINTERNATIONAL ARMED CONFLICT IN JULY 1989. IN SEPTEMBER 1991, THE GOVERNMENT AUTHORIZED ACCESS OF THE INTERNATIONAL COMMITTEE OF THE RED

MILITARY TRIALS MAY BE CLOSED TO THE PUBLIC AT THE DISCRETION OF THE RULING MAGISTRATE, AND LITTLE IS KNOWN ABOUT SPECIFIC CASES. A MILITARY COURT HEARD THE CAYARA MASSACRE CASE IN CLOSED SESSION IN JANUARY 1990 WITHOUT THE PRESENCE OF WITNESSES OR RELATIVES OF THE VICTIMS. THE SUPREME COUNCIL OF MILITARY JUSTICE FORMALLY CLOSED THE CASE ON JANUARY 31, 1991, EFFECTIVELY TERMINATING EFFORTS TO PROSECUTE THE CASE. A DECEMBER 1990 GOVERNMENT DECREE REQUIRING THAT SECURITY PERSONNEL CHARGED WITH CRIMES IN CONNECTION WITH THEIR SERVICE IN THE EMERGENCY ZONES BE TRIED IN MILITARY COURTS, WAS SUBSEQUENTLY OVERTURNED BY THE LEGISLATURE.

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

THE CONSTITUTION STIPULATES THAT THE POLICE NEED A JUDICIAL WARRANT TO ENTER A PRIVATE DWELLING, AND THIS REQUIREMENT IS GENERALLY RESPECTED.

THE REQUIREMENT IS SUSPENDED IN THE EMERGENCY ZONES, HOWEVER, AND SECURITY FORCES IN THOSE AREAS ROUTINELY CONDUCT SEARCHES OF PRIVATE HOMES WITHOUT WARRANTS. CREDIBLE REPORTS OF

IMMEDIATE

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PAGE 01 LIMA 15251 12 OF 20 291758Z 004300 0849558
INFO: ARA (01) PPC (01) OAS (01) PPA (01) RJ (01) RSG (01) PE (02)
DAND (01) SPA (01) PNC (01)

LIMA 15251 12 OF 20 291758Z 004300 0849558
NETWORK, AND TWO NEWSPAPERS. MOST MAJOR
OPPOSITION PARTIES BOAST THEIR OWN NEWSPAPERS,
AND OPPOSITION FIGURES ALSO HAVE FREQUENT ACCESS
TO THE GOVERNMENT MEDIA.

----- 29/1800Z A2 RD (TOTAL COPIES: 011)

ACTION WA-09
INFO LOG-00 ADS-00 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00
EB-00 H-01 INRE-00 INR-01 IO-19 LAB-04 L-00
NSAE-00 NSCE-00 OIC-02 PA-01 PRS-01 P-01 RP-10
SIL-00 SP-00 SR-00 SSO-00 SS-00 STR-18 TRSE-00
USIE-00 /078W

THERE WERE RELATIVELY FEW COMPLAINTS DURING 1991
OF GOVERNMENT PRESSURE ON THE MEDIA OR OF
RESTRICTIONS ON JOURNALISTS. THERE WERE,
HOWEVER, ALLEGATIONS THAT A POPULAR TELEVISION
NEWS MAGAZINE PROGRAM WAS CANCELLED DUE TO
MILITARY PRESSURE AFTER THE PROGRAM AIRED A
MILITARY DOCUMENT AUTHORIZING SUMMARY EXECUTIONS
UNDER CERTAIN CIRCUMSTANCES. THE MINISTER OF
DEFENSE PUBLICLY REPUDIATED THE DRAFT PROPOSAL,
AND THOSE INVOLVED WERE ADMINISTRATIVELY
PUNISHED. THE TELEVISION STATION MANAGEMENT
MAINTAINED THAT THE PROGRAM WAS CANCELLED DUE TO
ECONOMIC CONSIDERATIONS AND NOT AS A RESPONSE TO
MILITARY PRESSURE. THERE WAS NO DISCERNIBLE
GOVERNMENT POLICY TO HARASS OR PRESSURE THE MEDIA.

-----A600B9 291758Z /38
O 291720Z OCT 91
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 2849

SOME PERUVIAN NEWS MEDIA ADOPTED A MODIFIED FORM
OF SELF-CENSORSHIP. RESPONDING TO GOVERNMENTAL
AND MILITARY REQUESTS TO EXERCISE RESTRAINT AND
AVOID PROVIDING A PUBLIC FORUM FOR TERRORIST
ACTIONS. MUCH OF THE MEDIA, PARTICULARLY THE

LIMITED OFFICIAL USE SECTION 12 OF 20 LIMA 15251

ELECTRONIC MEDIA, AGREED TO LIMITED COVERAGE OF
TERRORIST EVENTS TO FACTUAL REPORTING OF LIMITED
TIME DURATION. THE LIMITATIONS WERE ENTIRELY
VOLUNTARY.

DEPT FOR HA, ARA, AND S/IL

E.O. 12356: DECL: OADR
TAGS: PHUN, ELAB, PE
SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON
CROSS TO ALL MILITARY FACILITIES ENGAGED IN
ANTI-SUBVERSIVE OPERATIONS. THE AUTHORIZATION
INCLUDES THE RIGHT TO INTERVIEW DETAINEES
PRIVATELY. THIS AUTHORIZATION HAS NOT BEEN
IMPLEMENTED LONG ENOUGH TO JUDGE EITHER
COMPLIANCE OR EFFECTIVENESS.

JOURNALISTS WERE SOMETIMES BARRED FROM TRAVELING
IN THE RURAL AREAS OF THE EMERGENCY ZONES.
GENERALLY HOWEVER, THE LEVEL OF JOURNALISTIC
ACCESS TO THE EMERGENCY ZONES IMPROVED IN 1991.

LOCAL HUMAN RIGHTS GROUPS MAINTAIN THAT A
SIGNIFICANT BUT UNKNOWN NUMBER OF CAPTURED
TERRORISTS AND INNOCENT CIVILIANS WERE SUMMARILY
EXECUTED BY THE MILITARY IN 1991. SENDERO'S
DISREGARD FOR THE RULES OF WAR AND HUMANITARIAN
LAW ARE ALSO WELL KNOWN (SEE SECTION 1.A.).
SENDERO ROUTINELY TORTURES, MUTILATES AND
MURDERS ITS CAPTIVES.

IN SEPARATE ACTIONS MRTA AND SENDERO FORCES
OCCUPIED THE OFFICES OF SEVERAL RADIO STATIONS
AND WIRE SERVICES, FORCING THE MEDIA OUTLETS TO
TRANSMIT POLITICAL PROPAGANDA MESSAGES. SENDERO
ALSO BOMBED SEVERAL RURAL RADIO STATIONS.
SENDERO USED THREATS TO INTIMIDATE RADIO

THERE WAS WIDESPREAD ABUSE BY BOTH SECURITY AND
TERRORIST FORCES OF THE RIGHTS OF PRISONERS,
ABLE-BODIED, WOUNDED, AND SICK ALIKE. THE
MILITARY'S VIOLATIONS OF INTERNATIONAL NORMS
RANGED FROM THE ROUTINE BLINDFOLDING OF
PRISONERS, TO THE FREQUENT REFUSAL TO ADMIT THAT
CERTAIN PERSONS WERE BEING DETAINED, TO THE LESS
FREQUENT SUMMARY EXECUTION OF UNARMED
PRISONERS. FOR ITS PART, SENDERO SIMPLY DOES
NOT ACKNOWLEDGE HOLDING ANY GOVERNMENT
PRISONERS. ON THIS POINT, SENDERO'S CREDIBILITY
IS EXTREMELY HIGH: GOP FORCES CAPTURED BY
SENDERO ARE ALMOST INVARIABLY EXECUTED.

SECTION 2 RESPECT FOR CIVIL LIBERTIES,
INCLUDING:

2. A. FREEDOM OF SPEECH AND PRESS

THE CONSTITUTION PROVIDES FOR FREEDOM OF SPEECH
AND THE PRESS. WITH EIGHT TELEVISION STATIONS,

ONE CABLE TELEVISION SYSTEM, 72 RADIO STATIONS,
AND 18 DAILY NEWSPAPERS IN LIMA ALONE, PERUVIANS
HAVE ACCESS TO A VERY BROAD RANGE OF OPINION AND
INFORMATION. THE GOVERNMENT OWNS ONE OF THE
THREE NATIONAL TELEVISION NETWORKS, A RADIO

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DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 LIMA 15251 13 OF 20 291800Z 004312 0049605
INFO: ARA (01) PPC (01) OAS (01) PPA (01) RJ (01) RSG (01) PE (02)
DAND (01) SPA (01) PHC (01)

LIMA 15251 13 OF 20 291800Z 004312 0049605

----- 29/1800Z A2 RD (TOTAL COPIES: 011)
ACTION HA-09

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-----A60DEA 291800Z /38
O 291720Z OCT 91
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 2150

LIMITED OFFICIAL USE SECTION 13 OF 20 LIMA 15251

DEPT FOR HA, ARA, AND S/IL

E.O. 12356; DECL: OADR
TAGS: PHUN, ELAB, PE
SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON
STATIONS, JOURNALISTS AND PUBLICATIONS.

JOURNALISTS WERE SOMETIMES THE VICTIMS OF
VIOLENCE AND THREATS. THE COLLEGE OF PERUVIAN
JOURNALISTS REPORTED THAT AS MANY AS 33
JOURNALISTS HAVE BEEN KILLED IN THE ELEVEN YEARS

OF SENDERO VIOLENCE. AT LEAST FIVE PERSONS
INVOLVED IN THE NEWS MEDIA WERE KILLED IN 1991.
RADIO JOURNALIST LUIS ANTONIO MORALES ORTEGA,
WHOM SENDERO LATER ACKNOWLEDGED AS ONE OF THEIR
POLITICAL CADRE, WAS ASSASSINATED ON JULY 13.
ONLY DAYS BEFORE HIS DEATH, HE HAD RECEIVED
DEATH THREATS FROM A GROUP CALLING ITSELF THE
ANTI-TERRORIST LIBERATION COMMAND, AND EARLIER
HAD RECEIVED SIMILAR THREATS FROM THE RODRIGO
FRANCO COMMAND (CRF). AYACUCHO JOURNALISTS
MAGNO SOSA ROJAS AND NECIAS TAPIRI ALSO
RECEIVED THREATS FROM THE ANTI-TERRORIST
LIBERATION COMMAND. MAGNO SOSA ROJAS WAS
ARRESTED ON AUGUST 23 ON CHARGES OF TERRORISM.
CHARGES WERE SUBSEQUENTLY DROPPED WHEN THE CIVIL
JUDGE RULED THAT THERE WAS INSUFFICIENT EVIDENCE
TO SUPPORT THE CASE. THE NEWS MAGAZINE "SI,"
FOR WHOM SOSA WORKS, REPORTED THAT THE ORIGINAL
CHARGE HAD BEEN BASED ON THE IDENTIFICATION
PROVIDED BY A SECURITY DETAINEE UNDER TORTURE.
RADIO JOURNALIST GUSTAVO ZUNIGA UCHARICO, WHO
CONDUCTED A LOCAL NEWS PROGRAM, WAS ASSASSINATED
IN PUNO, PRESUMABLY BY MEMBERS OF SENDERO.
MELISSA ALFARO, THE 23 YEAR OLD NEWS EDITOR OF
MRTA-LINKED CAMBIO NEWSPAPER, WAS KILLED ON
OCTOBER 10, WHEN SHE OPENED A LETTER BOMB
ADDRESSED TO CAMBIO EDITOR CARLOS ARROYO REYES.
A POLICEMAN GUARDING THE CLOSED PRINTING PLANT
OF PRO-SENDERO "EL DIARIO" LOST A HAND IN JUNE,
WHEN A PACKAGE BOMB EXPLODED. ANTONIO HUACACHI
CHAVEZ, THE 29 YEAR OLD PRESIDENT OF THE

AYACUCHO CIRCLE OF TOURISH JOURNALISTS WAS SHOT
AND KILLED BY UNKNOWN ASSAILANTS ON OCTOBER 17.
NEITHER MOTIVE NOR PROBABLE ASSAILANT HAVE BEEN
ESTABLISHED. AYACUCHO JOURNALIST CIRILO ORE

ENRIQUEZ WAS ASSASSINATED BY SENDERO ON OCTOBER
27. ORE HAD RECEIVED DEATH THREATS AND HIS NAME
HAD APPEARED ON SENDERO BLACK LISTS CIRCULATED
IN AYACUCHO IN THE WEEKS PRIOR TO HIS DEATH.
SEVERAL OTHER JOURNALISTS AND ACADEMICS WRITING
ON NARCOTICS TRAFFICKING OR SUBVERSION ALSO
RECEIVED THREATS.

ACADEMIC FREEDOM IS WIDELY RESPECTED, BUT
ACADEMICS AND STUDENTS ARE SOMETIMES THE VICTIMS
OF THREATS AND ABUSES. SENDERO AND MRTA
EXTENSIVELY RESORT TO THREATS AND ABUSE AGAINST
FACULTY, STAFF AND STUDENTS IN A NUMBER OF
UNIVERSITIES WHICH THEY STRIVE TO CONTROL. SL
STATES HAVE LOST MOST RECENT ELECTIONS IN ALL OF
THE UNIVERSITY CAMPUSES THEY ONCE CONTROLLED,
EXCEPT THE CENTRAL UNIVERSITY (UNCP) IN
HUANCAYO. ALSO, ARMY UNITS ENTERED SAN MARCOS
AND LA CANTUTA UNIVERSITIES IN MAY 1991 TO PAINT
OUT SENDERO PROPAGANDA AND "RESTORE UNIVERSITY
FREEDOM" WITH A SHOW OF MILITARY PRESENCE.

2. B. FREEDOM OF PEACEFUL ASSEMBLY AND
ASSOCIATION

THESE RIGHTS ARE EXPRESSLY PROVIDED FOR IN THE
CONSTITUTION AND ARE NORMALLY RESPECTED IN

PRACTICE EXCEPT IN AREAS UNDER A STATE OF
EMERGENCY (WHERE THE RIGHT OF ASSEMBLY IS
SUSPENDED). PUBLIC MEETINGS IN PLAZAS OR
STREETS REQUIRE ADVANCE PERMISSION, WHICH MAY
ONLY BE DENIED FOR REASONS OF PUBLIC SAFETY OR
HEALTH. MUNICIPAL AUTHORITIES USUALLY APPROVED
PERMITS FOR DEMONSTRATIONS IN LIMA AND
NONEMERGENCY ZONES. MANY UNAUTHORIZED
DEMONSTRATIONS ALSO OCCURRED, AND, FOR THE MOST
PART, THE GOVERNMENT DEALT WITH THEM IN A
NONCONFRONTATIONAL MANNER. ON A NUMBER OF
OCCASIONS, HOWEVER, POORLY DISCIPLINED POLICE ON
THE SCENE OVERREACTED, RESPONDING WITH MORE THAN
THE MINIMUM FORCE NECESSARY, RESORTING TO CLUBS,
TEAR GAS, BUCKSHOT, AND TRUCK-MOUNTED WATER
CANNONS TO BREAK UP MARCHES OR TO DISPERSE LARGE

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DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 LIMA 15251 14 OF 28 291801Z 004315 0849630
INFO: PE (02) DAND (01) SPA (01) PNC (01) RJ (01) RSG (01) ARA (01)
PPG (01) OAS (01) PPA (01)

LIMA 15251 14 OF 28 291801Z 004315 0849630

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

----- 29/1803Z A1 RD (TOTAL COPIES: 011)
ACTION HA-09

THE CONSTITUTION PROVIDES FOR THE RIGHT OF FREE
MOVEMENT, AND THERE ARE NO POLITICAL OR LEGAL
CONSTRAINTS ON FOREIGN TRAVEL OR EMIGRATION.
FREEDOM OF MOVEMENT IS LEGALLY SUSPENDED WITHIN
THE EMERGENCY ZONES, AND TRAVELERS MAY BE
DETAINED BY AUTHORITIES AT ANY TIME. OTHER
DOMESTIC AND INTERNATIONAL TRAVEL IS NOT KNOWN
TO BE RESTRICTED BY THE GOVERNMENT FOR POLITICAL
REASONS.

INFO LOG-00 ADS-00 AFD-00 AMAD-01 ARA-00 CIAE-00 DODE-00
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SIL-00 SP-00 SR-00 SSO-00 SS-00 STR-18 TRSE-00
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-----A60E18 291801Z /38

O 291720Z OCT 91
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 2851

SENDERO CALLED FOR NUMEROUS "ARMED STRIKES" IN
VARIOUS PARTS OF THE COUNTRY, DURING WHICH
CIVILIANS WERE OBLIGED TO STAY AT HOME OR RISK
VIOLENCE IF THEY TRAVELED. THERE HAVE BEEN NO
MAJOR RESETTLEMENT EFFORTS BY THE SECURITY
FORCES SINCE THE MID-1980S.

LIMITED OFFICIAL USE SECTION 14 OF 28 LIMA 15251

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

DEPT FOR HA, ARA, AND S/11

PERU IS A DEMOCRACY GOVERNED BY A FREELY ELECTED
PRESIDENT AND CONGRESS. THE POLITICAL PROCESS
IS OPEN, SUBJECT TO MONITORING BY AN AUTONOMOUS

E.O. 12356: DECL: OADR
TAGS: PHUM, ELAB, PE
SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON
CROWDS. THESE TACTICS WERE FREQUENTLY USED
AGAINST STRIKING PUBLIC SERVICE WORKERS,
INCLUDING NURSES, SCHOOL TEACHERS AND SOCIAL
SECURITY WORKERS ON VARIOUS OCCASIONS DURING 1991.

NATIONAL ELECTIONS BOARD, AND ELECTIONS ARE
VIGOROUSLY CONTESTED BY PARTIES RANGING FROM
CONSERVATIVE TO MARXIST-LENINIST. SENDERO
LUMINOSO PERSISTENTLY SOUGHT TO DENY CITIZENS
THEIR POLITICAL RIGHTS--PARTICULARLY IN THE MORE
REMOTE AREAS--BY KILLING CANDIDATES AND ELECTED
OFFICIALS AND THREATENING VOTERS. SENDERO
APPLIED THESE TACTICS IN THE AUGUST 1991
SUPPLEMENTAL ELECTIONS TO CHOOSE DISTRICT AND
PROVINCIAL MUNICIPAL AUTHORITIES IN THOSE
JURISDICTIONS WHERE THE GOVERNMENT WAS NOT ABLE
TO HOLD REGULAR ELECTIONS IN 1989, OR WHERE
WINNERS SUBSEQUENTLY RESIGNED OR WERE KILLED.
VOTER TURN-OUT WAS GOOD IN AYACUCHO WHERE
SENDERO CALLED FOR AN ARMED STRIKE, AN ELECTION
BOYCOTT AND SET OFF AN EXPLOSIVE DEVICE IN THE

2. C. FREEDOM OF RELIGION

ROMAN CATHOLICISM PREDOMINATES IN PERU, AND THE
CONSTITUTION FORMALLY RECOGNIZES THE CHURCH "AS
AN IMPORTANT ELEMENT IN THE HISTORICAL, CULTURAL
AND MORAL DEVELOPMENT" OF THE NATION. THE
CONSTITUTION ALSO ESTABLISHES THE SEPARATION OF
CHURCH AND STATE AND ENSURES FREEDOM OF RELIGION
AND CONSCIENCE. THESE RIGHTS ARE RESPECTED IN
PRACTICE. MEMBERS OF MINORITY RELIGIONS
ENCOUNTER NO GOVERNMENT INTERFERENCE IN
PRACTICING THEIR FAITH. ORGANIZED RELIGIONS ARE
FREE TO ESTABLISH PLACES OF WORSHIP, TRAIN
CLERGY, ENGAGE IN RELIGIOUS PUBLISHING, AND
PROSELYTIZE. FOREIGN-BORN CLERGY ARE NOT BARRED
FROM ENTRY; RATHER, THEY CONSTITUTE A
SIGNIFICANT PRESENCE, EVEN WITHIN THE DOMINANT
CATHOLIC CHURCH.

MEMBERS OF VARIOUS RELIGIOUS ORGANIZATIONS
REPORT HAVING RECEIVED DEATH THREATS FROM
SENDERO, THE MRTA, OR THE CRF DURING 1991 AND
SEVERAL RELIGIOUS WORKERS WERE KILLED BY
SENDERO. AMONG THOSE RELIGIOUS WORKERS EXECUTED
BY SENDERO WERE AN AUSTRALIAN NUN, TWO POLISH
PRIESTS AND ONE ITALIAN PRIEST AND TWO
PROTESTANT CHURCH WORKERS. DURING FEBRUARY AND
MARCH, MRTA BOMBED, OR TRIED TO BOMB 15 MORMON
CHURCHES. A NUMBER OF RELIGIOUS OFFICIALS FEAR
THAT SENDERO IS BECOMING INCREASINGLY
ANTAGONISTIC TO ORGANIZED RELIGION IN GENERAL
AND TO FOREIGN CLERGY IN PARTICULAR. SENDERO

HAS ACTIVELY TRIED TO INTIMIDATE THE CATHOLIC
CHURCH, ESPECIALLY IN ANCASH AND JUNIN WHERE THE
THREE FOREIGN PRIESTS AND THE AUSTRALIAN NUN
NOTED ABOVE WERE KILLED IN AUGUST.

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 ARA/NEA REARCS

PAGE 01 LIMA 15251 15 OF 28 291802Z 004322 S049665
 INFO: PE (02) DAMD (01) SPA (01) PMC (01) RJ (01) RSG (01) ARA (01)
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LIMA 15251 15 OF 28 291802Z 004322 S049665

----- 29/1805Z A1 RD (TOTAL COPIES: 011)
 ACTION NA-09

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

INFO LOG-00 ADS-00 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00
 EB-00 H-01 INRE-00 INB-01 IO-19 LAB-04 L-00
 NSAE-00 NSCE-00 OIC-02 PA-01 PRS-01 P-01 RP-10
 SIL-00 SP-00 SR-00 SSG-00 SS-00 STR-18 TRSE-00
 USIE-00 /078W

UNDER INTENSE INTERNATIONAL SCRUTINY THE
 GOVERNMENT OF PERU HAS PUBLICLY COMMITTED ITSELF
 TO STRONGLY SUPPORT HUMAN RIGHTS AND HAS ADOPTED
 A NUMBER OF MEASURES TO IMPROVE THE SITUATION.
 HOWEVER, IT HAS ALSO STRONGLY CRITICIZED SOME
 HUMAN RIGHTS GROUPS, NOTABLY AMNESTY
 INTERNATIONAL AND AMERICA'S WATCH, FOR ALLEGED
 FAILURE TO DENOUNCE TERRORIST ABUSES. AFTER
 MANY YEARS OF URGING BY BOTH LOCAL AND
 INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS, THE
 MINISTRY OF INTERIOR ON SEPTEMBER 12, GRANTED
 THE ICRC ACCESS TO ALL POLICE STATIONS AND
 DETENTIONS CENTERS, INCLUDING THOSE IN THE
 EMERGENCY ZONES. THIS DECISION SUPPLEMENTED
 ONGOING ICRC ACCESS TO PRISONS AND A FEW OTHER
 FACILITIES INCLUDING THE NATIONAL
 COUNTER-TERRORISM POLICE CENTER IN LIMA. ON
 SEPTEMBER 24, THE MINISTRY OF DEFENSE AND THE
 JOINT MILITARY STAFF AUTHORIZED ICRC ACCESS TO
 ALL MILITARY FACILITIES ENGAGED IN
 COUNTER-SUBVERSION OPERATIONS, INCLUDING THOSE
 IN THE EMERGENCY ZONES. THE AUTHORIZATION

0 291720Z OCT 91
 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC IMMEDIATE 2852

INCLUDES PRIVATE INTERVIEWS WITH DETAINEES.

LIMITED OFFICIAL USE SECTION 15 OF 28 LIMA 15251

THE ICRC, AMERICAS WATCH (AW), AMNESTY
 INTERNATIONAL (AI) AND THE WORLD COUNCIL OF
 CHURCHES, AMONG OTHERS, ALL SENT REPRESENTATIVES
 TO PERU IN 1991 TO INVESTIGATE THE HUMAN RIGHTS
 SITUATION. AT SECRETARY GENERAL JAN MARTIN
 VISITED PERU IN JULY 1991. HE MET WITH
 PRESIDENT FUJIMORI, THE MINISTER OF DEFENSE, THE
 FISCAL DE LA NACION, MILITARY AUTHORITIES AND
 LOCAL HUMAN RIGHTS GROUPS. THE WORLD COUNCIL OF
 CHURCHES VISITED PERU TWICE IN 1991, AND ON BOTH
 OCCASIONS VISITED SITES IN THE EMERGENCY ZONES.
 THE INTER-AMERICAN HUMAN RIGHTS COMMISSION
 VISITED PERU IN OCTOBER 1991 TO INVESTIGATE THE
 HUMAN RIGHTS SITUATION.

DEPT FOR HA, ARA, AND S/IL

E.O. 12356: DECL: OADR
 TAGS: PHUM, ELAB, PE
 SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON
 CENTRAL MARKET, KILLING ONE AND INJURING DOZENS
 WHO HAD DEFIED THE STRIKE. IN JUNTA DEPARTMENT,
 HOWEVER, FEW ELECTIONS WERE HELD BECAUSE OF AN
 ABSENCE OF CANDIDATES.

ELECTIONS ARE HELD EVERY 5 YEARS FOR PRESIDENT

AND THE TWO VICE PRESIDENTS, AS WELL AS FOR THE
 SENATE AND CHAMBER OF DEPUTIES. THE PRESIDENT
 IS BARRED FROM RUNNING FOR CONSECUTIVE TERMS OF
 OFFICE. ELECTIONS FOR THE NATION'S NEWLY
 ESTABLISHED REGIONAL PARLIAMENTS ARE TO BE HELD
 EVERY 3 YEARS, AT THE TIME OF THE NATION'S
 MUNICIPAL ELECTIONS. SUFFRAGE IS BOTH UNIVERSAL
 AND MANDATORY FOR PERSONS 18 TO 70 YEARS OF AGE,
 EXCEPT FOR ACTIVE DUTY POLICE OR MILITARY, WHO
 ARE BARRED FROM VOTING OR HOLDING PUBLIC
 OFFICE. BALLOTING IS DIRECT AND SECRET.

UNDER THE CONSTITUTION, THE GOVERNMENT IS HEADED
 BY A POWERFUL EXECUTIVE; AN ESTIMATED 95 PERCENT
 OF ALL NEW LAWS HISTORICALLY HAVE BEEN ENACTED
 THROUGH UNILATERAL PRESIDENTIAL DECREES.
 NONETHELESS, THE LEGISLATURE FREELY AND OPENLY
 DEBATES GOVERNMENT POLICIES, WITH MEMBERS OF THE
 PRESIDENT'S OWN PARTY ABLE TO TAKE POSITIONS IN
 OPPOSITION. FOR THE FIRST TIME SINCE ENACTMENT
 OF THE 1979 CONSTITUTION, THE CONGRESS IS NOT
 DOMINATED BY THE PARTY OF THE PRESIDENT.

THE POLITICAL SYSTEM, ALTHOUGH LEGALLY OPEN TO
 ALL, HISTORICALLY HAS BEEN DOMINATED BY PERUVIAN
 MALES OF EUROPEAN OR MIXED EUROPEAN AND
 INDIGENOUS BACKGROUND. THE ELECTION OF
 PRESIDENT FUJIMORI, THE NATIVE-BORN SON OF
 IMMIGRANTS, WAS WIDELY SEEN BOTH AS A FURTHER
 OPENING OF THE POLITICAL SYSTEM AND AS A
 REJECTION OF THE ELITE-DRIVEN SYSTEM BY THE

MAJORITY OF PERUVIANS WHO ARE NEITHER WEALTHY
 NOR OF EUROPEAN HERITAGE. FOUR OF THE 62
 MEMBERS OF THE SENATE ARE WOMEN, AS ARE 12 OF
 THE 130 MEMBERS OF THE HOUSE OF DEPUTIES.

IMMEDIATE

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INCOMING

DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 LIMA 15251 16 OF 20 291804Z 004326 8049678
INFO: PE (02) DAND (01) SPA (01) PHC (01) RJ (01) RSG (01) ARA (01)
PPC (01) OAS (01) PPA (01)

LIMA 15251 16 OF 20 291804Z 004326 8049678
TOWARDS HUMAN RIGHTS GROUPS REGISTERED SOME POSITIVE CHANGES. REPRESENTATIVES OF THE MILITARY JOINT COMMAND HAVE MET WITH REPRESENTATIVES OF HUMAN RIGHTS MONITORING GROUPS. SEVERAL HUMAN RIGHTS GROUPS HAVE BEEN INVITED TO PARTICIPATE IN SEMINARS AND TO OFFER HUMAN RIGHTS INSTRUCTION AT MILITARY AND POLICE ACADEMIES.

----- 29/1806Z AT RD (TOTAL COPIES: 011)

ACTION HA-09
INFO LOG-00 ADS-00 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00
EB-00 H-01 INRE-00 INR-01 10-19 LAB-04 L-00
NSAE-00 NSCE-00 OIG-02 PA-01 PRS-01 P-01 RP-10
SIL-00 SP-00 SR-00 SSO-00 SS-00 STR-18 TRSE-00
USIE-00 /078W

PRESIDENT FUJIMORI HAS REGULARLY SPOKEN OUT DEMANDING GREATER RESPECT FOR HUMAN RIGHTS. AT AN ARMY DAY CELEBRATION IN SEPTEMBER, THE PRESIDENT TOLD AN AUDIENCE OF MILITARY OFFICERS THAT PERU WOULD CONTINUE TO FIGHT THE ARMED INSURGENTS WITH DISCIPLINE AND RESPECT FOR HUMAN RIGHTS. HE ADDED, HOWEVER, THAT SOME HUMAN RIGHTS GROUPS HAD NOT BEEN EVEN-HANDED IN EQUALLY CONDEMNING THE HUMAN RIGHTS OFFENSES COMMITTED BY THE TERRORISTS, AND HAD THUS SERVED THE ENDS OF TERRORISM. THE PRESIDENT REPEATED BOTH SENTIMENTS AT THE LATER NAVY DAY CELEBRATION IN OCTOBER, AT WHICH TIME, HE SINGLED OUT AMERICA'S WATCH AND AMNESTY INTERNATIONAL FOR PARTICULAR CRITICISM. UPON TAKING OFFICE IN JULY 1990, PRESIDENT FUJIMORI DEcriED THE STATE OF HUMAN RIGHTS IN THE NATION AND ANNOUNCED HIS INTENTION TO CREATE A

0 291720Z OCT 91
.FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 2853

LIMITED OFFICIAL USE SECTION 16 OF 20 LIMA 15251

DEPT FOR HA, ARA, AND S/IL

E.O. 12356: DECL; OADR
TAGS: PHUM, ELAB, PE
SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON

A NUMBER OF LOCAL PRIVATE HUMAN RIGHTS ORGANIZATIONS CONSTITUTE THE INDEPENDENT NATIONAL COORDINATING COMMITTEE FOR HUMAN RIGHTS. THESE INCLUDE COMISEOH, THE INSTITUTE FOR LEGAL DEFENSE (IDL), THE ASSOCIATION FOR

HUMAN RIGHTS (APRODEH), THE CHURCH'S COMMISSION FOR SOCIAL ACTION (CEAS). A NUMBER OF OTHER, SMALLER GROUPS WORK IN THE DEPARTMENTAL CAPITALS AND OTHER CITIES. THESE GROUPS ARE GENERALLY CREDIBLE OBSERVERS, INVESTIGATING AND REPORTING ON HUMAN RIGHTS ABUSES TO THE EXTENT POSSIBLE, REGARDLESS OF THE PERPETRATOR. LOCAL HUMAN RIGHTS ORGANIZATIONS COMPLAIN THAT THEY ARE LIMITED BY THE MILITARY IN THEIR EFFORTS TO INVESTIGATE HUMAN RIGHTS ABUSES IN THE EMERGENCY ZONES AND THAT THEIR REQUESTS TO THE GOVERNMENT FOR INFORMATION ARE USUALLY IGNORED. LEGITIMATE FEARS OF ATTACKS BY SENDERO ALSO GREATLY LIMIT THE ABILITY OF HUMAN RIGHTS MONITORS TO INVESTIGATE REPORTED CASES OF ABUSE.

PRESIDENTIAL NATIONAL HUMAN RIGHTS COMMISSION. HE REITERATED THAT PLEDGE IN HIS 1991 NATIONAL DAY ADDRESS. HOWEVER, A NATIONAL HUMAN RIGHTS COMMISSION HAS YET TO BE NAMED. IN AUGUST, 1991, PRESIDENT FUJIMORI DID, HOWEVER, CREATE A NATIONAL PACIFICATION COMMISSION TO CRAFT A POLITICAL CONSENSUS ON HOW TO DEAL WITH TERRORISM. THE PACIFICATION COMMISSION IS ALSO EMPOWERED TO SUPPORT NATIONAL AND REGIONAL EFFORTS TO STRENGTHEN COMMUNITY AWARENESS OF HUMAN RIGHTS AND TO LEND SUPPORT TO THE PUBLIC MINISTRY IN THE DEFENSE OF CIVILIAN RIGHTS. THE NATIONAL HUMAN RIGHTS COORDINATING COMMITTEE IS A MEMBER OF THE COMMISSION.

SECTION 5 DISCRIMINATION BASED ON RACE, SEX,

Cher...
Sanchez...
Wolfe...

PORFIRIO SUNI QUISPE, THE PRESIDENT OF A REGIONAL HUMAN RIGHTS COMMISSION WAS ASSASSINATED BY SENDERO ON FEBRUARY 14, IN PUNO. ON MARCH 15, DR. AUGUSTO ZUNIGA PAZ, LEGAL COUNSEL FOR THE COMMISSION FOR HUMAN RIGHTS WAS THE VICTIM OF A LETTER BOMB ATTACK, WHICH CAUSED THE LOSS OF HIS LEFT ARM. DR. ZUNIGA HAD BEEN CONDUCTING AN INVESTIGATION INTO THE 1990 DISAPPEARANCE OF STUDENT ERNESTO CASTILLO PAEZ. HE HAD RECEIVED AND REPORTED NUMEROUS THREATS AS HE PURSUED THAT INVESTIGATION THROUGH THE COURTS. (SEE SECTION I.A.).

DURING THE LATTER PART OF 1991, PARTLY SPARKED

BY U.S. CONGRESSIONAL DEBATE OVER CERTIFICATION OF PERU AS MEETING THE HUMAN RIGHTS REQUIREMENTS FOR U.S. ANTI-NARCOTICS ASSISTANCE, PERUVIAN GOVERNMENT AND NOTABLY MILITARY ATTITUDES

IMMEDIATE

~~LIMITED OFFICIAL USE~~

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DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 LIMA 15251 19 OF 20 291807Z 004343 0049781
INFO: PE (02) DAND (01) SPA (01) PNC (01) RJ (01) RSG (01) ARA (01)
PPC (01) OAS (01) PPA (01)

LIMA 15251 19 OF 20 291807Z 004343 0049781

ZONE OF TACNA, AND AN AREA OF THE AMAZON BASIN,
GRANTED IN A PERU/COLOMBIA BORDER AGREEMENT,
WHICH IS ANALOGOUS TO A FREE TRADE ZONE.

----- 29/1809Z A1 RD (TOTAL COPIES: 011)

ACTION NA-00

INFO LOG-00 ADS-00 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00
EB-00 H-01 INRE-00 INR-01 IO-19 LAB-04 L-00
NSAE-00 NSCE-00 OIC-02 PA-01 PRS-01 P-01 RP-10
SIL-00 SP-00 SR-00 SSO-00 SS-00 STR-18 TRSE-00
USIE-00 /878W

6. C. PROHIBITION OF FORCED OR COMPULSORY LABOR

THE CONSTITUTION PROHIBITS COMPULSORY LABOR, AND THIS PROHIBITION IS USUALLY RESPECTED IN PRACTICE. THERE HAVE BEEN A FEW, UNVERIFIED REPORTS OF COMPULSORY LABOR ON PLANTATIONS IN REMOTE AREAS OF THE COUNTRY WHERE LAW ENFORCEMENT IS ALL BUT NONEXISTENT. SENDERO HAS ALSO BEEN ACCUSED OF FORCIBLY RECRUITING PEASANTS TO EITHER JOIN ITS RANKS OR RENDER SUPPORT SERVICES. THERE WERE ALSO COMPLAINTS THAT THE MILITARY WAS RECRUITING PEASANTS TO JOIN SELF-DEFENSE MILITIAS, PERFORM GUARD DUTY, OR RENDER OTHER SUPPORT SERVICES IN SOME PLACES IN THE EMERGENCY ZONES.

-----AG0EEC 291808Z /38

O 291720Z OCT 91
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 2856

6. D. MINIMUM AGE FOR EMPLOYMENT OF CHILDREN

THE LAW PROHIBITS THE EMPLOYMENT OF CHILDREN UNDER 14 YEARS OF AGE. IN THE FORMAL SECTOR OF THE ECONOMY, THE LAW ALLOWS FOR THE EMPLOYMENT OF OLDER CHILDREN IN SOME JOBS, FOR A LIMITED PERIOD OF TIME, AND FOR A CURTAILED WORKWEEK AT

LIMITED OFFICIAL USE SECTION 19 OF 20 LIMA 15251

DEPT FOR NA, ARA, AND S/IL

E.O. 12356: DECL: OADR
TAGS: PNUH, ELAB, PE
SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON ADOPTION OF CERTAIN PROVISIONS OF THE GOVERNMENT'S ECONOMIC STABILIZATION PROGRAM WHICH RESULTED IN THE NON-OBSERVANCE OF COLLECTIVE AGREEMENTS IN FORCE AND THE LIMITATION ON FUTURE COLLECTIVE BARGAINING WITHOUT CONSULTATION WITH OR THE APPROVAL OF THE PARTIES.

FULL PAY. ACCORDING TO A 1987 SENATE REPORT, HOWEVER, 1.1 MILLION CHILDREN 6 TO 14 YEARS OF AGE WORK, MOSTLY IN THE INFORMAL SECTOR. UNOFFICIAL SOURCES ESTIMATE THAT ABOUT HALF A MILLION CHILDREN WORK IN THE LIMA AREA ALONE. A JUNE 1989 SURVEY OF 133 WORKING CHILDREN BY THE AGRARIAN UNIVERSITY IN LIMA SHOWED THAT 78 PERCENT OF THEM WERE BETWEEN 10 AND 12 YEARS OLD. SOME 40 PERCENT SOLD ASSORTED MERCHANDISE AS STREET VENDORS, AND 53 PERCENT WENT TO SCHOOL ONLY OCCASIONALLY OR NOT AT ALL. ONE-THIRD WORKED 7 DAYS A WEEK, AND 57 PERCENT OF THE TOTAL WORKED BETWEEN 2 AND 5 DAYS A WEEK.

6. B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

BY LAW, EMPLOYERS CANNOT DISCRIMINATE AGAINST UNION MEMBERS OR ORGANIZERS. IN PRACTICE, HOWEVER, UNION ACTIVISTS ARE SOMETIMES HARASSED BY EMPLOYERS WHO THREATEN TO FIRE THEM. OTHERS ARE PAID OFF TO LEAVE THE ENTERPRISE. WORKERS MAY APPEAL THEIR CASES THROUGH THE MINISTRY OF LABOR OR, IF A DECISION IS NOT ACCEPTABLE TO BOTH PARTIES, THROUGH THE CIVIL COURTS. IN SOME CASES, A WORKER IS KEPT ON THE COMPANY'S PAYROLL UNTIL A FINAL LEGAL RULING IS OBTAINED. IN OTHER CASES, A WORKER MAY BE AWARDED BACK PAY IN A FINAL SETTLEMENT.

THERE WERE CONFIRMED REPORTS OF CHILDREN WORKING IN CONDITIONS APPROACHING SLAVERY IN THE PLACER

THERE WERE REPORTED INCIDENTS DURING THE YEAR OF MORE SERIOUS HARASSMENT AND INTIMIDATION OF LABOR UNION ACTIVISTS. SENDERO THREATENED LEADERS OF THE TEACHERS UNION TO PROTRACT A FIVE MONTH STRIKE IN THE PUBLIC EDUCATION SECTOR. THE RIGHT TO BARGAIN COLLECTIVELY IS PROVIDED FOR BY THE CONSTITUTION, BUT THERE ARE RESTRICTIONS ON WHAT CAN BE NEGOTIATED. IN THE PUBLIC SECTOR, FOR EXAMPLE, ONLY WORKING CONDITIONS MAY BE NEGOTIATED, AND THEN ONLY IF THE CHANGES DO NOT INVOLVE EXPENSES GREATER THAN THE FUNDS ALREADY BUDGETED. IN THE PRIVATE SECTOR, COLLECTIVE BARGAINING CAN COVER BOTH

WORKING CONDITIONS AND PAY.

LABOR LAWS AND REGULATIONS ARE APPLIED UNIFORMLY THROUGHOUT THE COUNTRY, INCLUDING THE FREE TRADE

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PAGE 01 LIMA 15251 20 OF 20 291808Z 004345 0049795
INFO: PE (02) DAND (01) SPA (01) PMC (01) RJ (01) RSG (01) ARA (01)
PPC (01) OAS (01) PPA (01)

LIMA 15251 20 OF 20 291808Z 004345 0049795

WEEK TO TWENTY-FOUR HOURS IN ORDER TO ALLOW GOVERNMENT WORKERS, INCLUDING POLICE AND MILITARY, TO SEEK SECONDARY EMPLOYMENT TO SUPPLEMENT INCOMES. HOWEVER, MANY PERUVIANS ARE PAID MORE THAN THE MINIMUM WAGE AND MANY OTHERS SUPPLEMENT THEIR INCOME THROUGH MULTIPLE JOBS OR SUBSISTENCE FARMING, OR BOTH. NONETHELESS, ACCORDING TO A SEPTEMBER 1990 WORLD BANK REPORT, 55 PERCENT OF ALL PERUVIANS LIVE IN EXTREME POVERTY. QUAINTON##

----- 29/1810Z A2 RD (TOTAL COPIES: 011)
ACTION HA-09

INFO LOG-00 ADS-00 AID-00 AMAD-01 ARA-00 CIAE-00 DODE-00
EB-00 H-01 IHRE-00 INR-01 IO-19 LAB-04 L-00
NSAE-00 NSCE-00 OIC-02 PA-01 PRS-01 P-01 RP-10
SIL-00 SP-00 SR-00 SSO-00 SS-00 STR-18 TRSE-00
USIE-00 /078W

-----AG0EFB 291809Z /38

O 291720Z OCT 91
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LIMITED OFFICIAL USE SECTION 20 OF 20 LIMA 15251

DEPT FOR HA, ARA, AND S/IL

E.O. 12356: DECL: OADR
TAGS: PNUM, ELAB, PE
SUBJECT: DRAFT 1991 PERU COUNTRY REPORT ON GOLD FIELDS OF MADRE DE DIOS DEPARTMENT. IN THIS REMOTE AREA, WHERE THERE IS VIRTUALLY NO GOVERNMENT PRESENCE, THE CHILDREN WERE OVER-WORKED AND ILL-FED. GRAVES OF CHILDREN DISCOVERED IN 1991, BROUGHT THE ISSUE TO PUBLIC NOTICE.

6. E. ACCEPTABLE CONDITIONS OF WORK

LABOR CODE PROVISIONS CONCERNING CONDITIONS OF WORK ARE ROUTINELY IGNORED BY MOST EMPLOYERS. THE CODE PROVIDES FOR AN 8-HOUR DAY AND AN OFFICIAL 48-HOUR WEEK FOR MEN, AND A 45-HOUR WEEK FOR WOMEN. THERE ARE GOVERNMENT STANDARDS FOR INDUSTRIAL HEALTH AND SAFETY, BUT THESE ARE RARELY ENFORCED, EITHER BY THE EMPLOYER OR THE GOVERNMENT (WHICH HAS NO INSPECTORS). ACCIDENTS ARE COMMON, AND THERE IS USUALLY NO EMPHASIS ON PREVENTION; ONCE ACCIDENTS OCCUR, EMPLOYERS NORMALLY MAKE VOLUNTARY COMPENSATION, HOWEVER MINIMAL.

ALL WORKERS ARE LEGALLY ENTITLED TO 30 DAYS' PAID ANNUAL VACATION. THOSE IN THE PRIVATE SECTOR HAVE TO WORK A MINIMUM OF 260 DAYS (EXCLUDING 30 DAYS' SICK LEAVE) OR FORFEIT THEIR VACATION. IN AN ECONOMY WHERE UNEMPLOYMENT AND UNDEREMPLOYMENT TOTAL AN ESTIMATED 30 PERCENT, HOWEVER, VACATION BENEFITS AND OTHER CONDITIONS OF WORK ARE READILY SACRIFICED IN EXCHANGE FOR STEADY OR EVEN TEMPORARY EMPLOYMENT. THE ADMINISTRATIVELY SET MINIMUM WAGE WAS LAST INCREASED BY THE GOVERNMENT, IN JANUARY 1991. IT CONTINUES TO LAG BEHIND INFLATION. EQUAL TO ABOUT USD 50 PER MONTH WHEN ORIGINALLY SET IN JANUARY 1991, IT IS WORTH ROUGHLY USD 40 AS OF OCTOBER 1991. THE MINIMUM WAGE IS NOT

SUFFICIENT TO PROVIDE A DECENT STANDARD OF LIVING FOR A WORKER AND FAMILY. THE GOVERNMENT IMPLICITLY RECOGNIZED THE INADEQUACY OF WAGES PAID TO GOVERNMENT WORKERS, OFTEN BELOW THE MINIMUM WAGE, WHEN IT REDUCED THE REQUIRED WORK

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