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	H-01	TEDE-00	INR-00	IO-00	LAB-01	L-01	ADS-00
	MMP-00	NSAE-00	NSCE-00	OCS-03	OIC-02	PRS-00	P-00
	SCT-00	SP-00	SSO-00	SS-00	STR-00	TRSE-00	USIE-00
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O 291824Z NOV 96
 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC IMMEDIATE 4604
 INFO USCINCSO QUARRY HEIGHTS PM
 AMEMBASSY BOGOTA
 AMEMBASSY LA PAZ
 AMEMBASSY QUITO
 AMEMBASSY CARACAS

C O N F I D E N T I A L SECTION 01 OF 03 LIMA 010200

SOUTHCOM ALSO FOR POLAD

E.O. 12958: DECL: 11/24/2006
 TAGS: PHUM, PTER, PINR, KJUS, CASC, PE
 SUBJECT: AMBASSADOR'S MEETING WITH HUMAN RIGHTS LEADERS
 REF: LIMA 9558

1. CONFIDENTIAL - ENTIRE TEXT. CLASSIFIED BY AMBASSADOR JETT.
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REASON 1.5 (D).

2. SUMMARY: ON NOVEMBER 5, THE AMBASSADOR MET WITH TEN MEMBERS OF THE HUMAN RIGHTS UMBRELLA ORGANIZATION COORDINADORA. DURING A FREE-FLOWING DISCUSSION OF A BROAD RANGE OF HUMAN RIGHTS PROBLEMS, COORDINADORA OFFICIALS EXPRESSED SPECIAL CONCERNS REGARDING THE 1995 AMNESTY LAW, CONTINUED IMPUNITY, AND PROBLEMS ASSOCIATED WITH FACELESS JUDGES. COORDINADORA MEMBERS ALSO NOTED TO THE AMBASSADOR THEIR SERIOUS CONCERN ABOUT PRESIDENTIAL ADVISOR VLADIMIRO

DEPT OF STATE APPEALS REVIEW PANEL (ARP)
 CONFIDENTIAL
 Mandatory Review

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MONTESINOS'S HUMAN RIGHTS RECORD. THEY EXPLAINED THEY HAD NOT TAKEN UP THE CASE OF AMCIT LORI BERENSON BECUASE THEY ONLY ACTIVELY DEFEND THOSE WHOM THEY CONSIDER INNOCENT. THE HUMAN RIGHTS LEADERS WERE PLEASED TO HEAR THE AMBASSADOR EXPRESS INTEREST IN HUMAN RIGHTS ISSUES AND THE USG'S CONTINUING COMMITMENT TO THE ADVANCEMENT OF HUMAN RIGHTS AND DEMOCRACY IN PERU. END SUMMARY.

ROOTS OF THE HUMAN RIGHTS PROBLEM

3. AMBASSADOR JETT HELD AN INITIAL MEETING NOVEMBER 5 WITH TEN HUMAN RIGHTS LEADERS AND MEMBERS OF THE HUMAN RIGHTS COORDINADORA, AN UMBRELLA ORGANIZATION FOR 48 HUMAN RIGHTS NGOS. POLCOUNS AND POLOFF ALSO ATTENDED THE MEETING. COORDINADORA MEMBERS BEGAN BY EXPLAINING THE ROOTS OF PERU'S HUMAN RIGHTS PROBLEMS, MOST NOTABLY THE VIOLENCE CAUSED BY TERRORISM DURING THE PAST 15 YEARS. ONE HUMAN RIGHTS LEADER EXPRESSED THE VIEW THAT DESPITE SENDERO LUMINOSO'S (SHINING PATH) DECLINE, IT WILL REMAIN ACTIVE FOR YEARS TO COME USING VIOLENCE MORE SELECTIVELY. AS FOR THE ROOTS OF SUPPORT FOR TERRORIST ORGANIZATIONS, HE SAID THIS WAS DUE TO THE LACK OF GOVERNMENT ATTENTION TO THE CONCERNS OF MANY OF PERU'S POOREST. THIS LACK OF ATTENTION HAD ENABLED SENDERO TO WORK FREELY
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IN AREAS WITH LITTLE CENTRAL GOVERNMENT AUTHORITY. HE NOTED THERE WAS DANGER IN THE GOVERNMENT'S TRIUMPHALIST ATTITUDE.

4. COORDINADORA MEMBERS MENTIONED THE WEAKNESS OF PERU'S DEMOCRATIC INSTITUTIONS AS ANOTHER CONTRIBUTING FACTOR TO HUMAN RIGHTS VIOLENCE. IT WAS NOTED THAT THE JUDICIARY, CONGRESS AND OTHER ELEMENTS OF GOVERNMENT ARE SUBSERVIENT TO A STRONG EXECUTIVE BRANCH WHICH HAS LED TO EXCESSIVE MILITARY POWER, PARTICULARLY IN EMERGENCY ZONES, WHERE 33 PERCENT OF PERU'S POPULATION LIVES. IN SUCH AREAS, THE MILITARY HAVE A SAY IN ALL ASPECTS OF CIVIL GOVERNANCE. WITH SUCH POWER IN THE HANDS OF THE MILITARY, HUMAN RIGHTS LEADERS EXPRESSED CONCERN ABOUT THE LACK OF ACCOUNTABILITY FOR MILITARY ABUSES IN EMERGENCY ZONES.

5. COORDINADORA HEAD SUSANA VILLARAN SAID THAT WHILE HUMAN RIGHTS VIOLATIONS HAD DECREASED, IT WAS NOT CERTAIN THAT SHOULD TERRORISM INCREASE, THAT THE NUMBER OF HUMAN RIGHTS VIOLATIONS WOULD NOT ALSO INCREASE.

THE AMNESTY LAW AND IMPUNITY

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6. COORDINADORA MEMBERS WERE ESPECIALLY CONCERNED ABOUT IMPUNITY AND GOVERNMENT INACTION TO TRY THOSE RESPONSIBLE FOR PAST ABUSES. VILLARAN TERMED THE 1995 AMNESTY LAW, WHICH FORGAVE ALL SECURITY FORCE PERSONNEL FOR ABUSES COMMITTED IN THE FIGHT AGAINST TERRORISTS, AS THE WORST IN LATIN AMERICA. THEY POINTED OUT THAT THE WEEK BEFORE, THE UNITED NATIONS HUMAN RIGHTS COMMISSION IN GENEVA HAD AGAIN NOTED THE PERUVIAN GOVERNMENT'S LACK OF WILL TO DEAL WITH SEVERAL LONG-STANDING CONCERNS, I.E., THE AMNESTY LAW, ENDING FACELESS JUDGES AND MILITARY TRIALS OF CIVILIANS. IT WAS

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NOTED THAT SUCCESSIVE PERUVIAN GOVERNMENTS HAD RARELY SUPPORTED SERIOUS INVESTIGATIONS OF HUMAN RIGHTS ATROCITIES, AND IN SOME CASES THE CIVILIAN PROSECUTOR INVESTIGATING SUCH A CASE FELT FORCED TO LEAVE THE COUNTRY DUE TO THREATS AGAINST THEM. AS AN EXAMPLE, THEY MENTIONED THAT THE PROSECUTOR IN THE 1988 CAYARA MASSACRE EVENTUALLY HAD FLED PERU. IN ADDITION, THEY COMPLAINED THAT IT WAS DIFFICULT TO DETERMINE WHO WAS RESPONSIBLE FOR HUMAN RIGHTS VIOLATIONS DUE TO THE CONTINUING USE OF PSEUDONYMS BY MILITARY PERSONNEL IN EMERGENCY ZONES.

HARSH ANTI-TERRORIST LEGISLATION

7. INJUSTICES RESULTING FROM THE HARSH 1992 ANTI-TERRORIST LEGISLATION WERE ALSO MENTIONED AS A CONCERN. HUMAN RIGHTS LEADERS NOTED THAT THE GOVERNMENT HAD RECOGNIZED SOME PROBLEMS WHICH AROSE FROM THIS LEGISLATION AND TOOK MEASURES TO REMEDY THEM, SUCH AS INSTITUTING A PARDON COMMISSION TO RELEASE INNOCENTS, ELIMINATING THE TRIAL OF MINORS IN ADULT COURTS, AND RE-INSTITUTING HABEAS CORPUS. TRIALS OF FOREIGNERS FOR TREASON WERE ALSO NOTED AS A PROBLEM ARISING FROM THIS HARSH LEGISLATION. ON THE ISSUE OF MINORS, CONCERN WAS EXPRESSED THAT 50 TO 100 MINORS REMAIN DETAINED IN ADULT PRISONS, AND THE TRANSFER OF SUCH INDIVIDUALS TO FACILITIES FOR MINORS HAS PROCEEDED SLOWLY.

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 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC IMMEDIATE 4605
 INFO USCINCSO QUARRY HEIGHTS PM
 AMEMBASSY BOGOTA
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C O N F I D E N T I A L SECTION 02 OF 03 LIMA 010200

SOUTHCOM ALSO FOR POLAD

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8. THE SEVERE PRISON REGIME FOR TERRORISM DETAINEES WAS ALSO MENTIONED. HUMAN RIGHTS LEADERS COMPLAINED ABOUT THE RESTRICTION
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 ON VISITS BY CHILDREN ONLY ONCE EVERY THREE MONTHS AND THE HOLDING OF PRISONERS IN THE CELLS FOR 23 AND HALF HOURS A DAY WERE MENTIONED AS SERIOUS PROBLEMS. A HUMAN RIGHTS ATTORNEY ALSO ADDRESSED THE ISSUE OF MISTREATMENT OF LAWYERS WHO ARE COVERED UP BEFORE BEING TAKEN TO FACELESS MILITARY TRIBUNALS. IN ONE CASE, A LAWYER WAS HELD OVERNIGHT BEFORE BEING RELEASED IN DOWNTOWN LIMA.

FACELESS JUDGES

9. COORDINADORA MEMBERS COMPLAINED ABOUT THE FACELESS JUDGE SYSTEM IN BOTH MILITARY AND CIVILIAN COURTS AND ITS LACK OF DUE PROCESS GUARANTEES. THEY NOTED THAT THESE JUDGES WERE RESPONSIBLE FOR THE LARGE NUMBER OF INNOCENTS UNJUSTLY DETAINED FOR TERRORISM, WHICH HAD NECESSITATED THE RECENT CREATION OF A SPECIAL PARDON COMMISSION. IT WAS POINTED OUT THAT THERE WAS NO ACCOUNTABILITY FOR THE ERRORS BY FACELESS JUDGES, AND THEY OFTEN ACT UNREASONABLY

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AND MAKE DECISIONS BASED NOT ON THE EVIDENCE BUT RATHER ON THE DESIRE TO DEMONSTRATE A TOUGH LINE ON TERRORISTS. THE HUMAN RIGHTS LEADERS WERE VERY PLEASED WITH THE SUCCESS OF THE PARDON COMMISSION, BUT STILL FELT THAT MORE NEEDED TO BE DONE TO CLEAR THE RECORDS OF THOSE RELEASED AND THAT SOME FINANCIAL INDEMNIZATION WAS NECESSARY (REFTEL).

10. THE COORDINADORA DISMISSED THE ARGUMENT THAT ANONYMITY WAS REQUIRED IN TERRORISM CASES, NOTING THAT PRIOR TO THE CREATION OF FACELESS COURTS, ONLY ONE JUDGE HAD BEEN ASSASSINATED, BUT IN A CASE UNRELATED TO TERRORISM. THEY CONTRASTED THIS WITH THE KILLING OF A THOUSAND MAYORS THROUGHOUT PERU BY SENDERO TERRORISTS. FURTHERMORE, THEY EXPLAINED THAT IN THE PROVINCES THE SMALL NUMBER OF JUDGES ASSIGNED TO RURAL COURTS SOMETIMES MADE IT EASY TO

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ASCERTAIN THE IDENTITY OF A FACELESS JUDGE.

LORI BERENSON

11. IN RESPONSE TO THE AMBASSADOR'S QUERY ABOUT THEIR ATTITUDE REGARDING THE CASE OF USC LORI BERENSON, COORDINADORA MEMBERS STATED THAT WHILE BERENSON HAD ADMITTED TO COLLABORATION WITH THE MRTA TERRORIST ORGANIZATION, THEY BELIEVED RECEIVING A LIFE SENTENCE WAS EXCESSIVE AND QUESTIONED WHETHER A FOREIGNER SHOULD BE SENTENCED TO TREASON. THE COORDINADORA NOTED THAT MANY PERUVIANS HAD SUFFERED A FATE SIMILAR TO BERENSON AND BEEN DEPRIVED OF DUE PROCESS AND OVERSENTENCED. HOWEVER, BECAUSE BERENSON HAD ADMITTED COLLABORATION WITH A TERRORIST ORGANIZATION, HER CASE WAS NOT ONE THESE HUMAN RIGHTS NGOS WOULD ADOPT, SINCE THEY ONLY HANDLE CASES OF THOSE CONSIDERED TO BE UNJUSTLY ACCUSED OF TERRORISM.

MONTESINOS

12. THE AMBASSADOR RAISED THE RECENT EXTENSIVE PRESS COVERAGE OF THE PRESENCE OF CONTROVERSIAL PRESIDENTIAL INTELLIGENCE ADVISOR VLADIMIRO MONTESINOS AT A MEETING WITH ONDCP HEAD GEN. BARRY MCCAFFREY. THE AMBASSADOR DENIED PRESS REPORTS THAT MCCAFFREY HAD PERSONALLY CONGRATULATED MONTESINOS FOR HIS WORK, BUT NOTED INSTEAD THAT MCCAFFREY HAD DISCUSSED THE IMPORTANCE OF HUMAN RIGHTS WITH MONTESINOS. THE AMBASSADOR PROVIDED THE COORDINADORA A COPY OF A LETTER FROM HUMAN RIGHTS WATCH/AMERICAS DIRECTOR JOSE MIGUEL VIVANCO TO MCCAFFREY REGARDING HUMAN RIGHTS ISSUES IN PERU THAT

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MCCAFFREY HAD GIVEN MONTESINOS. IN RESPONSE TO A QUESTION, THE
AMBASSADOR INDICATED THAT HE HAD NOT KNOWN IN ADVANCE THAT
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MONTESINOS WOULD BE INCLUDED IN PRESIDENT FUJIMORI'S MEETING WITH
MCCAFFREY.

13. COORDINADORA MEMBERS EXPRESSED SERIOUS CONCERNS ABOUT
MONTESINOS AND HIS HUMAN RIGHTS RECORD. BASED ON REVELATIONS MADE
DIRECTLY TO THEM BY FORMER MILITARY OFFICERS, SUCH AS GENERAL
ROBLES, THEY ARE CONVINCED THAT MONTESINOS PLAYED A KEY ROLE IN THE
1991 LA CANTUTA MASSACRE AND THE 1992 BARRIOS ALTOS MASSACRE. IN
ADDITION, THEY ASSERTED THAT, AS A PRIVATE ATTORNEY IN 1989,
MONTESINOS PLAYED A KEY ROLE IN DISRUPTING THE INVESTIGATION OF THE
CAYARA MASSACRE.

14. THE HUMAN RIGHTS LEADERS EXPRESSED THE VIEW THAT MONTESINOS
USED THE MCCAFFREY VISIT TO IMPROVE HIS IMAGE AT A TIME WHEN HE WAS
STILL UNDER A CLOUD DUE TO DRUG TRAFFICKER "VATICANO'S" ALLEGATIONS
IN AUGUST THAT HE HAD PAID OFF MONTESINOS. THEY BELIEVED THAT
MONTESINOS'S INCLUSION IN A MEETING WITH MCCAFFREY HAD ENHANCED
MONTESINOS'S REPUTATION WITH A CERTAIN SECTOR OF THE POPULATION
THAT HAD BEEN UNCERTAIN WHAT TO THINK OF HIM. THE COORDINADORA DID
NOT ADDRESS THE ALLEGATIONS OF MONTESINOS'S TIES TO DRUG
TRAFFICKING, BUT THEY DID NOTE THAT MONTESINOS HAD BEEN A WELL-
KNOWN DEFENDER OF DRUG TRAFFICKERS PRIOR TO BECOMING FUJIMORI'S
ADVISOR.

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FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 4606
INFO USCINCSO QUARRY HEIGHTS PM
AMEMBASSY BOGOTA
AMEMBASSY LA PAZ
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C O N F I D E N T I A L SECTION 03 OF 03 LIMA 010200

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15. FORMER HEAD OF THE COORDINADORA ROSA MUJICA POINTED OUT THAT MONTESINOS HAD ALSO BEEN ACCUSED OF PERSONALLY SUBJECTING INDIVIDUALS TO TORTURE. (NOTE: OFFICERS DETAINED FOR INVOLVEMENT
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IN THE NOVEMBER 13, 1992 COUP ATTEMPT HAVE ALLEGED IN LEGAL DECLARATIONS THAT MONTESINOS PERSONALLY DIRECTED AND ADMINISTERED TORTURE AGAINST THEM. HOWEVER FORMAL CHARGES BASED ON THESE ALLEGATIONS WERE NEVER BROUGHT AGAINST MONTESINOS. END NOTE.) FURTHERMORE, COORDINADORA OFFICIALS INDICATED THAT CASES OF HUMAN RIGHTS ATTORNEYS RECEIVING THREATS ATTRIBUTED TO AGENTS FROM THE NATIONAL INTELLIGENCE SERVICE (SIN) CONTINUE AND THESE ATTORNEYS STILL MUST FLEE PERU. ONE HUMAN RIGHTS LEADER SAID THAT HIS ORGANIZATION HAS A LIST OF 30 ACTIONS, INCLUDING BOMBINGS BLAMED ON SENDERO, WHICH WERE ALLEGEDLY PERPETRATED BY THE SIN, AND THAT HIS HUMAN RIGHTS ORGANIZATION WAS STILL INVESTIGATING THESE CHARGES BUT HAD NOT YET VERIFIED THE ALLEGATIONS.

COORDINADORA PLEASED WITH AMBASSADOR'S COMMITMENT

16. IN CLOSING, MUJICA EXPLAINED TO THE AMBASSADOR THE IMPORTANT ROLE PLAYED BY THE U.S. EMBASSY IN PROMOTING HUMAN RIGHTS ISSUES IN PAST YEARS AND EXPRESSED THE HOPE THAT THIS RELATIONSHIP WOULD CONTINUE. COORDINADORA MEMBERS WERE PLEASED WITH THE AMBASSADOR'S RESPONSE, IN WHICH HE STRESSED THAT ON BEHALF OF THE USG, HE CONTINUED TO BE COMMITTED TO THE STRENGTHENING OF PERU'S DEMOCRATIC INSTITUTIONS AND AN IMPROVEMENT IN ITS HUMAN RIGHTS SITUATION.
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