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United States Department of State
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TO SECSTATE WASHDC IMMEDIATE 5369

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E.O. 12356: DECL: OADR
TAGS: PHUM, PTER, PE
SUBJECT: REVISIONS TO DRAFT 1985 HUMAN RIGHTS
REPORT FOR PERU

REF: (A) STATE 3242
(B) STATE 3436

1. THIS CABLE CONTAINS ANSWERS TO SPECIFIC
QUESTIONS ON HUMAN RIGHTS SITUATION IN PERU (REF A)
AS WELL AS POST COMMENTS ON THE CURRENT DRAFT OF
THE REPORT NOW CIRCULATED BY WASHINGTON (REF B).

2. ANSWERS TO QUESTIONS IN REF A:

(A) HUMAN RIGHTS GROUPS SAY THE NEW LAW
GOVERNING POLICE INTERROGATION OF TERRORIST
SUSPECTS IS USUALLY OBSERVED IN LIMA, BUT MUCH
LESS SO IN OTHER AREAS.

(B) THE THINK TANK DESCO LISTS KILLINGS
CARRIED OUT BY SL IN 1987 AT 612 FOR JANUARY-
NOVEMBER. WE ESTIMATE THE ENTIRE YEAR AT 650.

(C) DESCO ESTIMATES KILLINGS OF SENDERISTAS
BY THE SECURITY FORCES AT 294 FOR JANUARY-
NOVEMBER 1987 (WE ESTIMATE TOTAL FOR 1987 AT 310).
THIS IS MUCH LOWER THAN THE 1986 TOTAL OF 813.
THE 1986 FIGURE ALSO INCLUDED APPROXIMATELY 250
SL MEMBERS IN THE PRISONS. MANY SL DEATHS MAY
ALSO GO UNREPORTED BY THE MILITARY AUTHORITIES.
WE DO NOT RULE OUT, HOWEVER, THAT SL SIMPLY HAS
LOST FEWER MEMBERS IN 1987.

(D) THE CONGRESSIONAL COMMISSION CHARGED WITH
INVESTIGATING THE PARCCO/POMATAMBO EXECUTIONS
NEVER REACHED THE SITE OF THE KILLINGS. THE
AYACUCHO POLITICAL-MILITARY COMMAND REFUSED TO
PROVIDE HELICOPTER SUPPORT TO THE COMMISSION
(CLAIMING OTHER DEMANDS) AND SAID THE MILITARY
COULD NOT VOUCH FOR THE COMMISSION'S SAFETY IF
IT TRAVELED BY ROAD. THE COMMISSION DECIDED NOT
TO VISIT PARCCO AND POMATAMBO UNDER THESE CONDI-
TIONS.

(E) HUMAN RIGHTS GROUPS CLAIM THAT 15
POLICEMEN, INCLUDING THREE OFFICERS, REMAINED
IN CUSTODY AS OF DECEMBER.

(F) HUMAN RIGHTS GROUPS ESTIMATED APPROXIMATELY
200 UNRESOLVED DISAPPEARANCE CASES FOR 1987.

(G) THE PUBLIC MINISTRY SENT A SPECIAL
PROSECUTOR ("FISCAL AD HOC"), CARLOS ESCOBAR,
TO AYACUCHO IN JULY TO INVESTIGATE DISAPPEARANCES
OF 142 PERSONS, IN AYACUCHO FOR JANUARY-SEPTEMBER
1987, OF WHICH 45 PERSONS TURNED UP ALIVE (THREE
HAD DIED). ALTHOUGH THE REAPPEARANCE OF DIS-
APPEARANCE VICTIMS IS MORE COMMON IN 1987 THAN

BEFORE, ESCOBAR'S EFFORTS MAY WELL HAVE CONTRI-
BUTED TO THE FINDING OF SOME OF THE VICTIMS
BEFORE THEY DISAPPEARED FOR GOOD. IN ADDITION,
ESCOBAR'S REPORT CRITICAL OF MILITARY HUMAN
RIGHTS PRACTICES IS A DEPARTURE FROM THE NORMAL
PRACTICE OF THE PUBLIC MINISTRY.

(H) WE HAVE NOT BEEN ABLE TO FIND OUT THE
STATUS OF THE TRIAL FOR THE 1986 POLICE KILLINGS
OF DIAZ BAUTISTA AND JAVIER RODRIGUEZ.

(I) SUPREME COURT JUDGES ARE NOMINATED BY
THE PRESIDENT AND RATIFIED BY THE SENATE. THE
SUPREME COURT DESIGNATES MEMBERS OF THE LOWER COURTS.

(J) THE SPECIAL TRIBUNAL FOR TERRORISM BEGAN
RECEIVING CASES IN OCTOBER. THE INITIAL JUDICIAL
PROCEEDINGS ARE STILL CARRIED OUT BY A REGULAR
PENAL "JUEZ INSTRUCTOR"; THE NEXT STAGE (FOR CASES
IN LIMA) IS THE 11TH SUPERIOR PENAL COURT, DESIG-
NATED TO HEAR TERRORISM CASES. SO FAR, NO
VERDICTS HAVE BEEN REACHED, AND THE COURT REPORTEDLY
HAS A SEVERE BACKLOG (ONE HUMAN RIGHTS GROUP
ESTIMATES IT CAN HANDLE FEWER THAN 100 CASES PER
YEAR).

(K) CARMEN ROSA RODRIGUEZ WAS A MEMBER OF THE
PRO-SL "COMMITTEE OF FAMILY MEMBERS OF PRISONERS
OF WAR." SHE REPORTEDLY DISAPPEARED AFTER A VISIT
TO CANTO GRANDE PRISON.

3. COMMENTS ON LATEST 1987 DRAFT HUMAN RIGHTS REPORT:

4. INTRODUCTION, PARA 1, LAST LINE: CHANGE
"CRITICIZES" TO "CRITICIZE."

5. INTRODUCTION, PARA 2: CHANGE "RENEWED GROWTH
IN 1986" TO "RENEWED GROWTH IN 1986 AND 1987."

6. INTRODUCTION, PARA 4: PROVINCES (IN ADDITION
TO LIMA AND CALLAO) UNDER A STATE OF EMERGENCY
INCREASED TO 34 IN NOVEMBER AND REMAIN AT THAT
LEVEL.

7. POLITICAL KILLING, PARA 1, LAST LINE: ADD "AND
THE MURDER IN DECEMBER OF THREE DEVELOPMENT
OFFICIALS IN AYACUCHO."

8. POLITICAL KILLINGS, PARA 2: WITH THE ADVENT
OF MRTA RURAL OPERATIONS, THE MRTA HAS CAUSED
PERHAPS AS MANY AS 20 OR SO DEATHS OF SOLDIERS IN
SAN MARTIN. AN MRTA LEADER STATED IN A DECEMBER
INTERVIEW THAT SOME OF THE SOLDIERS DIED FROM MINES
LAID BY THE MRTA.

9. POLITICAL KILLINGS, PARA 6 (AMES COMMISSION):
ADD: "THE COMMISSION'S EXTENSIVE MINORITY REPORT
BLAMED THE GOVERNMENT FOR USING FORCE TOO SOON
AND IN EXCESSIVE AMOUNTS, FAILING TO OBSERVE
LEGAL REQUIREMENTS, AND CONCEALING EVIDENCE. IT
CONCLUDED THAT SEVERAL TOP OFFICIALS SHOULD BE
TRIED FOR THEIR RESPONSIBILITY. THE MAJORITY
REPORT, APPROVED BY THE APRA-CONTROLLED CONGRESS,
ACKNOWLEDGED EXCESSES BUT EXONERATED TOP OFFICIALS."

10. TORTURE, PARA 2, LAST LINE: CHARGES WERE FILED
AGAINST THE POLICEMEN ALLEGEDLY RESPONSIBLE FOR THE
CUZCO TORTURE CASE; THE TRIAL HAS NOT CONCLUDED.

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11. ARBITRARY ARREST, PARA 2: THERE IS NO BAIL OR PROVISIONAL LIBERTY FOR PERSONS ACCUSED OF TERRORISM.

12. ARBITRARY ARREST, PARA 2, LAST LINE: ADD: "AND BY JANUARY 1988, ALL THE CASES HAD BEEN DISMISSED FOR LACK OF EVIDENCE."

13. FAIR PUBLIC TRIAL, PARA 5: THE OROPEZA CASE: IN DECEMBER, EIGHT POLICEMEN WERE SENTENCED FOR THE OROPEZA KILLING.

14. FAIR PUBLIC TRIAL, PARA 6: INSERT: "AND MILITARY PERSONNEL ACCUSED OF THE 1986 EXECUTIONS IN PARCCO AND POMATA 190."

15. FREEDOM OF SPEECH: ADD: "IN NOVEMBER, THE GOVERNMENT CLOSED THREE RADIO STATIONS IN TARAPOTO FOR NONCOMPLIANCE WITH LICENSE PROVISIONS. THE STATIONS CLAIMED THE ACTION WAS A REPRISAL FOR HAVING BROADCAST INFORMATION ABOUT LOCAL GUERRILLA ACTIVITY. ONE STATION REOPENED IN JANUARY 1988."

16. FREEDOM OF ASSEMBLY, PARA 1 AND 2: CAN YOU PROVIDE CABLE OR FBIS CITE FOR NOVEMBER INCIDENT IN THE PLAZA DE ARMAS AND ECONOMY MINISTRY DEMONSTRATION?

17. ATTITUDE REGARDING INTERNATIONAL INVESTIGATION: RESTORE LANGUAGE ON ICRC PROBLEMS: "BETWEEN 1984 AND 1987, THE ICRC HAD ACCESS TO PRISONS AND POLICE FACILITIES. THE MILITARY WITHDREW THE ICRC'S FREEDOM TO VISIT PRISONERS AND DETAINEES IN THE AYACUCHO EMERGENCY ZONE, HOWEVER, AND IN MAY THE POLICE CANCELLED THE ICRC'S ACCESS TO THE DIRCOTE DETENTION CENTER. LOCAL HUMAN RIGHTS GROUPS HAVE CRITICIZED THESE DEVELOPMENTS; THE GOVERNMENT HAS NOT RESPONDED.

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