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FM AMEMBASSY LIMA  
TO SECSTATE WASHDC PRIORITY 2763

SECDEF WASHDC PRIORITY DEPARTMENT OF STATE

ONDCP WASHDC PRIORITY

AMEMBASSY LARAZ

AMEMBASSY QUITO

USAFSO HOWARD AFB PM

USCINCSO QUARRY HEIGHTS PM

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TS authority to:  
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UNCLAS SECTION 01 OF 07 LIMA 15150

SECSTATE FOR A S SCHIFTER  
SOUTHCOM FOR SJA COL GRAHAM AND POLAD DAJA IA  
FOR LTC MCATHNEY

E.O. 12356 DECL N/A  
TAGS PHUM SNAR MASS PREL PE  
SUBJECT NEW PRESIDENTIAL DIRECTIVE  
ON HUMAN RIGHTS

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REFS A LIMA 13198 B LIMA 13003

SUMMARY FOR THE RECORD: THE FOLLOWING IS AN UNOFFICIAL TRANSLATION OF THE FULL TEXT OF FUJIMORI'S SEPTEMBER 13 PRESIDENTIAL DIRECTIVE ON HUMAN RIGHTS (SUMMARIZED REF A) RATIFIED BY THE COUNCIL OF MINISTERS AND SIGNED BY THE PRIME

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MINISTER. THE MORE SALIENT POINTS IN THE DIRECTIVE ARE: THE CREATION OF A PRESIDENTIAL OFFICE FOR HUMAN RIGHTS; SPECIAL TRIBUNALS FOR TERRORISM; AND A CONTROL BODY TO COORDINATE ANTI-SUBVERSION EFFORTS. THE DIRECTIVE'S PROGRAM ALSO ENVISAGED REQUESTS FOR INTERNATIONAL ASSISTANCE IN PERU'S HUMAN RIGHTS SITUATION. SUCH AS ESTABLISHING A "NATIONAL HUMAN RIGHTS EDUCATION PROGRAM" WITH UN HELP. DID NOT MENTION A "NATIONAL REGISTER OF DETAINEES." END SUMMARY.

2. BEGIN TEXT:

TOWARDS A NEW PERUVIAN POLICY ON HUMAN RIGHTS  
PRESIDENTIAL DIRECTIVE ON RESPECT FOR HUMAN RIGHTS

THE DOCUMENT WHICH CONTAINS THE PRESIDENTIAL POLICY ON HUMAN RIGHTS AND WHICH WE TRANSCRIBE BELOW WAS APPROVED BY THE COUNCIL OF MINISTERS DURING THEIR MEETING OF MONDAY, SEPTEMBER 9.

1. SCENARIO OF HUMAN RIGHTS VIOLATIONS IN PERU.

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OVER 11 YEARS AGO ONE OF THE BLOODIEST AND MOST FANATICAL ORGANIZATIONS WHICH OPERATES IN THE WESTERN HEMISPHERE, SENDERO LUMINOSO, DECLARED WAR ON DEMOCRACY AND CIVILIZED LIFE IN PERU. ACCORDING TO THE PACIFICATION COMMISSION OF THE SENATE OF THE REPUBLIC OF PERU, MORE THAN 20,000 INDIVIDUALS HAVE DIED AS A CONSEQUENCE OF VIOLENT ACTIONS OF A POLITICAL NATURE WITHIN THE CONTEXT OF THIS WAR (FROM ITS BEGINNING IN 1980). ACCORDING TO THE PUBLIC MINISTRY OF PERU A TOTAL OF 5,000 DISAPPEARANCES HAVE BEEN REPORTED SINCE 1983. NOT TO MENTION THE DESTRUCTION OF INFRASTRUCTURE, EQUIPMENT, AND ALL MANNER OF PUBLIC GOODS, ESTIMATED AT 20,000 MILLION DOLLARS (ALMOST 25% OVER THE ENTIRE PERUVIAN FOREIGN PUBLIC DEBT) SINCE THE MAD TERRORIST ACTIVITY BEGAN.

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PERUVIAN SOCIETY, WHICH IS CHARACTERIZED BY BACKWARDNESS AND UNDERDEVELOPMENT, HAS SUFFERED THROUGHOUT ITS HISTORY DIFFERENT FORMS OF VIOLENCE. THIS STRUCTURAL VIOLENCE IN PERU ARISES FROM SOCIAL INEQUALITY, DISCRIMINATION AND THE LAYERS OF EXISTING POVERTY. HOWEVER, UNTIL THE APPEARANCE OF SENDERO LUMINOSO, VIOLENCE IN PERU HAD NEVER BEFORE BEEN SO EXTREMELY HARSH, SO BRUTAL AND INHUMANE AS WITH THE PRESENCE AND ACTIONS OF THIS GROUP. FOR THIS REASON, THE CRUELTY AND IRRATIONALITY OF THE SUBVERSION IN PERU IS REJECTED BY A SOCIETY

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WHICH HAS BEEN PROFOUNDLY MOVED BY THE HORROR OF GENOCIDE AND TERRORIST ATTACKS. IN THIS SCENARIO MARKED BY VIOLENCE WE DO NOT ATTEMPT TO JUSTIFY, BUT WISH TO EXPLAIN, WHICH ELEMENTS ARE THE BASIS FOR HUMAN RIGHTS VIOLATIONS ON THE PART OF SOME GOVERNMENTAL INSTITUTIONS. AND MOST IMPORTANT, TO PROPOSE A NUMBER OF MEASURES - A POLICY - DESTINED TO CHANGE THE SITUATION.

II HUMAN RIGHTS ARE NOT A RECENT CONCERN: THE

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L-03 NSAE-00 OIC-02 OIG-01 OMB-01 PA-02 PM-01  
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SS-01 STR-18 TRSE-00 I-01 USIE-00 DTC-01 /101W  
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P 252317Z OCT 91  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC PRIORITY 2764  
SECDEF WASHDC PRIORITY  
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UNCLAS SECTION 02 OF 07 LIMA 15150

SECSTATE FOR A S SCHIFTER  
SOUTHCOM FOR SJA COL GRAHAM AND POLAD, DAJAVIA  
FOR LTC MCATAMNEY

E.O. 12356: DECL. N/A  
TAGS: PHUM, SNAR, MASS, PREL, RE  
SUBJECT: NEW PRESIDENTIAL DIRECTIVE  
DRUG PROBLEM AND OTHER CONCERNS

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BEFORE JULY 28, 1990, CAMBIO 90'S GOVERNMENT  
PLAN ADDRESSED THE NEED FOR A NATIONAL  
PACIFICATION PROGRAM, TO BE ACHIEVED THROUGH THE  
COUNTRY'S DEVELOPMENT, WHICH WOULD ACKNOWLEDGE  
THAT THE SOLUTION TO THE PROBLEM OF SUBVERSION  
WAS NOT EXCLUSIVELY MILITARY, THAT THE PEOPLE  
ALONG WITH THE GOVERNMENT COULD DEFEAT  
SUBVERSION AND THAT THE ROLE OF THE ARMED FORCES



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AND THE NATIONAL POLICE, ALTHOUGH FUNDAMENTAL SHOULD APPEAR AS A NOT EXCLUSIVELY REPRESSIVE SUPPORT FUNCTION WITHIN AN INTEGRATED STRATEGY. THIS WAS CORROBORATED LATER IN THE MESSAGE TO THE NATION WHICH THE PERUVIAN PRESIDENT READ AFTER BEING SWORN IN AS PRESIDENT. IN IT HE POINTED OUT THAT "ONLY THE DEFINITIVE ELIMINATION OF INJUSTICE AND DISCRIMINATION CAN PUT AN END TO SUBVERSION."

THUS, THE PRESENT ADMINISTRATION HAS SHOWN FROM ITS BEGINNING A CLEAR AND FIRM DISPOSITION TO ATTAIN THE PACIFICATION OF PERU, ELIMINATING BOTH THE STRUCTURAL CAUSES WHICH GENERATE VIOLENCE, AND THE BLOODY ACTION OF SUBVERSIVE GROUPS, WITHIN THE FRAMEWORK OF THE FIRM AND UNRESTRICTED RESPECT FOR HUMAN RIGHTS.

II. 1. FARMERS: VALID PARTICIPANTS.

THOSE PROGRAMS STARTED TO BECOME A REALITY ON OCCASION OF THE MESSAGE TO THE NATION WHICH WAS READ BY THE PRESIDENT OF THE REPUBLIC, WHEN HE ANNOUNCED THE NEW POLICY OF THE PERUVIAN

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GOVERNMENT ON DRUG CONTROL AND ALTERNATIVE DEVELOPMENT ON OCTOBER 26 OF LAST YEAR. IT DEFINED A TOTALLY NEW APPROACH IN THE TREATMENT OF THAT ISSUE. 1) IT EXPLAINED THAT IN PREVIOUS EFFORTS IN THE STRUGGLE AGAINST THE DRUG TRAFFICKING SCOURGE, AND IN THE EFFORTS BEING CARRIED OUT BY OTHER COUNTRIES AT THAT SAME TIME - EMPHASIS HAD BEEN PLACED ON THE REPRESSIVE AND POLICE ASPECTS OF THE PROBLEM, AND 2) IT ANNOUNCED THAT PERU WOULD FOLLOW A POLICY WHICH WOULD CONSIST IN CLEARLY DISTINGUISHING BETWEEN FARMERS WHO PRODUCE THE COCA LEAF - WHO ALONG WITH CONSUMERS FROM PERU AND DEVELOPED COUNTRIES ARE ALSO VICTIMS OF DRUG TRAFFICKING - AND THE REAL DRUG TRAFFICKERS.

AFTER HAVING BEEN IDENTIFIED AS CRIMINALS AND ACCUSED OF BEING A PART OF THE FIRST LINK IN THE DRUG TRAFFICKING CHAIN, PERUVIAN COCA FARMERS

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ARE NOW BEING CONSIDERED AS VALID PARTICIPANTS  
IN THE ALTERNATIVE DEVELOPMENT PROGRAM, WHICH  
UNDOUBTEDLY CONSTITUTES THE BEGINNING OF A  
VIGOROUS LONG TERM EFFORT, WHICH FORTUNATELY  
ALSO HAS THE BACKING OF THE UNITED STATES  
GOVERNMENT.

IT IS THE RIGHT TO PROPERTY, THE EXERCISE OF  
ECONOMIC ACTIVITY, PARTICIPATION IN THE DECISION  
MAKING PROCESS.

IN THE NEW POLICY NOT ONLY WAS THE DENOMINATION  
OF FARMERS AS "CRIMINALS" DISCARDED, BUT,  
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LIKewise, AS A PRINCIPAL STARTING POINT OF THIS  
POLICY A PROPOSAL WAS MADE FOR THE RECOGNITION  
AND THE GRANTING OF GUARANTEES OF PROPERTY  
RIGHTS TO THE COCA FARMERS. TO HAVE LIVED IN  
CONSTANT FEAR. TO HAVE LIVED BETWEEN TWO FIRES  
-- THAT OF REPRESSION OF DRUG TRAFFICKING AND  
-- THAT OF THE ARMED SUBVERSION WHICH PROTECTS IT--  
OCCURRED AS A CONSEQUENCE. PRECISELY, BECAUSE  
THE INSTITUTIONAL SYSTEM DID NOT PREVIOUSLY  
RECOGNIZE THEIR STATUS AS LAND OWNERS NOR HAD IT  
ALSO DEFINED OR ESTABLISHED THEIR RIGHTS.

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SECSTATE FOR A/S SCHIFTER  
SOUTHCOM FOR SJA COL GRAHAM AND POLAD DAJA/IA  
FOR LTC MCARMNEY

E.O. 12356: DECL. N/A  
TAGS: PHUM SNAR MASS BREL PE  
SUBJECT: NEW PRESIDENTIAL DIRECTIVE

THE SAME THING WAS HAPPENING TO THE EXERCISE OF  
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LEGAL ECONOMIC ACTIVITY, WHICH WAS FORBIDDEN IN  
FACT BY A WALL OF PAPERWORK AND BUREAUCRATIC  
COSTS WHICH PRACTICALLY FORCED THE FARMERS TO  
CULTIVATE THE COCA LEAF. THE NEW POLICY  
CONSEQUENTLY PROPOSED THE NEED TO REDUCE THOSE  
COSTS AS A SUITABLE INSTRUMENT TO ATTAIN CROP  
SUBSTITUTION IN PARTICULAR AND ALTERNATIVE  
DEVELOPMENT IN GENERAL.

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ADDITIONALLY, THE TRADITIONAL VIEW OF THE ISSUE HAD DISREGARDED THE RIGHT OF THE FARMERS TO POLITICAL PARTICIPATION, WHO HAD TO RESIGN THEMSELVES TO ACCEPT THE IMPOSITION OF GOVERNORS NOT DIRECTLY INTERESTED IN THEIR SPECIFIC AND DAILY CONCERNS. THE NEW POLICY OF THE PERUVIAN GOVERNMENT PROPOSED, THEN, THAT THE FARMERS SHOULD ACTIVELY PARTICIPATE IN THE DECISION MAKING PROCESS.

THE RIGHT TO OBTAIN A DULY REGISTERED PIECE OF LAND, THE RIGHT TO FREELY ENGAGE IN LEGAL ECONOMIC ACTIVITIES AND THE RIGHT TO PARTICIPATE IN THOSE DECISIONS WHICH AFFECT THEIR LIVES AND THEIR ECONOMIC ACTIVITY, UNDOUBTEDLY CONSTITUTE IMPORTANT ASPECTS OF "HUMAN RIGHTS." BUT, MORE IMPORTANT YET, DESIGN THE BASIC STRUCTURE OF PACIFICATION AND ALTERNATIVE DEVELOPMENT THAT SHOULD BE BASED IN AN ATMOSPHERE OF RESPECT FOR ALL OTHER HUMAN RIGHTS. IN OTHER WORDS, IT IS NOT ACCEPTABLE TO THINK THAT CIVIL AND POLITICAL

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RIGHTS CAN BE IN FORCE IN A SOCIAL STRUCTURE THAT DOES NOT RESPECT PROPERTY RIGHTS, THE FREE EXERCISE OF LEGAL ECONOMIC ACTIVITIES AND PARTICIPATION IN THE DECISION MAKING PROCESS.

LATER ON, WHEN THE AGREEMENT ON DRUG CONTROL AND ALTERNATIVE DEVELOPMENT POLICIES WAS MADE WITH THE UNITED STATES, IT WAS EXPRESSLY STIPULATED THAT ALTERNATIVE DEVELOPMENT ACTIVITIES SHOULD NOT BE LIMITED SOLELY TO THE COCA-PRODUCING AREAS, BUT SHOULD ALSO INCLUDE AREAS WHERE THE MIGRATION OF LABOR TO THOSE ZONES ORIGINATES. THEY SHOULD ALSO INCLUDE ACTIVITIES THAT CAN OFFER ALTERNATIVE EMPLOYMENT TO PERSONS WHO ARE OR MIGHT IN THE FUTURE DECIDE TO START TO GROW COCA.

THE AGREEMENT, LIKEWISE, UNDERLINED THE NEED THAT "IN THE FIRST PLACE (...) THE INSTITUTIONAL CAUSES OF THE STRUCTURAL DISTORTION THEMSELVES



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ARE CORRECTED SO THAT THE ADJUSTMENT WILL BE  
FEASIBLE AND LASTING, AND, IN SECOND PLACE, TO  
GIVE PRIORITY TO MEASURES AT THE MICRO-ECONOMIC  
LEVEL THAT WILL PROVIDE IMMEDIATE BENEFITS TO  
THE UNDERPRIVILEGED SECTORS, WHICH ARE THE MOST  
CLOSELY LINKED IN THE GROWING AND INITIAL  
PROCESSING OF COCA." DIRECTLY ADDRESSING THE  
POLITICAL-CIVIL ASPECTS OF HUMAN RIGHTS, IT WAS  
POINTED OUT IN THE AFOREMENTIONED AGREEMENT THAT  
"THE INSTITUTIONAL CAUSES OF THE DISTORTIONS  
WILL BE ELIMINATED ONLY IF CITIZENS HAVE ACCESS  
TO RELEVANT INFORMATION AND CAN PARTICIPATE IN  
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THE PROCESS OF MAKING RULES AND DECISIONS  
RELATIVE TO THEIR PROBLEMS. FURTHERMORE, --THE  
AGREEMENT STIPULATED-- THERE MUST BE EFFICIENT  
JUDICIAL AND ADMINISTRATIVE SYSTEMS TO WHICH ALL  
CITIZENS CAN TURN, SHOULD THESE OPPORTUNITIES TO  
ENGAGE IN LEGAL PRODUCTIVE ACTIVITIES BE  
IMPINGED, ABOVE ALL WHEN THIS IS THE RESULT OF  
ARBITRARY AND ABUSIVE ACTIONS ON THE PART OF THE  
STATE OR OTHER ORGANIZATIONS."

THE PREVIOUS POINTS ARE MOST IMPORTANT, BECAUSE

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SECSTATE FOR A/S SCHIFTER  
SOUTHCOM FOR SJA COL GRAHAM AND POLAD, DAJA/IA  
FOR LTC MCATAMNEY

E.O. 12356: DECL: N/A  
TAGS: PHUM, SNAR, MASS, PREL, PE  
SUBJECT: NEW PRESIDENTIAL DIRECTIVE  
IN THE DRUG AGREEMENT MADE BETWEEN THE UNITED  
STATES AND COLOMBIA. FOR EXAMPLE, ONLY A GENERAL  
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REFERENCE TO THE HUMAN RIGHTS QUESTION IS MADE,  
WHILE IN THE CASE OF BOLIVIA NO REFERENCE IS  
MADE TO THIS PROBLEM. THUS, PERU HAD MADE  
IMPORTANT ADVANCES IN THIS AREA, A LONG TIME  
BEFORE A RISK OF INTERRUPTING FOREIGN AID AS A  
CONSEQUENCE OF THE PROBLEM OF HUMAN RIGHTS  
VIOLATIONS EXISTED. CALLING ATTENTION TO THE  
NEED OF ATTACKING THE CAUSES OF HUMAN RIGHTS

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VIOLATIONS. THE PERUVIAN GOVERNMENT WAS VERY CLEAR IN CONSIDERING FARMERS NOT AS SIMPLE INSTRUMENTS OF POLICIES, BUT AS PROTAGONISTS OF THEIR OWN DESTINY. THOSE FARMERS SHOULD HAVE SOMETHING TO DEFEND IN CONFRONTING THE TERROR AND SOMETHING TO SAY AND DECIDE BEFORE THE STATE. II. 3. OTHER PRECEDENT SETTING ACHIEVEMENTS.

THE SUBJECT OF DRUGS AND ALTERNATIVE DEVELOPMENT IS NOT THE ONLY ONE WHICH REFLECTS THE PERUVIAN GOVERNMENT'S CONCERN FOR THE HUMAN RIGHTS SITUATION.

A) IT SHOULD BE NOTED THAT A FEW MONTHS AFTER COMING INTO POWER, THE NEW ADMINISTRATION ISSUED A SUPREME DECREE WHICH ALLOWED FOR THE PARDONING OF INDICTED CRIMINALS. THE MEASURE IS DESIGNED TO FAVOR THOUSANDS OF INMATES ACCUSED OF MISDEMEANORS WHO REMAINED IN JAIL AS A CONSEQUENCE OF THE DEFICIENT FUNCTIONING OF THE JUDICIARY FOR PERIODS OF TIME WHICH WOULD HAVE BEEN LONGER THAN THE SENTENCES WHICH THEY WOULD EVENTUALLY RECEIVE. THE RESPECT FOR HUMAN

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RIGHTS AND NOTHING MORE THAN THAT IS THE MAIN FACTOR FOR SUCH A MEASURE.

B) THE NEW PENAL CODE, ISSUED BY THE EXECUTIVE POWER INCLUDES THE CRIME OF FORCED DISAPPEARANCE OF PERSONS. THUS, BY INCLUDING THIS TYPE OF CRIME AND THE APPLICATION OF HARSH PENALTIES FOR THOSE WHO INCUR IN THIS ABERRATION, PERU IS IN A BETTER POSITION TO PURSUE AND ACCUSE HUMAN RIGHTS VIOLATORS INVOLVED IN CASES OF DISAPPEARANCES.

C) LIKEWISE, THROUGH A SUPREME DECREE THE PRESENT ADMINISTRATION HAS RECENTLY AUTHORIZED PROSECUTORS TO FREELY ENTER POLICE STATIONS AND POLICE AND MILITARY PREMISES, IN ORDER TO INQUIRE INTO THE CONDITION OF ARRESTED INDIVIDUALS AND TO UNRAVEL REPORTS ON DISAPPEARANCES.

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III. THE ADMINISTRATION'S POSITION REGARDING HUMAN RIGHTS IN PERU. RESULTS ARE NOT YET AS ENCOURAGING AS WE WOULD LIKE. SINCE A SINGLE CASE OF DISAPPEARANCE, A SINGLE DEAD PERSON, IS SUFFICIENT TO LABEL THE SITUATION AS DRAMATIC AND HORRIBLE. HOWEVER, THE NUMBERS ARE DIMINISHING MARKEDLY, AND WHAT IS MORE IMPORTANT, WE HAVE THE FIRM INTENTION TO MAKE POSSIBLE THAT NOT A SINGLE CASE OF DISAPPEARANCE EXIST IN PERU AND TO ELIMINATE TORTURE AND EXTRAJUDICIAL EXECUTIONS. IN ORDER

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TO ACHIEVE THAT WE ARE PROPOSING SEVERAL INSTITUTIONAL REFORMS: INSTITUTIONAL CONTROL AND COOPERATION, NATIONAL EDUCATION AND SANCTIONS AGAINST THOSE WHO ARE GUILTY OF HAVING COMMITTED CRIMES AGAINST HUMAN RIGHTS

IV. GENERAL PROVISIONS

ACTIONS TO CONFRONT THE SITUATION DESCRIBED ABOVE SHOULD INITIALLY CONSIST OF THREE LEVELS: PROPOSALS FOR INSTITUTIONAL CHANGES, PROPOSALS

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SECSTATE FOR A/S SCHIFTER  
SOUTHCOM FOR SJA COL GRAHAM AND POLAD, DAJA/IA  
FOR LTC MCATAMNEY

E.O. 12356: DECL. N/A  
TAGS: PHUM, SNAR, MASS, PREL, FE  
SUBJECT: NEW PRESIDENTIAL DIRECTIVE  
FOR INTERNATIONAL CONTROL AND COOPERATION; AND  
PROPOSALS FOR NATIONAL CONTROL AND EDUCATION.  
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A) PROPOSALS FOR INSTITUTIONAL CHANGES.

(1) THE PERUVIAN GOVERNMENT IS CREATING A  
COMMISSION WHICH SHALL SUBMIT AS SOON AS  
POSSIBLE A REPORT ON THE MUNICIPALIZATION  
AND/OR REGIONALIZATION OF POLICE FUNCTIONS THAT  
COMPLEMENT THOSE UNDER THE COMPETENCE OF THE

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NATIONAL POLICE OF PERU.

THOSE FUNCTIONS SHOULD DEPEND ON DEMOCRATICALLY ELECTED LOCAL AND REGIONAL GOVERNMENTS, WHICH WILL PERMIT A DIRECT CONTROL BY THE POPULATION OVER THE ACTIONS BY THE REPRESENTATIVES OF THE PUBLIC ORDER.

(2) ON THE ASSUMPTION THAT THE POLICE SHOULD NOT CONCLUDE ITS DUTIES WITH THE PREPARATION OF THE POLICE REPORT, A "SPECIAL INVESTIGATIONS UNIT" SHALL BE CREATED, MADE UP OF A POLICE CORPS LINKED TO THE PNP, BUT AT THE EXCLUSIVE DISPOSITION OF THE JUDICIAL POWER AND THE PUBLIC MINISTRY, WHOSE MISSION SHALL CONSIST OF LOOKING AFTER THE SAFETY OF WITNESSES AND OTHER EVIDENCE, CARRY OUT EXTENDED INVESTIGATIONS REQUESTED BY THE JUDGES AND PROSECUTORS AND FACILITATE THE COMPLIANCE WITH EVERY JUDICIAL MANDATE ISSUED TO THEM.

(3) THE PERUVIAN GOVERNMENT WILL CREATE AN ENTITY FOR INTERINSTITUTIONAL CONTROL.

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THE DIFFERENT STATE ENTITIES THAT INTERVENE IN THE COUNTERSUBVERSIVE STRUGGLE SHOULD NOT FUNCTION AS "WATERTIGHT COMPARTMENTS", THAT IS TO SAY, THEIR RESPONSIBILITY SHOULD NOT BE FRAGMENTED AND, THEREFORE, DILUTED. THE POLICE ENTITIES SHALL CONTINUE INTERVENING IN THE PROCESS EVEN AFTER HAVING TAKEN THE ARRESTED INDIVIDUALS TO THE JUDICIARY AUTHORITIES. IN GENERAL IT SHOULD BE POSSIBLE TO ARTICULATE IN A MORE ORGANIC MANNER THE INSTITUTIONAL EFFORTS CARRIED OUT IN ORDER TO ATTAIN THE PACIFICATION OF PERU.

(4) THE PERUVIAN GOVERNMENT WILL COORDINATE WITH THE JUDICIAL AUTHORITIES THE FORMATION OF THE SPECIALIZED COURTS.

JUDGES WHO MUST SEE CASES RELATED TO TERRORIST VIOLENCE MUST BE CAREFULLY SELECTED AND TRAINED

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IN THE PROSECUTION OF THE SPECIFIC TYPE OF  
CRIMES WHICH ARE GENERATED BY TERRORIST  
ACTIONS. WE MUST NOT FORGET THAT CIRCUMSTANTIAL  
EVIDENCE BECOMES ESSENTIAL EVIDENCE IN THIS TYPE  
OF CRIMES. THUS, JUDGES SHOULD ADJUST TO THE  
NEED FOR A NOVEL AND MORE TECHNICAL APPROACH TO  
SUCH EVIDENCE.

THE CHOICE OF SPECIAL JUDGES AND SUPERIOR COURT  
JUDGES FOR TERRORISM MUST BE CARRIED OUT KEEPING  
THE FOLLOWING CRITERIA IN MIND: INTELLECTUAL  
CAPACITY, MORAL FITNESS AND THE DESIRE TO WORK  
IN THAT FIELD. THIS INEVITABLY CALLS FOR THE  
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CREATION OF INCENTIVES WHICH MOTIVATE COMPETENT  
JUDGES TO GET INVOLVED IN THIS TASK, SUCH AS  
HAZARDOUS DUTY BONUSES, SCHOLARSHIPS ABROAD  
AFTER A SET PERIOD OF TIME, SECURITY FOR THEM  
AND THEIR RELATIVES, ETC.

(5) THE PERUVIAN GOVERNMENT WILL PROCEED TO  
IMPLEMENT A NEW PENITENTIARY POLICY.

THIS WILL ALLOW FOR A CLEAR CHOICE REGARDING THE  
ADVISABILITY OF CONCENTRATING OR DISPERSING

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SNF-01 SP-01 SR-01 SS-01 STR-18 TRSE-00 T-01  
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TO SECSTATE WASHDC PRIORITY 2768  
SECDEF WASHDC PRIORITY  
ONDCP WASHDC PRIORITY  
AMEMBASSY LAPAZ  
AMEMBASSY QUITO  
USAF SO HOWARD AFB PM  
USCINCSO QUARRY HEIGHTS PM

UNCLAS SECTION 06 OF 07 LIMA 15150

SECSTATE FOR A/S SCHIFTER  
SOUTHCOM FOR SJA COL GRAHAM AND POLAD, DAJA/IA  
FOR LTC MCATAMNEY

E O 12356 DECL N/A  
TAGS PHOM, SNAR, MASS, PREL, PE  
SUBJECT NEW PRESIDENTIAL DIRECTIVE  
THOSE ACCUSED OF TERRORIST RELATED CRIMES. IT  
IS NECESSARY TO AVOID THAT INDIVIDUALS ARRESTED  
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FOR TERRORISM WHO HAVE DIFFERENT LEVELS OF  
INVOLVEMENT IN TERRORIST ORGANIZATIONS HAVE  
CONTACT AMONG THEMSELVES IN DETENTION CENTERS.  
TO THIS EFFECT, A SPECIALIZED TECHNICAL GROUP  
COULD BE CREATED. THE MEMBERS OF THIS GROUP  
WOULD BE FAMILIAR WITH THE TERRORIST PHENOMENON  
AND THE ORGANIZATIONAL STRUCTURE OF SUBVERSIVE  
GROUPS. ONCE THE POLICE REPORT HAS BEEN



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RECEIVED AND THE JUDGE HAS ORDERED THE  
INDIVIDUAL'S DETENTION. THIS GROUP WOULD PROCEED  
TO EVALUATE THE ARRESTED INDIVIDUAL, ACCORDING  
TO THE POSITION OCCUPIED BY HIM WITHIN THE  
TERRORIST ORGANIZATION (CHIEFS, LEADERS OR  
MEMBERS). THIS CLASSIFICATION WOULD DETERMINE  
THE DETENTION CENTER AND THE APPLICABLE TYPE OF  
TREATMENT.

THIS OBVIOUSLY REQUIRES AN ADEQUATE  
INFRASTRUCTURE WHICH ALLOWS FOR THE ADOPTION OF  
EFFECTIVE ISOLATION MEASURES AND GUARANTEES THE  
REQUIRED SECURITY FOR THE CONFINEMENT OF THAT  
TYPE OF INDIVIDUAL  
BY PROPOSALS FOR INTERNATIONAL CONTROL AND  
COOPERATION

(1) THE PERUVIAN GOVERNMENT WILL OFFICIALLY  
REQUEST THE COOPERATION OF THE UNITED NATIONS  
AND THE HUMAN RIGHTS CENTER OF THAT ORGANIZATION  
FOR THE DESIGN, IMPLEMENTATION AND EVALUATION OF  
A NATIONAL EDUCATION PROGRAM ON HUMAN RIGHTS;

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THE PROGRAM WILL INCLUDE THE PERUVIAN ARMED  
FORCES AND NATIONAL POLICE AND WILL HAVE AS ITS  
OBJECTIVE TO MAKE THE COUNTRY AWARE OF THE  
IMPORTANCE OF HUMAN RIGHTS FOR A PEACEFUL AND  
DEMOCRATIC LIVING

(2) THE PERUVIAN GOVERNMENT WILL OFFICIAL  
INVITE THE HUMAN RIGHTS COMMISSION OF THE  
ORGANIZATION OF AMERICAN STATES TO VISIT PERU,  
AND WILL ALSO REQUEST THAT THIS ORGANIZATION  
SUBMIT ITS RECOMMENDATIONS TO PROMOTE AN  
ABSOLUTE RESPECT FOR HUMAN RIGHTS IN PERU. THE  
PERUVIAN GOVERNMENT PROMISES TO GIVE AN  
IMMEDIATE ANSWER TO THE INQUIRIES ABOUT ALLEGED  
DISAPPEARANCES, EXTRAJUDICIAL EXECUTIONS AND  
TORTURE WHICH THE EXECUTIVE SECRETARIAT OF THE  
INTERAMERICAN COMMISSION SUBMITS TO PERU. THE  
PERUVIAN GOVERNMENT SHALL ENTRUST THE FOREIGN  
MINISTRY WITH THE REPRESENTATION OF THE STATE IN

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ALL CASES OF HUMAN RIGHTS VIOLATIONS WHICH MAY BE PROSECUTED IN INTERNATIONAL ORGANIZATIONS FOR THE PROTECTION OF THESE RIGHTS.

(3) CONSULTATION WITH THE INTERAMERICAN COURT FOR HUMAN RIGHTS ON THE APPLICATION OF THE HUMANITARIAN INTERNATIONAL LAW.

THE PERUVIAN GOVERNMENT WILL SUBMIT TO THE INTERAMERICAN COURT FOR HUMAN RIGHTS A REQUEST FOR AN ADVISORY OPINION, IN ORDER THAT THIS COURT ESTABLISH THE SCOPE OF THE APPLICATION OF UNCLASSIFIED

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THE HUMANITARIAN INTERNATIONAL LAW IN SUPPORT OF ITS LEGITIMATE COUNTERSUBVERSIVE STRUGGLE.  
C) PROPOSALS FOR NATIONAL CONTROL AND EDUCATION.

(1) PRESIDENTIAL DIRECTIVE FOR THE RESPECT FOR HUMAN RIGHTS. THE PRESIDENT OF PERU IN HIS CAPACITY OF COMMANDER IN CHIEF OF THE PERUVIAN ARMED FORCES AND NATIONAL POLICE, HAS REITERATED THE OBLIGATION OF ALL MEMBERS OF THE ARMED FORCES AND THE NATIONAL POLICE TO RESPECT HUMAN RIGHTS WHICH ARE NATIONALLY AND INTERNATIONALLY

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ACTION HA-09

INFO LOG-00 ACDA-13 ADS-00 AID-01 AMAD-01 ARA-01 C  
DEAE-00 ANHR-01 DPR-01 EB-01 H-01 INM-01 INRE-00  
INR-01 IO-19 LAB-09 L-03 NSAE-00 OIC-02 DIG-01  
OMB-01 PA-02 RM-01 RRS-01 P-01 RP-10 SIL-01  
SNP-01 SP-01 SR-01 SS-01 STR-18 TRSE-00 T-01  
USIE-00 DTC-01 /101W  
A4DB1B 252338Z /38

P 252317Z OCT 91  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC PRIORITY 2769  
SECDEF WASHDC PRIORITY  
ONDCP WASHDC PRIORITY  
AMEMBASSY LAPAZ  
AMEMBASSY QUITO  
USAFSO HOWARD AFB PM  
USCINCSO QUARRY HEIGHTS PM

UNCLAS SECTION 07 OF 07 LIMA 15150

SECSTATE FOR A/S SCHIFTER  
SOUTHCOM FOR SJA COL GRAHAM AND POLAD DAJAJIA  
FOR LTC MCATAMNEY

E.O. 12356: DECL. N/A  
TAGS: PHUM, SNAR, MASS, PREL, PE  
SUBJECT: NEW PRESIDENTIAL DIRECTIVE  
RECOGNIZED AND TO PROTECT THE CIVILIAN  
POPULATION. IT SHOULD BE NOTED THAT THOSE  
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MEMBERS OF THE GOVERNMENTAL FORCES WHO DO NOT  
COMPLY WITH THEIR OBLIGATIONS, PARTICULARLY  
REGARDING DISAPPEARANCES, EXTRAJUDICIAL  
EXECUTIONS AND TORTURE, WILL BE SEVERELY  
PUNISHED.

(2) A PRESIDENTIAL OFFICE FOR THE PROTECTION OF  
HUMAN RIGHTS (OPRH) WILL BE CREATED. THIS



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OFFICE WILL FALL UNDER THE DIRECT AUTHORITY OF THE PRESIDENT OF PERU AND FOR POLICY MATTERS WILL COME UNDER THE PRESIDENT OF THE COUNCIL OF MINISTERS. THE PURPOSE OF THIS OFFICE IS TO SEE THAT HUMAN RIGHTS ARE RESPECTED. THIS OFFICE WILL RECEIVE COMPLAINTS OF POSSIBLE DISAPPEARANCES, ARBITRARY DETENTIONS, TORTURE AND OTHER HUMAN RIGHTS VIOLATIONS. IN ORDER TO CARRY OUT URGENT ACTIONS, THE PERSON IN CHARGE OF THIS OFFICE SHALL BE AN OFFICER WHO WILL WORK DIRECTLY FOR THE PRESIDENT OF PERU. HE WILL BE IN CHARGE OF IMPLEMENTING AND SUPERVISING THE PERUVIAN GOVERNMENT'S POLICY ON HUMAN RIGHTS. ANY COMPLAINTS FOR ALLEGED VIOLATIONS CAN BE SUBMITTED BY ALL NATIONAL AND INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS. THE PRESIDENTIAL OFFICE ON HUMAN RIGHTS WILL ALSO OPEN PUBLIC OFFICES TO RECEIVE COMPLAINTS AND REQUESTS FOR URGENT HUMANITARIAN ACTIONS. THIS OFFICE WILL HAVE THE AUTHORITY TO DIRECTLY COMMUNICATE WITH ALL PUBLIC INSTITUTIONS.

D) RELATIONS AMONGST THE DIFFERENT SECTORS SHOULD BE VERY WELL DEFINED, SPECIFYING THAT THE

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DELEGATION OF DUTIES DOES NOT IMPLY THAT THE RESPONSIBILITY AND THE AUTHORITY SHOULD BE SHARED.

E) THE APPLICATION OF THE RULES WHICH ARE ISSUED INVOLVE NOT ONLY THE GOVERNMENT, BUT SOCIETY AS A WHOLE.

F) THE PRESIDENT OF THE COUNCIL OF MINISTERS SHALL BE READY TO SUBMIT TO THE PRESIDENT OF PERU AN INITIAL REPORT OF THE REQUESTED STUDY IN WHICH THE METHODOLOGICAL AND GUIDING CRITERIA FOLLOWED SHOULD BE POINTED OUT.

(SIGNED)  
CARLOS TORRES Y TORRES LARA, PRESIDENT OF THE COUNCIL OF MINISTERS AND MINISTER OF FOREIGN AFFAIRS.

END TEXT.



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