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O 250019Z APR 92
 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC IMMEDIATE 7787
 INFO WHITEHOUSE WASHDC IMMEDIATE
 AMEMBASSY TOKYO IMMEDIATE
 USCINCSO QUARRY HEIGHTS PM IMMEDIATE
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C O N F I D E N T I A L SECTION 01 OF 05 LIMA 06158

THE WHITE HOUSE FOR SITUATION ROOM
 DEPARTMENT PASS USOAS
 SOUTHCOM FOR POLAD
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E.O. 12356: DECL: DAR
 TAGS: PGOV, PREL, PHUM, PE
 SUBJECT: PERU HUMAN RIGHTS SITUATION POST
 - APRIL 5 COUP

REF: LIMA 5426

1. CONFIDENTIAL - ENTIRE TEXT.

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United States Department of State Office of FOI, Privacy, & Classification Review Review Authority: MOSKOWITZ, SAM Date: 09/03/96 Case ID: 93005164

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2. SUMMARY: SERIOUS HUMAN RIGHTS VIOLATIONS -- DISAPPEARANCES AND EXTRAJUDICIAL KILLING -- FOLLOWING PRESIDENT FUJIMORI'S EXTRA-CONSTITUTIONAL ACTIONS OF APRIL 5 HAVE APPARENTLY NOT OCCURRED. A NUMBER OF CONGRESSIONAL AND POLITICAL FIGURES WERE EXTRAJUDICIALLY DETAINED, BUT MOST OF THESE HAVE BEEN RELEASED. NO DEATHS HAVE BEEN ATTRIBUTED TO GOVERNMENT FORCES AS A RESULT OF THE AUTO-COUP. CIVIL LIBERTIES AND JUDICIAL GUARANTEES, HOWEVER, HAVE BEEN SUSPENDED. FREEDOM OF PRESS WAS CURBED AT THE OUTSET BUT SUBSEQUENTLY RESTORED WHEN THE GOVERNMENT DISCOVERED HIGH POPULAR SUPPORT FOR THE COUP.

[REDACTED]

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END SUMMARY.

A "DODLESS" COUP

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3. [REDACTED]

[REDACTED]

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NO DEATHS HAVE BEEN ATTRIBUTED TO SECURITY FORCES OF THE GOVERNMENT. SOME MINOR ANTI-COUP DEMONSTRATIONS HAVE BEEN BROKEN UP WITH FORCE AND TEAR GAS BUT NOTHING OUT OF THE ORDINARY AND WITH ONLY A FEW MINOR INJURIES.

DETENTIONS

4. THE MOST SERIOUS HUMAN RIGHTS VIOLATIONS THUS FAR HAVE BEEN THE DETENTIONS OF CONGRESSIONAL LEADERS, APRA PARTY FIGURES, LABOR LEADERS, JOURNALISTS AND SENDERO LUMINOSO LAWYERS WITHOUT LEGAL CHARGES (SEE REFTEL). ALL BUT SIX OF THOSE THE EMBASSY KNEW TO HAVE BEEN DETAINED HAVE NOW BEEN RELEASED. THE SIX

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REMAINING IN CUSTODY ARE AGUSTIN MANTILLA,
FORMER MINISTER OF INTERIOR UNDER ALAN GARCIA,
AND FIVE SENDERO HOUSE LAWYERS FROM THE
"ABOGADOS DEMOCRATICOS." A SIXTH SENDERO
LAWYER, JORGE CARTAGENA, HAS BEEN RELEASED. THE
FIVE SENDERO LAWYERS REMAINING IN CUSTODY HAVE
BEEN TRANSFERRED FROM THE DINCOTE ANTI-TERRORIST
POLICE HEADQUARTERS TO THE PUBLIC PROSECUTOR.
THEY ARE PRESUMABLY NOW BEING HELD AT THE PALACE
OF JUSTICE HOLDING FACILITY (CARCELETA), BUT
BECAUSE OF THE MILITARY CORDON AROUND THAT
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BUILDING INTERNATIONAL RED CROSS (ICRC)
DELEGATES HAVE NOT BEEN ABLE TO SEE THEM SINCE
THEIR TRANSFER.

5. ONLY AGUSTIN MANTILLA, REMAINS A SECURITY
DETAINEE. MANTILLA WAS TRANSFERRED, FIRST FROM
STATE SECURITY FACILITIES TO A MILITARY HOSPITAL
AFTER HIS HUNGER STRIKE CAUSED COMPLICATIONS TO
A PRE-EXISTING HEART CONDITION; SUBSEQUENTLY HE
WAS MOVED TO A POLICE HOSPITAL FOR FURTHER
OBSERVATION. ICRC DELEGATES HAVE SEEN
MANTILLA. THEY REPORT THAT MANTILLA CONTINUES
TO CONTROL HIS DIABETES THROUGH SELF
MEDICATION. MANTILLA REPORTEDLY GAVE UP HIS

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 HUNGER STRIKE ON THE 13TH DAY.

6. ALL OF THE ABOVE DETENTIONS WERE CARRIED OUT
 ON THE BASIS OF MILITARY ORDERS WITHOUT JUDICIAL
 DETENTION ORDERS OR ANY PENDING LEGAL CHARGES.

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THE ORDER ISSUED BY THE JOINT COMMAND OF THE ARMED FORCES, AND SUBSEQUENTLY PUBLISHED IN THE PRESS, DID NOT EVEN IDENTIFY THE PERSON TO BE DETAINED. THE TEXT READS AS FOLLOWS:

- "BY SUPERIOR ORDER, THE JOINT COMMAND OF THE ARMED FORCES ORDERS POLICE AND MILITARY PERSONNEL, BEARERS OF THIS DOCUMENT, TO PROCEED WITH THE DETENTION OF THE ELEMENTS WHOSE NAMES AND IDENTITIES HAVE BEEN VERBALLY PROVIDED TO THE RESPECTIVE INTERVENTION GROUPS. THE FULFILLMENT OF THE PRESENT ORDER SHOULD BE ACCOMPLISHED ACCORDING TO REGULATIONS."

7. EMBOFFS CONTACTED VARIOUS OF THE DETAINED POLITICAL FIGURES AFTER THEIR RELEASE. MOST REPORTED THAT THEY HAD BEEN TREATED "CORRECTLY" WHILE IN DETENTION. APRA DEPTY AND CONFIDANT OF ALAN GARCIA, JORGE DEL CASTILLO, REPORTED THAT HE HAD BEEN TREATED ROUGHLY DURING THE DETENTION AND TRANSFER TO HIS PLACE OF DETENTION, BUT CORRECTLY THEREAFTER. SEVERAL
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REPORTED THAT THEY HAD NOT EVEN BEEN INTERROGATED. APRA SENATOR ABEL SALINAS REPORTED THAT THE MOST TAXING FEATURE OF HIS DETENTION HAD BEEN THE EXHAUSTING MEDICAL TESTS THAT HE HAD BEEN SUBJECTED TO BEFORE RELEASE TO ESTABLISH HE HAD NOT BEEN MISTREATED. (SALINAS ALSO HAD BEEN ON A HUNGER STRIKE THROUGHOUT HIS DETENTION.)

8. THE NATIONAL HUMAN RIGHTS COORDINADORA, HOWEVER, INFORMED THE OAS SPECIAL FACT FINDING MISSION THAT 56 PERSONS HAD BEEN DETAINED, 37 SUBSEQUENTLY LIBERATED AND 17 REMAINED IN DETENTION. COORDINADORA EXECUTIVE SECRETARY PILAR COLL TOLD POLOFF THAT SEVERAL MORE HAD BEEN RELEASED SUBSEQUENT TO THEIR MEETING WITH THE OAS MISSION. NEVERTHELESS, THE COORDINADORA FIGURES ARE STILL GREATER THAN THE EMBASSY CAN CONFIRM. IT IS POSSIBLE THAT THE COORDINADORA FIGURES INCLUDE PROVINCIAL POLITICAL FIGURES

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WHOSE DETENTIONS WERE NOT REPORTED IN THE
NATIONAL MEDIA AND/OR APRA PARTY DEMONSTRATORS
WHO WERE BRIEFLY DETAINED, BUT QUICKLY RELEASED,
FOLLOWING DEMONSTRATIONS. [REDACTED]

[REDACTED] INSISTED TO
THE AMBASSADOR AFTER THOROUGH INVESTIGATION THAT
AT LEAST ONE YOUNG APRISTA ALLEGED BY THE
COORDINADORA TO HAVE BEEN DETAINED, [REDACTED]

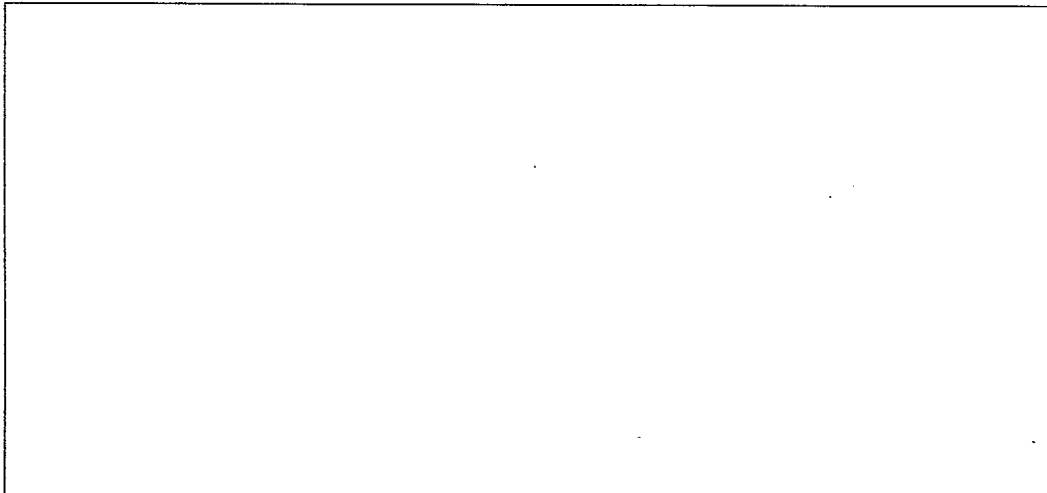
[REDACTED] WAS REALLY AN INTERNAL APRA DISSIDENT ON
THE LAM FROM HIS OWN LEADERSHIP; THE GOP SIMPLY
DID NOT HAVE HIM.)

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 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC IMMEDIATE 7789
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 AMEMBASSY TOKYO IMMEDIATE
 USCINCSO QUARRY HEIGHTS PM IMMEDIATE
 DEAHQS WASHDC IMMEDIATE
 SECDEF WASHDC IMMEDIATE
 ARA COLLECTIVE IMMEDIATE
 AMEMBASSY VIENNA
 AMEMBASSY BONN
 AMEMBASSY MADRID 1061M
 RUEATRS/TRSYDEPT WASHDC

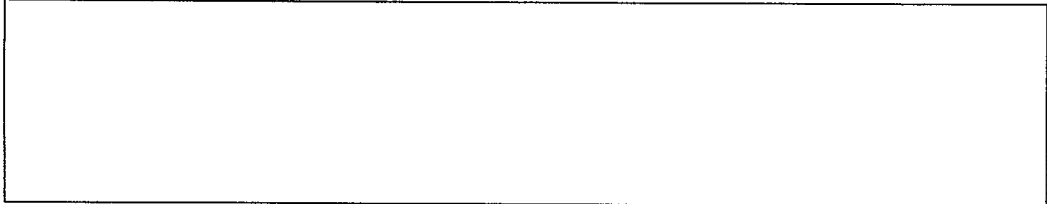
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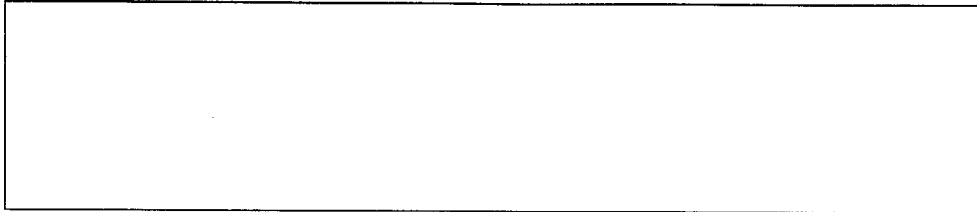
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HABEAS CORPUS NOT SUSPENDED, BUT UNAVAILABLE

10. MRS. GARCIA'S SUBSEQUENT, HIGHLY PUBLICIZED, ATTEMPTS TO FILE A HABEAS CORPUS PETITION ON BEHALF OF ALAN GARCIA UNDERSCORE THE HUMAN RIGHTS DIMENSION OF THE SUSPENSION OF THE JUDICIARY SYSTEM. WHILE AT LEAST ONE CRIMINAL PROSECUTOR AND CRIMINAL JUDGE REMAIN ON DUTY DURING THE TEN DAY SUSPENSION OF JUDICIAL FUNCTIONS, MRS. GARCIA HAS NOT BEEN ALLOWED TO ENTER THE PALACE OF JUSTICE IN ORDER TO FILE THE PETITION. (THE HABEAS CORPUS IS ALL A PUBLICITY EVENT ANYWAY AS THE GOVERNMENT DOES NOT HAVE ALAN GARCIA AND HIS WIFE KNOWS IT).

FREEDOM OF MOVEMENT
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11. MEMBERS OF CONGRESS WITH OFFICIAL PASSPORTS OR VISAS HAVE BEEN TURNED BACK AT THE AIRHORT. OTHER THAN ONE ALLEGED DENIAL OF A TOURIST PASSPORT TO A CONGRESSMAN, IT DOES NOT APPEAR THAT THEIR RIGHT TO DEPART THE COUNTRY ON TOURIST VISAS HAS BEEN RESTRICTED.

FREEDOM OF SPEECH

12. FREEDOM OF SPEECH AND PRESS WAS RESTRICTED INITIALLY, BUT RESTRAINTS ON REPORTING, EXCEPT FOR INCITEMENT TO VIOLENCE, HAVE BEEN REMOVED. NEWSPAPERS, MAGAZINES, RADIO AND TV STATIONS WERE OCCUPIED AND CONTROLLED DURING THE FIRST TWO DAYS FOLLOWING THE COUP. CENSORSHIP:

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HOWEVER, WAS CLUMSY AT BEST. LEFTIST NEWSPAPER "LA REPUBLICA" WAS ALLOWED TO PUBLISH ITS APRIL 6 EDITION WITH BLANK PAGES. RADIO STATIONS FREQUENTLY ANNOUNCED THAT CERTAIN NEWS ITEMS WERE BEING SUPPRESSED BY MILITARY PERSONNEL PRESENT IN THE STUDIOS. ONE RADIO STATION VOLUNTARILY REMOVED ITSELF FROM THE AIR RQUHER THAABROADCAST UNDER THOSE CONDITIONS. THE SAME STATION SUBSEQUENTLY CEASED BROADCASTING ALTOGETHER, REPORTEDLY BECAUSE OF PRE-EXISTING FINANCIAL TROUBLES. SOME INTERNATIONAL WIRE SERVICES EXPERIENCED LIMITED INTERFERENCE WITH THEIR TRANSMISSIONS.

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13. AT LEAST 23 JOURNALISTS, INCLUDING SENDEROLOGIST GUSTAVO GORRITI, WERE DETAINED FOLLOWING THE APRIL 5 COUP. GORRITI WAS RELEASED WITHIN THREE DAYS, FOLLOWING INTENSE INTERNATIONAL PRESSURE, INCLUDING BY A/S ARONSON [REDACTED] OTHERS WERE RELEASED SHORTLY THEREAFTER. NO NEW DETENTIONS OF JOURNALISTS HAVE BEEN REPORTED.

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14. PRESS FREEDOM HAS BEEN RESTORED. BOTH PRINT AND BROADCAST MEDIA AMPLY COVERED THE SAN ROMAN "SWEARING IN" AND EXPRESSIONS OF SUPPORT
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 FM AMEMBASSY LIMA
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 FROM HIS FOLLOWERS. HOWEVER, THERE IS SOME
 CONCERN THAT THE PRESENT RELAXATION OF PRESS
 CONTROL COULD BE REVERSED AT WILL, SHOULD PUBLIC
 SUPPORT FOR FUJIMORI BEGIN TO WANE. IN A PUBLIC
 MANIFESTO, THE PERUVIAN RADIO AND TELEVISION

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ASSOCIATION HAS CALLED UPON THE EMERGENCY GOVERNMENT NOT ONLY TO RESPECT FREEDOM OF EXPRESSION AS GUARANTEED IN THE 1979 CONSTITUTION, BUT TO PUBLICLY COMMIT THEMSELVES TO MAINTAINING FREEDOM OF PRESS AND INFORMATION.

ILLEGAL SEARCH AND SEIZURE

15. ILLEGAL SEARCH AND SEIZURE HAS BEEN PRACTICED ON A LIMITED BASIS. GOVERNMENT FORCES ENTERED AND SEARCHED THE PRIVATE HOMES OF ALAN GARCIA, AGUSTIN MANTILLA, GUSTAVO GORRITI AND APRA PARTY HEADQUARTERS, THAT WE KNOW OF. IN ALL CASES, PRIVATE PAPERS WERE REMOVED WITHOUT WARRANT OR RECEIPT. GUSTAVO GORRITI REPORTS THAT HIS PERSONAL COMPUTER, COMPUTER DISCS AND OTHER FILES WERE REMOVED AND HAVE NOT BEEN RETURNED. MRS. GARCIA ALSO COMPLAINS THAT PERSONAL DOCUMENTS, INCLUDING TAX RECORDS, WERE REMOVED FROM UER HOME.

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16. WEAPONS AND AMMUNITION IN LIMITED QUANTITIES WERE REPORTEDLY FOUND AT THE HOME OF FORMER INTERIOR MINISTER AGUSTIN MANTILLA AND AT APRA HEADQUARTERS. THESE WEAPONS, THE DISCOVERY OF WHICH WAS ACCOMPLISHED WITHOUT SEARCH WARRANT AND WITHOUT THE PRESENCE OF A PROSECUTOR (AS REQUIRED UNDER PERUVIAN LAW), IS BEING USED AS THE BASIS FOR LEGAL CHARGES AGAINST ALAN GARCIA, AS HEAD OF THE APRA PARTY, AND MANTILLA, AS THE PERSONAL OWNER OF THE WEAPONS.

POLITICAL FREEDOM-

17. FREEDOM OF EXPRESSION FOR OPPOSITION PARTIES HAS BEEN RESPECTED THUS FAR. HOWEVER, ON APRIL 23, A DECREE LAW WAS PUBLISHED IMPOSING "P"AL SANCTIONS AS PUBLIC FUNCTIONS OR OFFICES, OR THE POWER TO GIVE ORDERS TO POLICE OR MILITARY FORCES, OR WHO CONTINUE EXERCISING SUCH FUNCTIONS AFTER HAVING

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BEEN SUSPENDED FROM THEIR POSITIONS. THE

POLITICAL OPPOSITION FEARS THAT THIS DECREE WILL
BE USED AGAINST CONGRESSMEN WHO CONTINUE TO MEET
AS A PARLIAMENT AFTER THE APRILS "DISSOLUTION,"
OR AGAINST THE "CONSTITUTIONAL" PRESIDENT SANCHEZ
ROMAN, SWORN IN ON APRIL 21 BY THE CONGRESS.

INTERNATIONAL INVESTIGATION OF ALLEGED VIOLATIONS

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18. ONE BRIGHT SPOT, THE INTERNATIONAL RED
CROSS REPORTS THAT IT CONTINUES TO OPERATE
NORMALLY. THE RECENTLY CONCEDED RIGHT TO
INSPECT MILITARY DETENTION CENTERS AND POLICE
STATIONS IN THE EMERGENCY ZONES, CONTINUES TO
APPLY, ALBEIT WITH SOME PROBLEMS. EVEN THESE
PROBLEMS ARE BEING WORKED OUT, HOWEVER,
ACCORDING TO ICRC CHIEF DELEGATE ARMIN KOBEL.
THE ICRC HAS VISITED ALL OF THE RELEASEES STILL
REMAINING FROM THE DETENTIONS OF APRIL 5.

19. COMMENT: THE "EXTRACONSTITUTIONAL EVENTS
OF APRIL 5" HAVE BEEN POPULAR WITH THE GREAT
MASS OF PERUVIANS THUS FAR. MEDIA, PARTICULARLY
NEWSPAPERS, APPEAR DIVIDED BETWEEN SUPPORT AND

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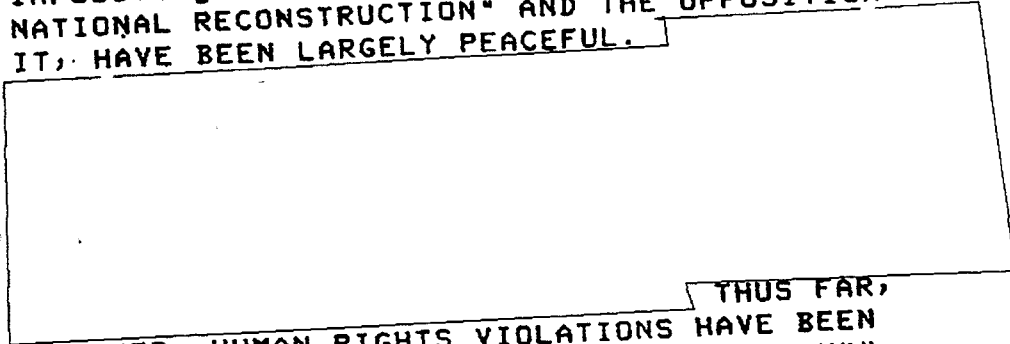
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OPPOSITION, WHICH THEY ARE EXPRESSING FREELY AT
THE PRESENT TIME. EVEN THE POLITICAL OPPOSITION
SEEMS LARGELY AGREED THAT MANY OF THE REFORMS
PRESIDENT FUJIMORI HAS SAID HE WILL INSTITUTE
ARE NECESSARY. CONSEQUENTLY, BOTH THE

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IMPOSITION OF THE "ERGENCY GOVERNMENT OF
NATIONAL RECONSTRUCTION" AND THE OPPOSITION TO
IT, HAVE BEEN LARGELY PEACEFUL.



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THUS FAR,
HOWEVER, HUMAN RIGHTS VIOLATIONS HAVE BEEN
LIMITED IN NUMBER AND GRAVITY. QUANTON##

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