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DEPARTMENT OF STATE
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PAGE 01 OF 02 STATE 344863 220129Z
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INFO LOG-00 AID-00 AMAD-01 CIAE-00 DODE-00 EB-00 HA-00
H-01 INRE-00 INR-01 IO-19 LAB-04 L-00 ADS-00
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DRAFTED BY: ARA/AND: AHALL: AXH
APPROVED BY: ARA/FO: PMCLEAN
ARA/AND: AWPATTERSON
ARA/FPC: RJACOBSON
D: RLKENS S/S-O: MWITT

P: DSHULER
HA: KLYONS
S/S: RLWILSON

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INFO USCINCSO QUARRY HEIGHTS PN PRIORITY

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E.O. 12356: DECL: OADR
TAGS: PHUM, PE
SUBJECT: HUMAN RIGHTS ISSUES

REF: 92 LIMA 13324

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT

2. THIS IS AN ACTION CABLE.

3. SUMMARY: THE RECENT CAPTURE OF ABIMAEI GUZMAN AND UP-COMING NOVEMBER 22 CONSTITUENT CONGRESS ELECTIONS MAKE THIS AN OPPORTUNE TIME TO AGAIN PRESS THE GOP FOR CONCRETE PROGRESS ON THE NINE CONGRESSIONAL CASES AND THE BARRIOS ALTOS MASSACRE. THE DEPARTMENT IS ALSO CONCERNED OVER THE TRANSPARENCY OF TRIAL PROCEDURES FOR TERRORIST CASES AND THE GOP'S ANNOUNCED INTENT TO RENOUNCE THE SAN JOSE PACT. CHARGE IS REQUESTED TO RAISE THESE ISSUES WITH THE HIGHEST LEVELS OF THE PERUVIAN GOVERNMENT, DRAWING ON THE INFORMATION PROVIDED BELOW.

4. THE DEPARTMENT CONTINUES TO BE DISTURBED BY THE LACK OF CONCRETE PROGRESS ON THE NINE HUMAN RIGHTS CASES CITED BY THE U.S. CONGRESS AS CONDITIONS ON FY 91 FMF AS WELL

AS THE BARRIOS ALTOS CASE AND OTHER CASES RAISED RECENTLY BY INTERNATIONAL HUMAN RIGHTS GROUPS. CHARGE IS REQUESTED TO RAISE THESE CASES WITH THE HIGHEST FEASIBLE LEVELS OF THE PERUVIAN GOVERNMENT AND TO REMIND THE GOP OF THE IMPORTANCE OF INITIATING SERIOUS INVESTIGATIONS AND OF OBTAINING FAIR AND TIMELY JUDGEMENTS.

5. THE DEPARTMENT RECENTLY FAXED TO POST A LETTER FROM AMERICAS WATCH TO PRESIDENT FUJIMORI, DETAILING A NUMBER OF RECENT HUMAN RIGHTS CASES. POST IS REQUESTED TO DO A SPOT CHECK OF THESE CASES, NOTIFY THE DEPARTMENT OR ANY WHICH APPEAR TO BE CREDIBLE, AND RAISE THEM WITH THE HIGHEST LEVELS OF THE PERUVIAN GOVERNMENT.

6. THE DEPARTMENT IS ALSO CONCERNED ABOUT TRIAL PROCEDURES FOR SUSPECTED TERRORISTS. ACCORDING TO LIMA 13324, THE COURT PROCEDURE IN THE GUZMAN TRIAL IS NOT

ENTIRELY CLEAR TO OBSERVERS IN LIMA, AND THE NEW LAWS RELATING TO THE PROCESS ARE VAGUE AND MAY BE CONTRADICTIONARY. RAISING QUESTIONS ABOUT DUE PROCESS. CHARGE IS REQUESTED TO RAISE THIS ISSUE AND ENCOURAGE THE GOP TO MAKE TRANSPARENT THE PROCESSES FOR TRYING TERRORISTS.

-- THE USG IS AWARE OF AND RESPECTS THE DIFFICULTIES PRESIDENT FUJIMORI FACES IN DEALING WITH THE FORCES OF TERRORISM AND HAVING TO DEPEND ON SECURITY FORCES WHICH HAVE IN THE PAST BEEN GUILTY OF HUMAN RIGHTS ABUSES.

-- WE CONGRATULATE THE GOVERNMENT OF PERU FOR ITS OUTSTANDING WORK LEADING TO THE RECENT CAPTURE OF ABIMAEI GUZMAN AND SEVERAL OTHER SHINING PATH LEADERS. AND WE RECOGNIZE THAT THE SECURITY FORCES HAVE CONDUCTED THEMSELVES IN A DISCIPLINED MANNER THROUGHOUT THE GUZMAN CASE.

-- THE USG HAS ALSO NOTED THAT THE NUMBER OF DISAPPEARANCES SINCE APRIL 5 HAS REMAINED RELATIVELY LOW.

-- AS YOU ARE AWARE, HOWEVER, THERE ARE A NUMBER OF INVESTIGATIONS OF PAST CASES ON WHICH CONGRESS REQUIRES US TO REPORT. WE ARE DEEPLY DISTURBED BY THE LACK OF CONCRETE PROGRESS ON THESE CASES. WE ARE EQUALLY TROUBLED BY THE LACK OF RESULTS IN THE BARRIOS ALTOS INVESTIGATION.

-- SOME OF THESE CASES DATE BACK TO PREVIOUS GOVERNMENTS

AND SOME OF THEM TO THE EARLY MONTHS OF THE FUJIMORI ADMINISTRATION. THE BARRIOS ALTOS CASE OCCURRED JUST AFTER YOUR GOVERNMENT ASSURED THE USG AND CONGRESS DURING YOUR SEPTEMBER 17, 1992 VISIT THAT YOU WERE IN FULL CONTROL. UNDER THE PRESENT CIRCUMSTANCES, YOU CERTAINLY SHOULD BE ABLE TO PURSUE A VIGOROUS INVESTIGATION INTO THE MASSACRE.

-- CONGRESS HAS ASKED US TO REPORT ON THE NINE CASES AS PART OF ANY DECISION TO DISBURSE COUNTERNARCOTICS ASSISTANCE TO PERU. IF WE ARE TO BE ABLE TO DISBURSE OUR REMAINING COUNTERNARCOTICS ASSISTANCE WE WILL NEED TO SEE TANGIBLE PROGRESS ON THESE CASES.

-- WE ARE ALSO CONCERNED BY THE TRIAL PROCEDURES FOR SUSPECTED TERRORISTS, WHICH SEEM RATHER UNCLEAR. WE RECOGNIZE THE DIFFICULTIES THE JUDICIAL SYSTEM HAS ENCOUNTERED IN PAST. WE HOPE THE GOVERNMENT OF PERU WILL MAKE PUBLIC PROCEDURES WHICH WILL GUARANTEE FAIR TRIALS UNDER ACCEPTED INTERNATIONAL STANDARDS OF JURISPRUDENCE, WHILE STILL ENSURING THE SAFETY OF JUDICIAL AND POLICE PERSONNEL.

-- FINALLY, WE ARE CONCERNED WITH THE INTERNATIONAL REACTION TO PRESIDENT FUJIMORI'S ANNOUNCED INTENTION TO RENOUNCE THE SAN JOSE PACT. IN EXERCISING ITS SOVEREIGN RIGHTS UNDER THE PACT, PERU SHOULD UPHOLD ITS COMMITMENT TO INTERNATIONAL HUMAN RIGHTS STANDARDS. WHAT ARE YOUR INTENTIONS WITH REGARD TO THE PACT?

8. POST HAS REPORTED THAT THE PERUVIAN ARMED FORCES HAVE CONVICTED A SMALL NUMBER OF OFFICERS FOR HUMAN RIGHTS ABUSES. BUT, FEARING REPRISALS HAS REFUSED TO DIVULGE THE NAMES OF CONVICTED OFFICERS. NEVERTHELESS THE MILITARY HAS PROVIDED SOME LIMITED INFORMATION TO THE EMBASSY POST IS REQUESTED TO AGAIN URGE THE PERUVIAN ARMED FORCES TO PROVIDE US WITH INFORMATION REGARDING THE CONVICTION OF OFFICERS FOR HUMAN RIGHTS VIOLATIONS.

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PAGE 02 OF 02 STATE 344863 220129Z
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