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Case Number: S200200010

RELEASED IN PART
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ORIGIN ARA-01

INFO	LOG-00	AID-01	AMAD-01	CIAE-00	C-01	OASY-00	DODE-00
	EB-01	HA-09	H-01	INRE-00	INR-01	IO-19	JUSE-00
	LAB-04	L-03	ADS-00	NSAE-00	NSCE-00	OIC-02	OMB-01
	PA-01	PM-02	PRS-01	P-01	RPCS-01	SIL-00	SNP-00
	SP-00	SR-00	SSO-00	SS-00	STR-17	TRSE-00	T-01
	USIE-00	RPE-01	/070R				

DRAFTED BY: ARA:AHALL:AXH
APPROVED BY: ARA:BARONSON
ARA:RSGELBARD
ARA/PPC:RJACOBSON
ARA/USOAS:RDOUGLAS
NSC:WITOH

ARA/AND:AWPATTERSON
HA:YTHAYER
S/S:GTDAVIES
S/S-O:JOBRIIGGS

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INFO USCINCSO QUARRY HEIGHTS PM PRIORITY

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E.O. 12356: DECL: OADR EXTEND CLASSIFICATION
TAGS: PHUM, PREL, PE
SUBJECT: RECOMMENDED GOP ACTION ON HUMAN RIGHTS

REF: (A) 93 LIMA 1452, (B) 93 LIMA 1446,
[REDACTED]
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(C) 93 LIMA 1451

1. [REDACTED] - ENTIRE TEXT.
2. SUMMARY: DEPARTMENT IS HEARTENED BY INDICATIONS, CONVEYED TO THE CHARGE [REDACTED] THAT THE GOP HAS RENEWED INTEREST IN OUR HUMAN RIGHTS CONCERNS. DEPARTMENT CONCURS FULLY WITH CHARGE.S PROPOSALS CONVEYED TO CONSTITUENT CONGRESS PRESIDENT JAIME YOSHIYAMA ON ACTIONS THE GOP SHOULD TAKE TO IMPROVE THE

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: WILLIAM E. LANDFAIR
DATE/CASE ID: 19 JUL 2002 S200200010
CLASSIFICATION: CONFIDENTIAL REASON: 25X6
DECLASSIFY AFTER: 13 FEB 2019

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HUMAN RIGHTS CLIMATE. IN RESPONSE TO POST'S REQUEST FOR ADDITIONAL IDEAS, SET FORTH IN PARAGRAPH 4 ARE DEPARTMENT'S SUGGESTIONS FOR STEPS THE GOP COULD TAKE TO DEMONSTRATE THAT IT REMAINS COMMITTED TO IMPROVING ITS HUMAN RIGHTS RECORD. POST IS REQUESTED TO RAISE THESE ISSUES AS APPROPRIATE WITH PRIME/FOREIGN MINISTER DE LA PUENTE. PRESIDENTIAL ADVISOR SANTIAGO FUJIMORI, AND CCD PRESIDENT YOSHIYAMA, DRAWING ON THE TALKING POINTS PROVIDED BELOW. END SUMMARY.

3. DEPARTMENT COMMENDS POST'S REPEATED EFFORTS TO MAKE OUR HUMAN RIGHTS MESSAGE CLEAR TO THE HIGHEST LEVELS OF THE PERUVIAN GOVERNMENT -- INCLUDING PRIME/FOREIGN MINISTER DE LA PUENTE, PRESIDENTIAL ADVISOR SANTIAGO FUJIMORI, AND MOST RECENTLY, VICE FINANCE MINISTER JALILIE. DEPARTMENT ALSO APPRECIATES POST'S CREATIVE APPROACH TO BROADENING PERU'S HUMAN RIGHTS AUDIENCE TO INCLUDE THE BUSINESS COMMUNITY. WE AGREE WITH POST'S THREE IMMEDIATE AREAS FOR ACTION: DISCIPLINE OF SECURITY FORCE PERSONNEL FOR ABUSES THEY HAVE COMMITTED; RESOLUTION OF THE ICRC PROBLEM -- WITH CONFIRMATION BY THE ICRC; AND

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AN INVITATION TO A RESPECTED GROUP OF JURISTS TO STUDY AND REPORT ON THE TRIALS OF DEFENDANTS CHARGED WITH TERRORISM -- TO BE FOLLOWED UP WITH CORRECTIVE ACTION IF SUGGESTED.

4. DEPARTMENT FURTHER RECOMMENDS THAT POST URGE THAT APPROPRIATE OFFICIALS OF THE PERUVIAN GOVERNMENT A) MEET WITH THE COORDINADORA TO SHOW SUPPORT FOR THE WORK OF HUMAN RIGHTS GROUPS; B) INFORM CARLOS CHIPOCO THAT HE WILL NOT BE ARRESTED OR PROSECUTED UPON HIS RETURN TO PERU; C) REMOVE THE NAMES OF OTHER PEOPLE ERRONEOUSLY INCLUDED IN ANY LISTS OF ALLEGED SHINING PATH SYMPATHIZERS; D) OPEN AN INVESTIGATION INTO THE AUGUST - OCTOBER 1992 HUANCAYO AND LA CANTUTA MURDERS; D) ENCOURAGE A STRONG CONGRESSIONAL COMMITTEE ON HUMAN RIGHTS; E) SET A DATE FOR A VISIT TO PERU BY THE INTER-AMERICAN HUMAN RIGHTS COMMISSION; AND F) REQUEST THE ADVISORY SERVICES OF THE UN COMMISSION ON HUMAN RIGHTS.

5. BEGIN TALKING POINTS:
-- WITH THE USG PRESENTLY REVIEWING PARTICIPATION IN THE SUPPORT GROUP, NOW IS THE TIME FOR PRESIDENT FUJIMORI TO

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REAFFIRM HIS COMMITMENT TO IMPROVING PERU'S HUMAN RIGHTS PERFORMANCE.

-- THE GOP SHOULD RESTORE FULL ICRC ACCESS TO DETAINEES IMMEDIATELY -- INCLUDING VISITS TO POLITICAL PRISONERS HELD IN CIVILIAN PRISONS HE SIOR SHINING PATH LEADERS. AND THE ACCUSED NOVEMBER 13 COUP PLOTTERS.

-- THE GOP SHOULD ALSO INITIATE A MINISTERIAL-LEVEL MEETING WITH THE COORDINADORA (I.E. THE MINISTER OF

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JUSTICE, INTERIOR' AND/OR DEFENSE), WHICH WOULD DEMONSTRATE THE GOP'S SUPPORT FOR THE WORK OF HUMAN RIGHTS GROUPS. SUCH A MEETING WOULD SEND A STRONG MESSAGE TO THE INTERNATIONAL COMMUNITY, INCLUDING INTERNATIONAL DONORS, WHILE ALSO REASSURING HUMAN RIGHTS GROUPS AT HOME AND

ABROAD.

-- THE GOP SHOULD ENSURE THAT NAMES OF PERSONS ERRONEOUSLY INCLUDED IN ANY LIST OF ALLEGED SHINING PATH SYMPATHIZERS ARE DELETED FROM SUCH A LIST.

O WHILE WE ARE HEARTENED BY GOP ASSURANCES THAT CARLOS CHIPOCO WILL BE ABLE TO TRAVEL FREELY IN PERU ONCE HE RETURNS, THE GOP SHOULD GUARANTEE THAT MR. CHIPOCO WILL NOT BE ARRESTED OR OTHERWISE PERSECUTED UPON HIS RETURN.

O THE ATTORNEY GENERAL AND PRIME/FOREIGN MINISTER SHOULD OFFICIALLY INFORM MR. CHIPOCO THAT HIS NAME WAS ERRONEOUSLY INCLUDED IN A LIST OF ALLEGED TERRORISTS. HE SHOULD ALSO BE OFFICIALLY INFORMED THAT HE WILL NOT BE ARRESTED OR PROSECUTED UPON HIS RETURN TO PERU.

O WE HAVE BEEN TOLD THAT THE FORTY-THIRD DISTRICT PROSECUTOR, WHO INVESTIGATES SHINING PATH ACTIVITIES ABROAD, HAS DETERMINED THAT THERE ARE NO GROUNDS ON WHICH TO PROSECUTE THREE OTHER PEOPLE -- FIDEL DOLORIAR, EDWIN REANO. AND MIRIAM CHIANG, ALL MEMBERS OF GRUPO PERU -- AND WILL NOT PURSUE THESE

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CASES.

O IF THIS IS ACCURATE, THESE NAMES SHOULD BE DELETED FROM ANY LIST OF SHINING PATH SYMPATHIZERS. AND THE PEOPLE SHOULD BE INFORMED OF THAT ACTION.

-- THERE HAS BEEN VERY LITTLE PROGRESS TO DATE IN RESOLVING HIGH-PROFILE HUMAN RIGHTS CASES. INCLUDING THOSE CITED IN 1991 BY THE U.S. CONGRESS AS CONDITIONS TO DISBURSEMENT OF U.S. ASSISTANCE TO PERU.

-- IDENTIFICATION AND DISCIPLINE OF PERSONS RESPONSIBLE FOR ABUSES WOULD DEMONSTRATE UNEQUIVOCALLY -- BOTH WITHIN AND OUTSIDE PERU -- THAT SELECTIVE KILLINGS AND DISAPPEARANCES WILL NOT BE TOLERATED.

O MANY CREDIBLE OBSERVERS SUSPECT THAT ARMY INTELLIGENCE AGENTS MAY HAVE BEEN RESPONSIBLE FOR THE NOTORIOUS BARRIOS ALTOS MASSACRE OF NOVEMBER 1991, YET THE INVESTIGATION OF THIS INCIDENT HAS STALLED. THAT INVESTIGATION SHOULD BE REINVIGORATED.

O SIMILARLY, WE URGE THE GOVERNMENT OF PERU TO OPEN AN INVESTIGATION INTO THE AUGUST - OCTOBER 1992 ASSASSINATIONS AND DISAPPEARANCES IN HUANCAYO AND FOLLOW WITH A PUBLIC ANNOUNCEMENT.

O WE ALSO URGE THAT THE NATIONAL EDUCATION UNIVERSITY (LA CANTUTA) DISAPPEARANCES. WHICH OCCURRED IN LIMA AT ABOUT THE SAME TIME, BE

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INVESTIGATED.

-- THE FORMER SENATE COMMISSION ON PACIFICATION, CHAIRED BY SENATOR ENRIQUE BERNALES, WAS RESPECTED FOR ITS THOROUGH COMPILATION OF DATA AND IMPARTIAL EFFORTS TO GIVE THE CONGRESS A CONSTRUCTIVE ROLE IN IMPROVING PERU'S HUMAN RIGHTS RECORD.

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O WE HOPE THAT THE CURRENT CONGRESSIONAL HUMAN RIGHTS COMMITTEE, PRESIDED OVER BY ROGER CACERES. WILL CARRY SIMILAR WEIGHT. PUBLIC ENCOURAGEMENT BY THE PRESIDENT OF CONGRESSIONAL OVERSIGHT ON HUMAN RIGHTS ISSUES WOULD SEND A STRONG SIGNAL THAT PERU IS COMMITTED TO DEVELOPING A STRONG DEMOCRACY WITH CHECKS AND BALANCES.

-- AT THE APRIL, 1992, OAS AD HOC MEETING OF FOREIGN MINISTERS IN NASSAU, THE GOVERNMENT OF PERU INVITED THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS TO VISIT PERU. THE SUPPORTING RESOLUTION URGES THE GOP TO FORMALIZE THE INVITATION. SINCE THAT TIME, THE GOP HAS TWICE POSTPONED VISITS FROM THE IACHR BECAUSE THEY CONFLICTED, FIRST WITH THE NOVEMBER, AND LATER WITH THE JANUARY. ELECTIONS.

O THE GOVERNMENT OF PERU SHOULD SET A FIRM DATE WITH THE IACHR FOR A VISIT TO PERU.

-- WE ALSO STRONGLY URGE THE GOP TO TAKE ADVANTAGE OF THE ON-GOING FORTY-NINTH SESSION OF THE UN COMMISSION ON HUMAN RIGHTS TO REQUEST THE ADVISORY SERVICES PROVIDED BY THE HUMAN RIGHTS CENTER. THIS COULD PREVENT MORE ONEROUS

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ACTION ON PERU AT THE MEETING.

-- FINALLY, BUT OF NOT LESS IMPORTANCE, WE RECOMMEND THAT THE GOP INVITE A GROUP OF RESPECTED JURISTS TO STUDY THE PROCEEDINGS OF TERRORIST TRIALS IN MILITARY COURTS. WHILE THE USG RECOGNIZES THE NEED FOR SPECIAL COURTS TO TRY ACCUSED TERRORISTS, WE ARE DEEPLY CONCERNED WITH REPORTS THAT TERRORISTS MAY BE RECEIVING SUMMARY TRIALS, OFFERING LITTLE OPPORTUNITIES FOR DEFENSE.

O A COMMISSION OF RESPECTED JURISTS COULD PROVIDE CONSTRUCTIVE ADVICE TO THE GOP WHICH WOULD CONTRIBUTE TO THE DEVELOPMENT OF A MORE EFFICIENT AND TRANSPARENT JUDICIAL SYSTEM. WHILE IMPROVING THE GOVERNMENT OF PERU'S CREDIBILITY ABROAD.
CHRISTOPHER

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