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FOR THE CHARGE

E.O. 12356: DECL: OADR
TAGS: PHUM PREL EFIN EAID PE
SUBJECT: PRESS FREEDOM IN PERU
REF: (A) 93 LIMA 796, (B) 93 LIMA 428

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1. [REDACTED] -- ENTIRE TEXT.

2. WE HAVE CAREFULLY REVIEWED POST'S CABLES DESCRIBING FUJIMORI'S RECENT STATEMENTS ABOUT THE NEED FOR PERU'S INTELLIGENCE SERVICES TO EVALUATE PRESS REPORTING IN PERU. WHILE FUJIMORI HAS SUBSEQUENTLY SOUGHT TO DOWNPLAY THE SIGNIFICANCE OF HIS ORIGINAL REMARKS, THIS ISSUE REMAINS OF GREAT CONCERN TO NOT JUST THE ADMINISTRATION BUT THE CONGRESS AND NGO COMMUNITY AS WELL. ACCORDINGLY, WE PLAN TO REMAIN IN CLOSE TOUCH WITH CONGRESS AND THE

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: OSCAR J. OLSON
DATE/CASE ID: 1 AUG 2001 200003853

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VARIOUS HUMAN RIGHTS NGOS AS THIS ISSUE DEVELOPS.

3. FUJIMORI'S COMMENTS ARE PARTICULARLY TROUBLESOME IN VIEW OF RECENT ACTIONS HIS GOVERNMENT HAS TAKEN TO STIFLE PRESS FREEDOM. THE GOP'S CONTINUED DETENTION OF JOURNALIST MAGNO SOSA ROJAS (NOTWITHSTANDING CLAIMS BY THE PUBLIC PROSECUTOR THAT SOSA IS INNOCENT), THE COURT JUDGMENT AGAINST CARETAS PUBLISHER ENRIQUE ZILERI (IN THE DEFAMATION CASE BROUGHT BY MONTESINOS), AND THE GOP'S DEFAMATION CASE AGAINST RETIRED GENERALS ARCINIEGA AND CISNEROS ARE EXAMPLES THAT COME IMMEDIATELY TO MIND.

4. CHARGE IS REQUESTED TO CONVEY THE TALKING POINTS ON PRESS FREEDOM SET FORTH IN PARAGRAPH 5 TO PRESIDENT FUJIMORI, PRIME/FOREIGN MINISTER DE LA PUENTE, CONSTITUENT CONGRESS CHAIRMAN YOSHIYAMA, AND JUSTICE MINISTER SANTA VEGA GADEA. THESE POINTS QUERY THE GOP AS TO WHAT ITS PRECISE PLANS ARE FOR "EVALUATING" PRESS REPORTING AND WHETHER THIS EVALUATION PROCESS HAS INDEED BEGUN. THE POINTS MAKE CLEAR THAT WE THINK THAT ANY RESTRICTIONS

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 IMPOSED UPON FREEDOM OF THE PRESS ARE MORALLY REPUGNANT. IN ADDITION, THE POINTS NOTE THAT IF THE GOP IS INDEED IMPOSING RESTRICTIONS UPON THE PRESS, THIS WILL MAKE IT MUCH MORE DIFFICULT FOR THE US AND JAPAN TO CONTRIBUTE TO THE FOLLOW-ON 1993 SUPPORT GROUP.

5. BEGIN TALKING POINTS

-- WE ARE CONCERNED ABOUT THE IMPLICATIONS OF PRESIDENT FUJIMORI'S RECENT STATEMENTS ABOUT THE NEED TO HAVE THE GOP'S INTELLIGENCE SERVICES EVALUATE THE ACCURACY OF PRESS REPORTING.

-- LATER PRONOUNCEMENTS BY PRESIDENT FUJIMORI HAVE ELABORATED ON THIS ISSUE. IN A TELEVISED INTERVIEW ON JANUARY 24, THE PRESIDENT REITERATED THAT THE GOP WILL NOT PLACE LIMITS ON FREEDOM OF THE PRESS.

-- HE STATED THAT THE REASON THE INTELLIGENCE SERVICES ARE EVALUATING THE MEDIA IS TO ENABLE THE GOP TO "CORRECT" MISINFORMATION THAT GETS DISSEMINATED OVERSEAS.

-- NEVERTHELESS, THIS EPISODE TROUBLES US DEEPLY.

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BASED UPON PAST EXPERIENCES IN MY COUNTRY AND IN OTHER WESTERN DEMOCRACIES, WE STRONGLY BELIEVE THAT GOVERNMENT REVIEW OF THE PRESS, REGARDLESS OF THE PURPOSE OF THAT REVIEW, INEVITABLY HAMPERS FREEDOM OF EXPRESSION.

-- FREEDOM OF SPEECH AND FREEDOM OF THE PRESS ARE
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FUNDAMENTAL ELEMENTS OF DEMOCRATIC GOVERNMENT. A PRESS WHICH WORKS WITH ONE EYE AIMED AT THE GOVERNMENT CENSOR CANNOT TRULY BE FREE.

-- THE PRESIDENT'S REMARKS ARE ESPECIALLY WORRISOME IN LIGHT OF OTHER RECENT INCIDENTS INVOLVING THE PRESS.

-- MAGNO SOSA ROJAS, A PERUVIAN JOURNALIST, REMAINS IN JAIL ON TERRORISM CHARGES EVEN THOUGH THE PUBLIC PROSECUTOR HAS DECLARED THAT HE IS INNOCENT.

-- THE COURTS -- WHICH PRESIDENT FUJIMORI REORGANIZED IN THE WAKE OF THE AUTO-GOLPE -- HAVE IMPOSED A FINE AND A SUSPENDED SENTENCE UPON ENRIQUE ZILERI, THE PUBLISHER OF PERU'S LEADING NEWSMAGAZINE. THIS COURT ACTION RESULTS FROM A DEFAMATION SUIT BROUGHT BY THE PRESIDENT'S NATIONAL SECURITY ADVISOR, VLADIMIRO MONTESINOS.

-- RETIRED GENERALS ALBERTO ARCINIEGA AND LUIS CISNEROS ARE BEING PROSECUTED FOR DEFAMATION AS WELL. THEIR "CRIME" WAS TO CRITICIZE THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF -- GENERAL NICOLAS HERMOZA RIOS.

-- SUCH ACTS ON THE PART OF THE PERUVIAN GOVERNMENT DO NOT SQUARE WITH WHAT WE WOULD EXPECT FROM A DEMOCRATIC GOVERNMENT.

-- IF YOUR GOVERNMENT IS INDEED REVIEWING THE DISPATCHES OF LIMA REPORTERS, WE URGE YOU TO REFRAIN FROM SUCH CONDUCT.
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- IN ADDITION, WE URGE YOU TO TAKE IMMEDIATE POSITIVE ACTION IN THE MAGNO SOSA ROJAS CASE AS WELL.
- NO MATTER WHAT YOUR GOVERNMENT THINKS THAT GENERALS ARCINIEGA AND CISNEROS HAVE DONE, NEITHER WE NOR OTHER INTERNATIONAL OBSERVERS WOULD UNDERSTAND THIS TO JUSTIFY DENYING FREEDOM OF SPEECH TO THESE INDIVIDUALS.
- POSITIVE ACTION ON PERU'S PART WILL MAKE IT EASIER FOR THE UNITED STATES AND JAPAN TO CONTRIBUTE TO THE SUPPORT GROUP TO HELP PERU CLEAR ITS WORLD BANK AND IMF ARREARS -- THUS COMPLETING PERU'S REINSERTION IN THE INTERNATIONAL FINANCIAL COMMUNITY.

CHRISTOPHER



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