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ACTION ARA-01

INFO LOG-00 AID-01 CIAE-00 DEAE-00 OASY-00 DODE-00 OIGO-01  
FBIE-00 HA-09 INM-02 TEDE-00 INR-00 IO-19 ADS-00  
NSAE-00 OIC-02 CORE-00 /035W

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R 212253Z JUL 93  
FM AMEMBASSY LIMA  
TO SECSTATE WASHDC 9979  
INFO USIA WASHDC 8451  
AMEMBASSY BOGOTA  
AMEMBASSY CARACAS  
AMEMBASSY LA PAZ  
AMEMBASSY MONTEVIDEO  
AMEMBASSY QUITO  
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E.O. 12356: N/A  
TAGS: PHUM, PREL, PGOV, EAID, SNAR, PE, US  
SUBJECT: WOLA REPRESENTATIVE'S VISIT TO LIMA  
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1. SUMMARY: DURING A JULY 12-17 VISIT TO LIMA, WOLA SENIOR ASSOCIATE COLETTA YOUNGERS WAS INTERVIEWED BY TWO LIMA NEWSPAPERS. SHE SAID WHILE THE REDUCTION IN DISAPPEARANCES AND EXTRAJUDICIAL EXECUTIONS IS ENCOURAGING, PERU STILL HAS SERIOUS HUMAN RIGHTS PROBLEMS. SHE CALLED ON THE GOP TO LET FOREIGN FORENSICS EXPERTS EXAMINE RECENTLY-DISCOVERED HUMAN REMAINS BURIED OUTSIDE LIMA, CALLING THIS ACCESS "MOST IMPORTANT." IN A CALL ON CHARGE, YOUNGERS NOTED THAT SHE HAD HAD A TENSE MEETING WITH PERU'S

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UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: OSCAR J. OLSON  
DATE/CASE ID: 2 AUG 2001 200003853

ATTORNEY GENERAL. END SUMMARY.

2. COLETTA YOUNGERS, SENIOR ASSOCIATE OF THE WASHINGTON OFFICE ON LATIN AMERICA, VISITED PERU THE WEEK OF JULY 12. SHE PARTICIPATED IN A CONFERENCE ON VIOLENCE IN PERU, MET WITH PUBLIC MINISTRY OFFICIALS AND HUMAN RIGHTS GROUPS, GAVE MEDIA INTERVIEWS, AND PAID A CALL ON THE EMBASSY.

3. INTERVIEWS WITH YOUNGERS WERE PUBLISHED IN THE JULY 18 DAILIES "EXPRESO" (PRO-GOVERNMENT) AND "LA REPUBLICA" (OPPOSITION). IN EACH INTERVIEW, YOUNGERS DISCUSSED HUMAN RIGHTS, BILATERAL RELATIONS AND U.S. AID TO PERU, COUNTER-NARCOTICS POLICY, AND THE BALANCE OF POWERS IN THE PERUVIAN GOVERNMENT. FOLLOWING IS A SELECTION OF SOME OF HER PUBLISHED COMMENTS.

HUMAN RIGHTS

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4. DESPITE DECLARING THAT "WE HAVE NOT SEEN ANOTHER COUNTRY IN LATIN AMERICA WITH SO MANY HUMAN RIGHTS PROBLEMS," YOUNGERS ACKNOWLEDGED IMPROVEMENTS IN SOME AREAS, SUCH AS IN THE FUJIMORI GOVERNMENT'S WILLINGNESS TO DIALOGUE WITH HUMAN RIGHTS GROUPS AND IN THE DECREASE IN DISAPPEARANCES AND EXTRAJUDICIAL EXECUTIONS. SHE SAID THAT THESE IMPROVEMENTS ARE "EXTREMELY POSITIVE AND SHOW THAT THE GOVERNMENT IS CAPABLE OF CONTROLLING THESE ABUSES. NONETHELESS, I THINK WE HAVE TO WAIT BEFORE MAKING CONCLUSIONS." HOWEVER, SHE CONTINUED, THERE ARE NEGATIVE SIGNS AS WELL: "VIOLATIONS, AS DEMONSTRATED BY THE LA CANTUTA CASE, GO UNPUNISHED; THE JUDICIAL SYSTEM LACKS INDEPENDENCE; AND THERE ARE PROBLEMS ASSOCIATED WITH THE ANTI-TERRORIST LAWS." ON THE LAST POINT, YOUNGERS STATED THAT "MILITARY COURTS DO NOT DARE TO FIND INNOCENT ANYONE ACCUSED OF TERRORISM."

5. YOUNGERS OBSERVED THAT IF THE GOP LET FOREIGN FORENSICS EXPERTS EXAMINE THE HUMAN REMAINS RECENTLY DISCOVERED OUTSIDE LIMA, SUCH A

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GESTURE WOULD BE "WELL-LOOKED UPON BY THE U.S. CONGRESS." WHEN ASKED ABOUT THE COUNTER-TERRORISM POLICE'S ASSERTION THAT THE WHOLE CASE WAS A TERRORIST HOAX, YOUNGERS CALLED FOR AN INDEPENDENT ANALYSIS OF THE MAP ALLEGEDLY FOUND IN A SHINING PATH SAFEHOUSE THAT LINKED THE

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INSURGENTS TO THE GRAVESITE. "I HAVE LOOKED AT THE TWO MAPS (THE ONE IN "SI" MAGAZINE AND THE ONE PRESENTED BY POLICE) AND IT SEEMS TO ME THAT THE HANDWRITING IS DIFFERENT." (POLICE HAD ASSERTED THAT THEY WERE DONE BY THE SAME PERSON.)

6. YOUNGERS ALSO COMPLAINED THAT ONLY ONE OF THE NINE HUMAN RIGHTS CASES (PROGRESS ON WHICH WAS MADE A CONDITION FOR AID DISBURSEMENT BY THE U.S. CONGRESS) HAS BEEN RESOLVED: THE SANTA BARBARA CASE. "THE FACT THAT A MEMBER OF THE ARMED FORCES WAS SENTENCED IS VERY IMPORTANT. I DO NOT WANT TO MINIMIZE THAT. BUT THE SENTENCE

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	NSAE-00	OIC-02	CORE-00	/035W			

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INFO USIA WASHDC 8452  
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AMEMBASSY CARACAS  
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C O R R E C T E D C O P Y (DISTRIBUTION)

E.O. 12356: N/A

TAGS: PHUM, PREL, PGOV, EAID, SNAR, PE, US  
SUBJECT: WOLA REPRESENTATIVE'S VISIT TO LIMA

WAS TOO LAX ... HAVING ONLY RESOLVED ONE CASE  
INDICATES THAT THERE IS NO POLITICAL WILL TO  
DEAL WITH THE PROBLEM OF IMPUNITY."

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7. "HUMANITARIAN AND DEVELOPMENT AID SHOULD NOT  
ONLY BE MAINTAINED, IT SHOULD BE INCREASED,"  
YOUNGERS TOLD HER INTERVIEWERS. SECURITY AID  
AND BALANCE-OF-PAYMENTS ASSISTANCE, HOWEVER,  
SHOULD REMAIN FROZEN "DUE TO HUMAN RIGHTS  
VIOLATIONS AND A LACK OF BALANCE OF POWERS (IN  
THE GOVERNMENT) AND THE DEPENDENCE OF THE  
JUDICIAL BRANCH ON THE EXECUTIVE."

8. YOUNGERS DESCRIBED THE STATE DEPARTMENT AS  
"TIRED OF FIGHTING WITH THE PERUVIAN GOVERNMENT"  
AND READY TO GIVE IN ON THE ISSUE OF AID  
RESUMPTION. "OVER A YEAR HAS GONE BY SINCE THE  
APRIL 5 COUP AND I THINK THERE'S NOW AN ATTITUDE  
OF 'ALRIGHT, LET US CONTINUE AHEAD AND NORMALIZE  
THE SITUATION.'"

9. WOLA OPPOSES WHAT YOUNGERS CALLED "THE  
SUPPORT THE CIA GIVES TO THE SIN (NATIONAL  
INTELLIGENCE SERVICE) ... A FORCE IS BEING HELPED  
THAT MIGHT BE INVOLVED IN HUMAN RIGHTS VIOLATIONS  
... THERE IS CONCERN IN THE U.S. CONGRESS OVER  
THE FACT THAT (PRESIDENTIAL SECURITY ADVISER)  
VLADIMIRO MONTESINOS HAS DEFENDED DRUG  
TRAFFICKERS AND THIS COULD LINK HIM TO THEM.  
ALSO THE FACT THAT ONE OF PRESIDENT FUJIMORI'S  
PRINCIPAL ADVISERS MIGHT BE INVOLVED IN CASES  
SUCH AS LA CANTUTA AND IN DEATH SQUADS."

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COUNTER-NARCOTICS POLICY  
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10. "ALL INDICATIONS ARE THAT (U.S. COUNTER-NARCOTICS) POLICY TOWARD ANDEAN COUNTRIES WILL CONTINUE TO HAVE A BASICALLY REPRESSIVE FOCUS, ONE OF POLICING AND NOT OF CROP SUBSTITUTION AND ALTERNATIVE DEVELOPMENT," YOUNGERS TOLD "LA REPUBLICA." SHE ADDED THAT COUNTER-NARCOTICS POLICY "IS NOT ON CLINTON'S AGENDA."

MEETING WITH CHARGE  
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11. YOUNGERS CALLED ON CHARGE AND RECEIVED AN EMBASSY BRIEFING JULY 16 FROM ACTING DCM, AID DIRECTOR AND POLOFF. YOUNGERS SAID SHE HAD ONLY SOUGHT THREE MEETINGS WITH GOP OFFICIALS. HER APPOINTMENT WITH JUSTICE MINISTER VEGA HAD BEEN CANCELLED BECAUSE VEGA ACCOMPANIED FUJIMORI TO THE IBERO-AMERICAN SUMMIT. SHE HAD MET WITH ATTORNEY GENERAL BLANCA NELIDA COLAN AND ASSISTANT ATTORNEY GENERAL FOR HUMAN RIGHTS CLODOMIRO CHAVEZ. YOUNGERS DESCRIBED HER MEETING WITH COLAN AS TENSE, NOTING THAT COLAN HAD DONE MOST OF THE TALKING. WHEN YOUNGERS HAD TRIED TO ASK HER QUESTIONS ABOUT SPECIFIC HUMAN RIGHTS CASES, SHE SAID THAT COLAN SNAPPED THAT YOUNGERS HAD COME TO INTERROGATE HER AND SHE WOULD NOT STAND FOR THAT. CHARGE EXPLAINED THAT COLAN HAD BEEN UNDER PRESSURE RECENTLY, PARTICULARLY OVER  
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THE HUMAN REMAINS DISCOVERED NEAR LIMA, AND THAT COULD BE WHY THE ATTORNEY GENERAL, WHO IS USUALLY VERY HELPFUL, MAY HAVE BEEN TESTY.

12. CHARGE AND EMBOFFS PROVIDED YOUNGERS WITH AN OVERVIEW OF BILATERAL RELATIONS. CHARGE NOTED THAT THE REDUCTION IN DISAPPEARANCES AND EXTRAJUDICIAL EXECUTIONS IS WELCOME NEWS, BUT THAT EVEN ONE IS STILL TOO MANY. BEYOND THAT, WE REMAIN CONCERNED ABOUT THE QUALITY OF THE

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JUDICIAL PROCEDURES USED FOR THOSE CHARGED UNDER ANTI-TERRORISM LAWS; IT APPEARS THAT THEY DO NOT HAVE PROPER OPPORTUNITIES FOR DEFENSE. CHARGE NOTED THAT WE HAVE OFFERED TO BRING A PANEL OF DISTINGUISHED JURISTS TO PERU TO EXAMINE THE

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AMEMBASSY BOGOTA  
AMEMBASSY CARACAS  
AMEMBASSY LA PAZ  
AMEMBASSY MONTEVIDEO  
AMEMBASSY QUITO  
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SITUATION AND MAKE RECOMMENDATIONS, PARTICULARLY WITH REGARD TO THE OPERATION OF "FACELESS" MILITARY TRIBUNALS. THE GOP'S FIRST REACTION TO THE PROPOSAL HAS BEEN POSITIVE, HE SAID.

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13. CHARGE AGREED WITH YOUNGERS THAT THE ISSUE OF IMPUNITY FOR HUMAN RIGHTS TRANSGRESSORS NEEDS

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TO BE ADDRESSED. WE CANNOT ASK THAT EVERY HUMAN RIGHTS VIOLATOR SINCE THE BEGINNING OF THE WAR BE PUNISHED; RATHER, WE WOULD LIKE TO SEE SANCTIONS APPLIED IN CERTAIN MODEL CASES. IF THE GOP ACTS AGAINST THOSE RESPONSIBLE FOR THESE ABUSES IT WILL SEND A MESSAGE TO ALL THAT SUCH ACTIVITIES WILL NOT BE TOLERATED.

14. YOUNGERS STATED WOLA'S OPPOSITION TO THE DISBURSEMENT OF ASSISTANCE RELATED TO THE SECOND PHASE OF AID'S ADMINISTRATION OF JUSTICE PROGRAM UNTIL THE JUDICIAL BRANCH SHOWS SOME INDEPENDENCE AND ANTI-TERRORISM LAWS ARE MODIFIED. SPECIFICALLY, WOLA WOULD LIKE TO SEE A REPEAL OF THE DECREE LAW THAT PROHIBITS LAWYERS FROM CONCURRENTLY DEFENDING MORE THAN ONE TERRORISM CASE AND A RETURN TO HABEAS CORPUS. IN ADDITION, WOLA IS CONCERNED ABOUT POLITICIZATION OF APPOINTMENTS TO THE JUDICIAL SYSTEM BECAUSE, ACCORDING TO YOUNGERS, THE HONOR TRIBUNAL THAT IS REVIEWING AND REMAKING THE PERSONNEL SYSTEM MAY BE TOO BEHOLDEN TO THE PRO-GOVERNMENT MAJORITY IN CONGRESS.

15. BEFORE LEAVING, YOUNGERS ASKED THE EMBASSY TO LOOK INTO TWO SPECIFIC HUMAN RIGHTS CASES: ONE IN WHICH AN INDIVIDUAL PREVIOUSLY CLEARED OF CHARGES WAS ARRESTED RECENTLY AT THE AIRPORT ON APPARENTLY THE SAME WARRANT, AND ONE A RECENT

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DISAPPEARANCE CASE. POLOFF PROMISED TO SEEK  
MORE INFORMATION ABOUT THE CASES.  
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