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CONTROLS

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TEXT

TAGS: PHUM, PREL, PE
COMBINE: COMPLETE

SUBJECT: AMBASSADOR MEETS LOCAL AMNESTY INTERNATIONAL LEADERS

REF: LIMA 1357

1. (U) CLASSIFIED BY AMBASSADOR DENNIS C. JETT, EMBASSY LIMA.
REASON: 1.5 (D)

2. (C) SUMMARY. PERU'S AMNESTY INTERNATIONAL (AI) REPRESENTATIVE, HANS LANDHOLT, HAS RECENTLY CRITICIZED UNITED STATES HUMAN RIGHTS POLICIES AND PRACTICES, USING AS HIS BASIS AI'S "RIGHTS FOR ALL" REPORT ON THE U.S. AND ITS DOCUMENT ON THE TREATMENT OF FEMALE PRISONERS IN THE U.S. PERHAPS BY DESIGN, LANDHOLT'S PUBLIC CRITICISMS HAVE BENEFITTED FROM THE FACT THAT THE

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DEPARTMENT OF STATE'S 1998 HUMAN RIGHTS REPORT ON PERU HAD JUST GRABBED THE HEADLINES AND FIRMLY PLACED THE TOPIC OF HUMAN RIGHTS IN THE PUBLIC'S MIND (REFTEL). AT A MEETING REQUESTED BY AI, AMBASSADOR JETT DEFENDED U.S. POLICIES AND EXPLAINED SOME OF THE UNDERLYING CONSTITUTIONAL LIMITATIONS AND HISTORICAL AND SOCIAL CAUSES. LANDHOLT WARNED THAT HE WOULD CONTINUE TO BE PUBLICLY CRITICAL OF THE UNITED STATES DURING THE COMING MONTHS. AI'S USE OF THE PUBLICITY GENERATED BY THE USHR REPORT AS A SPRINGBOARD FOR ITS OWN AGENDA IS AN UNFORTUNATE STRATEGY THAT WILL GENERATE INVIDIOUS COMPARISONS AND WILL DIVERT THE FOCUS OF ATTENTION FROM THE REAL ISSUES RAISED IN OUR REPORT ON PERU. END SUMMARY.

3. (U) ON MARCH 10, AMBASSADOR JETT MET WITH PERU'S AI REPRESENTATIVE, HANS LANDHOLT, AND TWO OTHER AI OFFICIALS, SERGIO MEZA AND AUGUSTO ZUNIGA (A WELL-KNOWN HUMAN RIGHTS LAWYER WHOSE ARM WAS BLOWN OFF IN CONNECTION WITH HIS WORK ON THE CASE OF ERNESTO RAFAEL CASTILLO PAEZ). DURING THE MEETING AI REPRESENTATIVES PRAISED THE UNITED STATES FOR ITS ROLE IN FORMULATING MANY OF WHAT ARE NOW INTERNATIONALLY ACCEPTED HUMAN RIGHTS NORMS AND STANDARDS. LANDHOLT CAUTIONED, HOWEVER, ABOUT THE CONFUSION CREATED WHEN THE U.S. REFRAINS FROM ADOPTING SUCH INSTRUMENTS AS THE U.N. CONVENTION ON THE RIGHTS OF THE CHILD, THE CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW), AND THE INTER-AMERICAN CONVENTION ON HUMAN RIGHTS (IACHR). THE AMBASSADOR EXPLAINED THAT THE PARTICULAR NATURE OF U.S. FEDERAL/STATE STRUCTURE, AND THE CONSTITUTIONAL PROTECTIONS GRANTED TO INDIVIDUAL STATES, OFTEN MAKE IT DIFFICULT FOR THE UNITED STATES TO BECOME A SIGNATORY TO TREATIES OR FOR THE SENATE TO RATIFY THEM.

4. (U) IN DISCUSSING THE CONTINUED EXISTENCE OF THE DEATH PENALTY IN THE U.S., AI REPRESENTATIVES EMPHASIZED THAT IT VIOLATED THE MOST FUNDAMENTAL HUMAN RIGHT OF ALL--THE RIGHT TO LIFE. AMBASSADOR EXPLAINED THAT THE DEATH PENALTY IS THE SUBJECT OF VIGOROUS PUBLIC DEBATE IN THE UNITED STATES, BUT THAT IT IS SUPPORTED BY MANY AMERICANS AND IS THEREFORE LEGAL IN A NUMBER OF STATES. BECAUSE STATE LAWS ARE INVOLVED, THERE IS A LIMIT TO WHAT THE FEDERAL GOVERNMENT CAN DO. AI REPLIED THAT THE FEDERAL GOVERNMENT COULD AND SHOULD TAKE A MORE ACTIVE ROLE IN CHANGING PUBLIC OPINION TO MAKE CAPITAL PUNISHMENT UNACCEPTABLE. AI ALSO COMPLAINED ABOUT THE GREATER NUMBER OF BLACKS WHO ARE SENTENCED TO DEATH IN THE U.S. IN COMPARISON WITH THE NUMBER OF WHITES. THE AMBASSADOR ACKNOWLEDGED THE DISPARITY, NOTED THAT THIS WAS NOT JUST AN ISSUE OF RACE BUT ALSO OF POVERTY AND INCOME DISTRIBUTION.

5. (U) THE AI REPRESENTATIVES THEN RAISED THE ISSUE OF ASYLUM SEEKERS WHO, THEY CLAIM, ARE MISTREATED AND IMPRISONED WITH COMMON CRIMINALS UPON THEIR ARRIVAL IN THE UNITED STATES. THESE INDIVIDUALS, THEY STATED, ARE ESCAPING A LIFE OF PERSECUTION AND SHOULD NOT BE TREATED LIKE CRIMINALS; THEY SHOULD BE GIVEN PROMPT HEARINGS AND SHOULD NOT BE RETURNED TO THEIR COUNTRIES OF ORIGIN. AMBASSADOR EXPLAINED THAT BECAUSE THE U.S. HAS ONE OF THE MOST GENEROUS IMMIGRATION POLICIES IT RECEIVES SIGNIFICANT NUMBERS OF WOULD-BE-IMMIGRANTS, MANY OF WHOM ARE SIMPLY SEEKING ECONOMIC OPPORTUNITIES. THE ONLY WAY TO MAKE A DETERMINATION OF POLITICAL PERSECUTION IS TO HAVE A FULL, MEANINGFUL HEARING WHICH, DUE TO THE NUMBER OF CLAIMANTS, TAKES TIME. UNTIL A REVIEW OF THEIR CASE CAN

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BE CARRIED OUT, PETITIONERS MUST REMAIN IN CUSTODY TO ENSURE THAT THEY DO NOT DISAPPEAR INTO THE MAINSTREAM POPULATION. THESE ASYLUM SEEKERS HAVE ARRIVED IN THE UNITED STATES WITH FALSE OR NO DOCUMENTATION, AND IN SO DOING, HAVE COMMITTED A CRIME. NEVERTHELESS, THE U.S. CONTINUES TO SPEED UP THE HEARINGS WHILE MAINTAINING A MEANINGFUL PROCESS.

6. (U) ON THE ISSUE OF PRISON CONDITIONS, AI HIGHLIGHTED THE POINTS MADE IN THEIR REPORT HAVING TO DO WITH SEXUAL EXPLOITATION OF FEMALE PRISONERS AND THE USE OF ELECTRICALLY-CHARGED "STUN" BELTS ON PRISONERS. IN RESPONSE TO THEIR PLEA FOR MORE EFFECTIVE SUPERVISION OF POLICE OFFICERS AND PRISON GUARDS, THE AMBASSADOR STATED THAT WHAT IS MOST IMPORTANT IS TO HAVE MECHANISMS AND INSTITUTIONS IN PLACE THAT CAN MONITOR THE BEHAVIOR OF LAW ENFORCEMENT OFFICERS AND CAN TAKE CORRECTIVE ACTION WHEN NECESSARY. HE NOTED THAT THE PUBLICITY GIVEN TO SEVERAL CASES HAD IN MOST CASES BEEN GENERATED BY STATE AND FEDERAL SCRUTINY OF THESE PRACTICES.

7. (C) FINALLY, THE AI REPRESENTATIVES REFERRED TO THE SALE OR TRANSFER OF ARMS TO OFFICIAL ENTITIES WHO SUBSEQUENTLY USE THEM IRRESPONSIBLY AGAINST HELPLESS POPULATIONS. IN THIS REGARD, THE AMBASSADOR POINTED TO THE U.S. GOVERNMENT'S LIST OF COUNTRIES WHO HAVE BEEN DETERMINED TO ABUSE HUMAN RIGHTS AND WHO ARE BANNED FROM RECEIVING ARMS OR OTHER U.S. ASSISTANCE. HE ALSO NOTED EMBASSY LIMA'S EFFORTS TO ENSURE THAT NO MEMBERS OF PERUVIAN SECURITY FORCES ARE SENT FOR TRAINING IN THE U.S. IF THEY HAVE A RECORD OF HUMAN RIGHTS VIOLATIONS.

8. (C) COMMENT: HANS LANDHOLT WARNED THAT AI INTENDS TO CONTINUE ITS PUBLIC CRITICISMS OF THE UNITED STATES FOR ITS ALLEGED PARTICIPATION IN H
TO BENEFIT FROM THE PUBLICITY GENERATED BY THE U.S. HUMAN RIGHTS REPORT IS UNFORTUNATE PARTICULARLY HERE IN LIMA. IT DIVERTS ATTENTION FROM A DISCUSSION OF PERU'S HUMAN RIGHTS PROBLEMS AND PROVIDES THE GOP AN OPPORTUNITY TO MAKE INVIDIOUS COMPARISONS AND TO QUESTION THE U.S.' MORAL AUTHORITY TO REPORT ON THE HUMAN RIGHTS RECORD OF ANOTHER COUNTRY. IRONICALLY, IT THEREBY UNDERMINES THE VERY EFFORTS THAT AMNESTY INTERNATIONAL CLAIMS TO SUPPORT--THE ELIMINATION OF HUMAN RIGHTS VIOLATIONS THROUGHOUT THE WORLD.
JETT

ADMIN
END OF MESSAGE

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