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Congress of the United States: ... 108-0209
Washington, DC 20515

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The Honorable George Bush
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

DIS/IA/CC

We are writing to express our concern about the egregious human rights conditions in Peru and to urge you to recognize the pattern of gross violations of internationally recognized human rights by the Peruvian military and police forces in considering whether to provide military aid.

Although we are supportive of President Alberto Fujimori, and are sympathetic to his government's struggle against the violent and ruthless Shining Path guerrillas, we are concerned that the police and military are holding themselves above both civilian rule and the rule of the law. It is the importance that we attach to human rights and to civilian control over all parts of the government that prompts us to write this letter.

As you know, the United States and Peruvian governments signed an anti-narcotics agreement in May, 1991. This agreement provides for increased U.S. aid and training for Peru's police and armed forces for anti-narcotics and related counterinsurgency efforts. The State Department intends to provide \$34.9 million in such aid to Peru during FY '91, and has requested an additional \$39.9 million in aid for FY '92.

Before additional assistance can be delivered, however, a determination must be made that Peru has met the human rights standards set forth in the International Narcotics Control Act of 1990. Pursuant to this law, U.S. security assistance can be provided only if: (1) Peru's military and police forces are not engaged in a "consistent pattern of gross violations of internationally recognized human rights"; and (2) the civilian government has "effective control over police and military operations related to anti-narcotics and counterinsurgency activities."

We believe that the Peruvian military and police forces have prohibited the Fujimori government from meeting these conditions. For the fourth year in a row, the United Nations' Commission on Human Rights has received more reports of "disappearances" following detention by security forces in Peru than from any other country in the world... Last year alone, nearly 3,400 Peruvians died as the result of political violence -- almost equally divided between the Shining Path guerrillas and Peruvian security forces --

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and over 300 were reported missing or disappeared after forcible detention by security forces. According to the most recent State Department human rights report, in 1990 there was an overall rise in political deaths and summary executions in Peru.

Recently, the legal impunity of the army and the police force has been reinforced. Limits on habeas corpus have been decreed which reduce judicial authority in human rights cases and severely limit the legal recourse of individuals seeking justice for relatives who have disappeared or been imprisoned. A presidential decree has been issued mandating that all cases against security personnel operating in security zones be tried in military courts.

According to human rights groups, no military officer has ever been convicted of a human rights violation in Peru.

During the past year, the number of provinces deemed "emergency zones" has been expanded to include over 40 percent of the national territory and over 56 percent of the Peruvian population. In these zones, where civilian authority is subordinated to military control, human rights abuses are most concentrated.

In addition, the Narcotics Control Act states that Peru must make significant progress in permitting "unimpeded investigation of alleged violations of internationally recognized human rights, including access to places of detention by appropriate international organizations." Yet, international organizations are typically denied access into these emergency zones and have in no cases that we know of been permitted access to military barracks, where torture is reportedly commonplace.

Moreover, human rights activists and organizations have themselves become the target of violent attacks. Dr. Angel Escobar, a prominent human rights lawyer, disappeared last year, and a letter bomb attack against another highly-respected human rights lawyer, Augusto Zunigo, severed his forearm. In addition, the offices of the Andean Commission of Jurists, Amnesty International, and the Red Cross have been attacked.

Human rights violations committed by police and military forces in their counterinsurgency efforts against the Shining Path guerrillas are well-documented. The 1990 State Department human rights report notes "widespread credible reports of summary executions, arbitrary detentions, torture and rape by the military."

Just last month, a Peruvian television channel filmed policemen shoving two brothers into the trunk of their car. They were later found dead of multiple gunshots fired at close range. This blatant police brutality -- an anomaly only because it was

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captured on camera -- caused a national outcry.

Such unrestrained violence reflects the clear inability of the civilian government to control the military and police forces. Although the Shining Path guerrillas also have been responsible for gross and inexcusable abuses in their effort to undermine President Fujimori's democratic government, their abuses do not excuse security forces from their obligation to operate within the jurisdictions of Peruvian and international laws.

We believe that additional U.S. aid to the Peruvian security forces has the great potential for misuse.

Increasing aid to Peru's police and armed forces would send a signal that the United States is willing to tolerate their dismal human rights record. Such a signal would clearly diminish efforts designed to encourage the military and police to use self-restraint and would reduce the incentive of President Fujimori's civilian government to insist on accountability from the armed forces. These security forces must firmly demonstrate a commitment to holding those responsible for disappearances, torture, and extrajudicial executions and to ending the impunity with which those crimes are committed before they receive more military aid.

If the Andean Drug Initiative is to be effective, it must promote respect for human rights, democratic institutions, and political stability. At this point, additional funding for Peru's police and armed forces pursuant to the anti-narcotics effort would only undercut our long-term goal of preserving civilian control over Peru's fragile democracy and troubled economy.

Holding Peru's security forces accountable for their deplorable human rights record is consistent with the Administration's stated goal of improving human rights conditions throughout the world. We strongly encourage you to recognize that Peru has not met the requirements of the Narcotics Control Act. Before further military aid is provided to Peru, it must demonstrate its respect for fundamental human rights.

Sincerely,

Edward M. Kennedy

Ted Weiss

Alan Cranston

Sam Gejdenson

Christopher Dodd

Howard Berman

SENT BY:

: 7-23-81 : 6:43PM :

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