



United States Department of State

Washington, D.C. 20520

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COMMITTEE ON FOREIGN AFFAIRS
91 JUL 30 PM 3:02

JUL 30 1991

Dear Mr. Chairman:

Pursuant to the authority vested in him by Section 4(a) of the Foreign Assistance Act of 1961, as amended, and Presidential Determination No. 91-20, the Acting Secretary of State has determined that the criteria specified in Section 4(a) of the Act have been satisfied with respect to Peru.

Copies of the determination and of the justification therefore are enclosed.

We take seriously the congressional concerns embodied in the Act. The standards are strong and uncompromising. We, too, insist on conditions of U.S. assistance, including that the Government of Peru continue to make steady, concrete progress in these areas, particularly human rights. The decision to make a determination was not an easy one. We have continued, strong concerns about human rights abuses in Peru.

In making this determination, we believe President Fujimori and his government are honestly committed to pursuing both effective counter-narcotics and effective human rights policies, and we believe U.S. assistance can help his government make further progress in both these areas. We will use our assistance in close cooperation with Congress over the next year to meet those important goals established in the INCA.

Sincerely,

Janet G. Mullins
Assistant Secretary
Legislative Affairs

Enclosures:

1. Determination
2. Justification

The Honorable
Dante B. Fascell,
Chairman,
Committee on Foreign Affairs,
House of Representatives.

**Determination Under Section 4(a) of the
International Narcotics Control Act of 1990**

Pursuant to the authority vested in me by Section 4(a) of the International Narcotics Control Act of 1990 and Presidential Determination No. 91-20, dated January 25, 1991, I hereby determine the following:

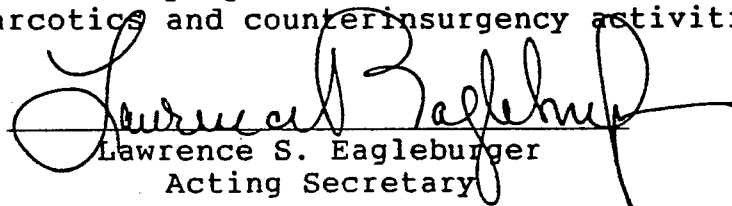
(1) Peru is implementing programs to reduce the flow of cocaine to the United States in accordance with a bilateral or multilateral agreement, to which the United States is a party, that contains specific, quantitative and qualitative performance criteria with respect to those programs;

(2) the armed forces and law enforcement agencies of Peru are not engaged in a consistent pattern of gross violations of internationally recognized human rights, and the Government of Peru has made significant progress in protecting internationally recognized human rights, particularly in:

(A) ensuring that torture, cruel, inhuman, or degrading treatment or punishment, incommunicado detention or detention without charges and trial, disappearances, and other flagrant denials of the right to life, liberty or security of the person are not practiced; and

(B) permitting an unimpeded investigation of alleged violations of internationally recognized human rights, including providing access to places of detention, by appropriate international organizations (including nongovernmental organizations such as the International Committee of the Red Cross) or groups acting under the authority of the United Nations or the Organization of American States; and

(3) the Government of Peru has effective control over police and military operations related to counter-narcotics and counterinsurgency activities.


Lawrence S. Eagleburger
Acting Secretary

International Narcotics Control Act of 1990
Justification for Determination

Peru

Section 4(a)1. The Government of Peru (GOP) is implementing programs to reduce the flow of cocaine to the United States in accordance with a bilateral agreement, to which the United States is a party, that contains specific, quantitative and qualitative performance criteria with respect to those programs.

The State Department International Narcotics Matters project agreement signed with the GOP on March 23, 1990, (and reinforced by the law enforcement annex) sets forth specific qualitative and quantitative objectives and milestones for counter-narcotics cooperation.

The overall qualitative objective is to substantially augment the existing counter-narcotics law enforcement operations of the Peruvian National Police in order to overcome the well-entrenched production, refining and transportation of cocaine derivatives.

Since the inauguration of the Fujimori government, these law enforcement efforts have become increasingly more effective, as narcotics was acknowledged by the GOP to be a critical national security issue, intimately tied to democratic stability. Although the GOP fell short on accomplishing some objectives in the bilateral agreement, they exceeded others and, for the first time, made a measurable and psychological impact on trafficker operations.

Long-term infrastructure plans have been implemented, including an increase in the number of trained PNP personnel assigned to the counter-narcotics mission and an increase in the number of PNP helicopter pilots that are qualified to command. Other specific objectives of the bilateral agreement include:

- **Eradication** - Accelerate the pace of manual coca eradication and improve the security and effectiveness of eradication field personnel by airlifting them to illicit coca cultivations whenever feasible.
- **Bilateral Requirements** - Eradicate at least 144,000 square meters of coca seedbeds in the Huallaga Valley in a one-year period following the signing of this project agreement.

-- Accomplishments - The GOP manually eradicated over 233,240 square meters of coca seedbeds, exceeding the bilateral target of 144,000 square meters.

- Interdiction - Expand and intensify the drug interdiction efforts of the Peruvian National Police (PNP) for the purpose of increasing the amount of seized drugs, disrupt drug-trafficking networks; and improve the PNP's effectiveness to interdict drugs being smuggled in vehicles on Peru's principal land routes.

-- Bilateral Requirements - Seize 327 metric tons (mt) of coca leaf, 12 mt of coca paste, 1,600 kilos of coca base, 600 kilos of cocaine HCl, 180 mt of precursor chemicals, dismantle 200 illicit labs, destroy 400 maceration pits, and immobilize 24 clandestine airstrips.

-- Accomplishments - In 1990, police interdiction operations seized or destroyed approximately 8.5 mt of cocaine base and cocaine HCl, destroyed 151 labs, seized 3084 gallons of precursor chemicals, and disabled 19 airstrips.

Since January of this year, GOP police counter-narcotics operations netted over 1,300 kgs of cocaine base, 45 labs, 15,000 gallons of precursor chemicals and eradicated over 66,000 square meters of coca seedbeds. In addition, the first large HCl lab and 250 kgs of cocaine were seized by the police in the Upper Huallaga Valley (UHV).

-- Other Accomplishments under the Agreement - In November 1990, 200 additional police were transferred to counter-narcotics duties in the UHV. The police detachment at the Santa Lucia narcotics base was also reinforced, and checkpoints initiated at key points along major routes.

U.S.-provided counter-narcotics training for the Peruvian National Police has graduated over 465 PNP officers and troops for counter-narcotics operations and security.

Beginning in 1990, the PNP has been qualifying helicopter pilots-in-command to "Peruvianize" the counter-narcotics air wing used to support operations. Thus far, there are five pilots qualified as pilots-in-command.

Several forward-based police interdiction operations were conducted to target labs and airstrips beyond the accepted range of Santa Lucia interdiction operations. There is intelligence to suggest that the traffickers have been forced to substantially change their areas and times of operation as a result.

Section 4(a)(2). The armed forces and law enforcement agencies of Peru are not engaged in a consistent pattern of gross violations of internationally recognized human rights, and the Government of Peru has made significant progress in protecting internationally recognized human rights, particularly in:

- A) Ensuring that torture, cruel, inhuman, or degrading treatment or punishment, incommunicado detention or detention without charges and trial, disappearances, and other flagrant denials of the right to life, liberty, or security of the person are not practiced; and
- (B) permitting an unimpeded investigation of alleged violations of internationally recognized human rights, including providing access to places of detention, by appropriate international organizations (including non-governmental organizations such as the International Committee of the Red Cross) or groups acting under the authority of the United Nations or the Organization of American States.

Neither we nor major human rights groups within Peru believe that the democratically elected government of Peru is engaged in a consistent pattern of gross violations of internationally recognized human rights. While there are clearly serious human rights abuses, the situation does not rise to the level of a consistent pattern. The State Department has reviewed this issue in the context of the 502B human rights report to Congress. The chief causes of these abuses are the terrorist activities of the Sendero Luminoso (SL) Maoist guerrillas and, secondarily, the GOP's difficulty in mounting a disciplined response.

Nevertheless, the GOP generally respects all aspects of human rights in those areas of the country not designated as military-controlled emergency zones (EZs). It is in the emergency zones, where SL carries out an extraordinarily brutal campaign against peasants and security forces alike to induce anarchy, that security forces have at times engaged in practices that include extra-judicial killing and torture,

directly contradicting President Fujimori's stated policy of respecting human rights. Such abuses may reflect spontaneous responses by forces in the field engaged in the struggle against the guerrillas.

Still, in the face of a violent, brutal insurgency, the GOP has taken measures that demonstrate President Fujimori's personal commitment to human rights. In our conversations with Fujimori, it has become increasingly clear that we agree that the protection of human rights is critical to preserving Peru's democratic institutions, currently under attack by violent insurgencies, narcotics trafficking, and severe economic destabilization. It is clear that strengthened democratic institutions are the best hope for improving the human rights situation for all Peruvians.

Much work needs to be done, but there has been progress and important steps have been taken. With one year in office, the new Government of Peru has:

- ✓ -- Granted ICRC access to all police detention facilities nationwide; (done for yrs) could give access to temporary ctr (like colima)
- Identified and will soon announce the appointment of a noted human rights activist to a presidentially-sponsored peace commission;
- Purged security forces implicated in various crimes, including human rights abuses. Of particular note:
 - 7 • A military officer was removed from command and is now being prosecuted in both civil and military courts for suspected complicity in mass murders. (in July, no sigs have been furnished by other)
 - Criminal proceedings are once again moving forward against two army officers accused in the November 1988 killing of journalist Hugo Bustios. (military will cooperate - haven't produced it)
 - ✓ • Police involved in the murder of three Lima medical students have been dismissed and are awaiting criminal trial. Their superiors have also been suspended. (people indicted - in video - closed following and)
 - The dismissal of over 500 police nationwide since January for crimes such as narcotics corruption, assaults, robbery, rape and murder;

- Virtually eliminated paramilitary activity by the security forces;
- Revised the penal code for the first time in 60 years;
- Instituted a program of human rights training, conducted by military officers and human rights activists alike, for all military cadets;
- Incorporated human rights into military officers' training above the cadet level;
- Established an office of human rights within the Joint Chiefs of Staff;
- Invited the OAS's Inter-American Commission on Human Rights (IAHRC) to conduct an on-site visit in October.
- Received international human rights groups such as the World Council of Churches and Amnesty International.

In addition, as a result of Assistant Secretary Schifter's visit to Lima on July 11 and 12, the U.S. Army Judge Advocate General Corps will be working through the U.S. Southern Command with the Peruvian Ministry of Defense and Supreme Military Tribunal to further develop human rights training for military personnel and a Peruvian military code of justice that would specifically prohibit human rights abuses.

Section 4(a)(3). The Government of Peru has effective control over police and military operations related to counter-narcotics and counterinsurgency activities.

Traditionally in Peru, the police have fought narcotics trafficking and the military has fought insurgencies. However, with traffickers and terrorists joined in the UHV, the distinction has blurred. As explained previously, abuses do occur, and corruption caused by easy narcotics money is prevalent. However, while President Fujimori may not be able to prevent irresponsible or corrupt acts in isolated field commands, he can and has removed and disciplined members of the security forces--demonstrating ultimate control.

The GOP has also demonstrated effective control over police and military operations through the implementation of several actions which we consider to be demonstrations of GOP political will and control. For example:

- Air Interdiction: In the face of narco intimidation, the Peruvian Air Force carried out President Fujimori's order to deploy aircraft (Tucanos) at Santa Lucia for flight interdiction operations in January. In the last two months' deployment alone, 47 unscheduled aircraft were forced down, three carrying narcotics. After the Tucano operations began, the purchase price of coca derivatives fell and the exchange rate jumped up dramatically as the supply of narco-dollars became more uncertain.
- Ground Interdiction: On June 20, the Peruvian National Police, following policies set by high civilian authorities, made a major test raid into the important trafficking town of Uchiza, in coordination with the army military zone commander.

In addition, PNP counter-narcotics operations outside of the UHV have picked up, including the destruction of an HCl lab in Ucayali capable of producing several tons monthly. This was the largest such lab ever found in Peru, and the PNP seized 250 kilos of cocaine.
- Corruption: Though corruption exists, the Fujimori government has removed and/or dismissed members of the security forces involved in narcotics trafficking. There have been a few cases, most notably the captain of the navy ship Eten and the army officers of Ramal de Aspuzana, where military personnel have been removed from office because of narcotics corruption. The Eten captain's case is still under investigation and he remains under detention. The army officers at Ramal De Aspuzana, though dismissed from the armed forces, were legally tried and acquitted by civil authorities in the UHV in January 1991. The police major in command of Santa Lucia base was removed in June for corruption and an investigation is underway.
- Cooperation: In order to restore civilian control, the Fujimori government has emphasized that military and police units must work together. Overall, there has been increased cooperation throughout the UHV, but especially at Santa Lucia and with the Peruvian Air Force. Despite longstanding animosities between military and police units, relations between them in the UHV are significantly better than at any time in the past.

These actions indicate that Fujimori can leverage the military in a consistent way, and we have no evidence to indicate that there is a pattern of insubordination that permeates the military in narcotics or insurgency operations. While the military and police have been slow to act at times, we believe this has more to do with the convoluted nature of the Peruvian security forces structure than with a purposeful rejection of GOP authority.