

CONFIDENTIAL
MEMORANDUM

Comments/ clearance

(X1)

August 5, 1991

TO: Ambassador Schifter
THRU: HA - Nancy Ely-Raphel
FROM: HA/BA - Michael Arietti
SUBJECT: Peru: Human rights action plan

See cable attached at footbed
Thank
Michael

We will hold a small staff-level meeting on Wednesday at 10 AM with reps from ARA, INM and AID. We will discuss the action plan and sound out the reps on the possibility of a Peru HR working group. Lt. Col. McAtamney (DOD) is out of town this week. DOJ is moving ahead as indicated below. Progress to date on those areas you have identified for action is as follows:

Military training - The US Army Judge Advocate General (JAG) will work with the Peruvian military to reform the military judicial code and provide human rights training. Col. McAtamney at the Pentagon (IA-SJA) will deliver a 20-page report and action plan to HA and ARA by Tuesday. The plan envisions a follow-up visit to Peru in mid-September by a four-member JAG team, and contains an action plan for human rights and military legal training. It will be open for comment. McAtamney advises that he is putting together military funding and personnel for the program.

Police training - We will discuss FBI training of the Peruvian police with DOJ, but Section 660 of the Act prohibits foreign police training except in certain circumstances. If we need to change or amend existing legislation, we could approach ICITAP in the meantime and inject a human rights element in the training materials, which would reach at least some of the police force. The Embassy has also suggested that FMF be used to support HR training for the police and for the new HR office in the military's joint command staff (JCS).

ICRC access - The Embassy believes that it is important to press the ICRC and Public Ministry to request ICRC access to all police and military terrorist prisoners, citing the apparent approval by high-ranking military officers for this action.

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Judicial training - Judge Alarcon of the US Court of Appeals for the Ninth Circuit in California is fluent in Spanish and has done Amparts in several South American countries. The judicial school in Lima would like to meet once a month instead of once per quarter. US judges could participate in training programs at the school. We will attempt to include this judicial exchange element in AID's AOJ plan, although that plan is not currently scheduled to take effect before the fourth quarter of FY 92 (FYI: AID has asked for additional funding through FY 92 to complete the study of the Peruvian judicial system). The Embassy cites the need for AOJ to focus on adequate legal and penal reforms to improve the terrorist conviction rate; lack of a conspiracy statute and the inadmissibility of circumstantial evidence reduce these rates and encourage confessions obtained through police abuse.

We might be able to activate this initiative earlier if INCA monies are obligated; Amb. Quainton intends to use \$.9 million of INCA (FMF) funds for HR projects. Or we could draw on some of the \$10 million that A/S Aronson will obligate to Peru if he is able to get year-end ESF reprogrammed from the Pakistan account. Amy talked to Judge Alarcon on 8/2 to ask him to begin thinking of program ideas and Spanish-speaking judges who might participate. She sent him our list of judges and some background on the Peruvian legal system. She also explained the desire to present a plan to Congress in September. Although he will be on travel the week of 8/5-8/9, he indicated that he would start thinking about the program. He will also talk to Judge McNamee, who he knows.

Prosecutors - ICITAP recently visited Peru to begin programs for judges, prosecutors and police to coordinate criminal investigations. DOJ has just notified Congress of its intention to obligate an additional \$250 million for FY 91. An ICITAP team will return to Peru in September to continue the training programs. The Embassy has suggested that we use AID and/or ESF money to support the work of the special prosecutor for human rights and his prosecutors (fiscales).

Prisons - We can approach the Bureau of Prisons regarding management and reform of Peruvian prisons, but legislative change is needed to allow the USG to participate in prison reform projects outside a multilateral context. In this regard, DOJ has sponsored language in Section 534 of the Act to permit USG involvement in prison reform, and that language has been approved in both the House and Senate versions of the authorizations bills. Funding will be the next issue.

DRAFTED: HA/BA: M Jacobsen
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