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JOHN J. BRADY, JR.
CHIEF OF STAFF

One Hundred Second Congress

Congress of the United States

Committee on Foreign Affairs

House of Representatives

Washington, DC 20515

September 17, 1991

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JOHN R. SINCLAIR
MINORITY CHIEF OF STAFF

The Honorable Dante B. Fascell
Chairman
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

As you know, just before the August recess, the Congress was notified of the executive branch's intention to provide \$34 million in Foreign Military Financing and \$50 million in Economic Support Funds to Peru. These notifications were accompanied by a congressionally-mandated Presidential determination that Peru had met certain human rights and narcotics control standards. Given the serious questions raised by the determination, and the absence of time to address these questions before the August recess, Congressmen Feighan and Yatron requested that you place a "hold" on these funds until the Congress reconvened. We appreciate your cooperation in honoring that request.

On September 12, the Task Force on International Narcotics Control and the Subcommittees on Human Rights and International Organizations and on Western Hemisphere Affairs held a joint hearing with executive branch and public witnesses to review the issues raised by the determination. During that four-hour hearing, we learned of several potentially positive developments promoting improved human rights in Peru which occurred subsequent to the issuance of the determination. These include the Government of Peru's announced intention to provide access to both Peruvian judicial personnel and International Committee of the Red Cross (ICRC) personnel to military detention centers in Peru, and its announced intention to create a central registry of detainees. If the Government of Peru implements these announced programs, it would constitute a significant, positive development, as well as achieving compliance with conditions which the Government of Peru was required to meet before narcotics-related FMF and ESF for fiscal year 1991 were provided. Developments on narcotics control issues were less promising, with very little positive action of note.

Based on these admittedly mixed, but nonetheless encouraging trends, we are prepared to support conditionally the release of the aforementioned funds. However, we note that the encouraging developments consist mainly of announced intentions and promises, not results. It is imperative that we communicate our intention to insist that the provisions we went to great trouble to enact into law are honored.

The Honorable Dante B. Fascell
September 17, 1991

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We would therefore recommend that you notify the executive branch that we are prepared to release the funds in question under the following conditions:

- (1) That FMF funds are trached in the same manner as ESF funds. We understand that the executive branch has on its own initiative already determined that ESF funds will be trached.
- (2) That the first tranche of both ESF and FMF funds be provided when the ICRC and Peruvian judicial personnel have achieved access to military detention centers. We would also strongly recommend that the first tranche of FMF be devoted to assistance to the Peruvian Air Force, whose need for spare parts and equipment is critical, and whose role in combatting narcotics trafficking enjoys broad support. We would also not object to these funds being provided to the Peruvian Navy and Marines.
- (3) That the second tranche of both ESF and FMF funds be provided when: (a) the Government of Peru has demonstrated control of specified civil airports in preventing drugs from transiting through those airports; and (c) the Government of Peru has made progress in meeting its obligations under the Cartagena summit accord.
- (4) That the third tranche of both ESF and FMF funds be provided when: (a) a central registry for detainees is operational, (b) the police and military forces have carried out joint narcotics control actions; and (c) the Government of Peru has made further progress in meeting its obligations under the Cartagena summit accord, including having ratified the 1988 U.N. Convention.
- (5) That the Congress be notified in writing when the second and third tranches of assistance are released, with an explanation of how the above conditions have been met in each case. We do not request that this constitute notification under the 634A reprogramming procedure.
- (6) That the executive branch agree with these conditions in writing.
- (7) Finally, to the extent financially feasible, that the executive branch give serious consideration to training Peruvian military personnel in the United States instead of sending U.S. trainers to Peru. Both U.S. and Peruvian citizens have serious qualms about the advisability of sending U.S. military advisers to that country. We would be prepared to address legislatively any obstacles to this course of action.

The Honorable Dante B. Fascell
September 17, 1991

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Mr. Chairman, we recognize that this constitutes a lengthy list of conditions. But we would note that most of the conditions recommended above were required by law to have been met before any of the proposed assistance was provided, and are also official executive branch policy. The timetable suggested also recognizes and reflects the reality that some actions may take longer to accomplish than others.

Further, many of us on the Committee and elsewhere in Congress have grave reservations about releasing any of the funds at this time, given the borderline record of Peru thus far on both human rights and drug control issues, and the uncertainty regarding how these funds will actually be used and their relevance to narcotics control. Agreeing to these conditions would ameliorate some of these reservations; doing so in writing would prevent any future misunderstandings. Failure to agree with these conditions could well jeopardize the entire assistance package.

We thank you for your consideration of these recommendations, and hope you will find them worthy of support.

Sincerely yours,



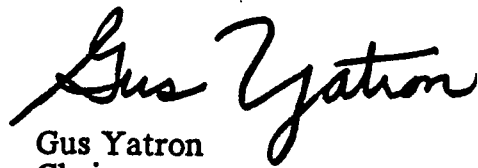
Benjamin A. Gilman
Co-Chairman
Task Force on International
Narcotics Control



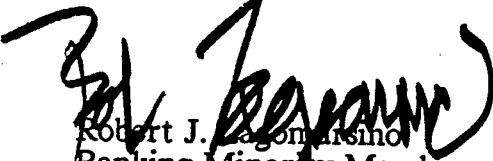
Edward F. Feighan
Chairman
Task Force on International
Narcotics Control



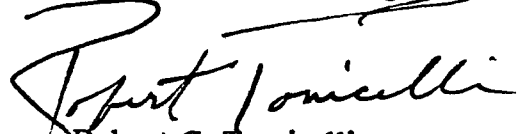
Doug Bereuter
Ranking Minority Member
Subcommittee on Human Rights
and International Organizations



Gus Yatron
Chairman
Subcommittee on Human Rights
and International Organizations



Robert J. Lagomarsino
Ranking Minority Member
Subcommittee on Western
Hemisphere Affairs



Robert G. Torricelli
Chairman
Subcommittee on Western
Hemisphere Affairs

United States Senate

WASHINGTON, D.C. 20510

September 24, 1991

The Honorable Lawrence S. Eagleburger
Acting Secretary of State
Washington, DC 20520

Dear Larry:

In recent years the Administration has requested and the Congress has recommended large increases in foreign aid to combat narcotics in the Andean countries. However, in its report on the fiscal 1991 foreign aid appropriations bill, the Senate Appropriations Committee noted with concern "the Administration's evident intention to continue a growing emphasis on the military component in US counternarcotics efforts in the Andean region." The Committee made particular reference to the Administration's proposal to increase dramatically military aid to Peru, despite reports by reputable human rights organizations of widespread human rights atrocities by Peruvian security forces. The Committee recommended that:

"at a minimum, no military assistance be provided to Peru until the Peruvian Government commits itself to strong measures to bring the military under civilian control and to enforce respect for basic human rights.

Concrete steps the new Peruvian Government should be asked to undertake include (1) accounting for persons detained and disappeared in 1989 and 1990; (2) establishing a registry of all detentions so family members can be notified promptly of the arrest of a relative; (3) granting access to the International Committee of the Red Cross to all places of detention; (4) taking steps to bring to justice military officers responsible for human rights abuses, including the 1988 Cayara massacre; (5) purging from the military those directly involved in past abuses."

More recently, in its February 1991 Human Rights Report on Peru, the State Department concluded that:

"security forces personnel were responsible for widespread and egregious human rights violations. . . . There were widespread credible reports of summary executions, arbitrary detentions, and torture and rape by the military. . . . Credible reports of rape by elements of the security forces in the emergency zones were so numerous that such abuse can be considered a common practice condoned--or at least ignored--by the military leadership."

It was in this context that we placed holds on the Administration's proposal to obligate \$34.9 million in military aid and \$60 million in Economic Support Fund assistance for Peru during this fiscal year. We did not believe that a fair assessment of the human rights situation in Peru could conclude, as US law requires, that the Peruvian Government "has made significant progress in . . . 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." On the contrary, the State Department's report and recent reports of Amnesty International, Americas Watch and Peruvian human rights organizations all indicate that the Peruvian military has engaged and continues to engage in these very abuses with impunity.

We are aware of recent actions by the Fujimori Government to address some of these problems. However, while we welcome these actions it is too early to say what impact they will have. Without concrete proof that the requirements in our law have been met and that military personnel who commit abuses will be promptly brought to justice, we cannot in good conscience agree to the unconditional release of the military assistance funds.

At the same time, we recognize that Peru is facing a severe economic crisis. We understand that the majority of the Economic Support Funds currently on hold will be used to leverage contributions from other donors to enable Peru to obtain urgently needed assistance from the international financial institutions. We believe the United States has a strong interest in helping Peru overcome this economic crisis. We are convinced that without economic development, particularly in the impoverished rural areas where coca is cultivated, no amount of military assistance will win the war against drugs.

We have discussed our concerns personally with President Fujimori and he has assured us of his strong personal commitment to protect human rights. It is in recognition of those assurances, and for the reasons mentioned above, that we remove our holds on the ESF.

With respect to the \$34.9 million in military aid programmed as described in a letter of July 31, 1991 from General Teddy G. Allen, we will agree to the obligation, but not the disbursement, of all except \$10.05 million proposed for the Peruvian Army, the most notorious abuser of human rights among the security forces. These funds for the Army are primarily for counterinsurgency training and weapons. However, at the urging of President Fujimori, we are prepared to agree to the obligation of \$3.7 million of the funds intended for the Army for road building and other construction equipment for civic action programs only.

Our agreement to obligation of the portion of the military assistance funds described above is contingent on the understanding that prior to disbursement of the military assistance, the Administration will inform the appropriate committees of Congress that the following steps have been taken by the Peruvian authorities:

--Arrangements that the military assistance will be provided directly to President Fujimori and made available to the Peruvian military services by him.

--Creation and publication of a central registry of all detainees of any of the Peruvian security forces within three months;

--Access to all places of detention by the International Committee of the Red Cross and Peruvian justice personnel, immediately following arrest;

Failure to publish the central registry of all detainees within three months will be taken into account when we receive notifications for release of any additional military assistance for Peru that may be approved for fiscal 1992.

In addition, our agreement to obligation of the military assistance is contingent on Administration agreement to consultations with Congress prior to disbursement concerning specific actions the Peruvian Government is taking to discipline and prosecute those responsible for the following cases:

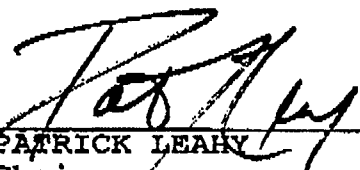
- November 1988 murder of Jugo Bustios
- June 1989 murder of Fernando Mejia Egocheaga
- September 1990 murders of Zacarias Pasca Huamani and Marcelino Valencia Alvaro
- August 1990 massacre at Iquicha, Ayacucho
- September 1990 murders at Vilcashuaman, Ayacucho
- July 1991 massacre at Santa Barbara, Huancavelica
- March 1991 murders at Chuschi, Ayacucho
- June 1991 murders of medical student and two minors.

Further, these consultations should include discussion of actions the Peruvian Government is taking to appoint special prosecutors in each province with a public mandate from the national government and sufficient resources to investigate and prosecute human rights violators.

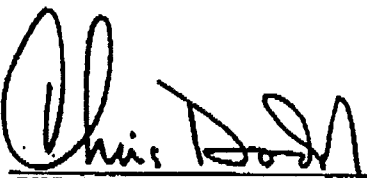
Finally, we would urge the Administration to seriously consider training Peruvian military personnel in the United States rather than sending US trainers to Peru. Both US and Peruvian citizens have serious concerns about sending US military advisers to that country.

Upon receipt of a letter from you entering into the understanding described in this letter, our holds on obligation of the military assistance with the exception of \$10.05 million for the Peruvian Army are removed.

Sincerely,



PATRICK LEAHY
Chairman
Foreign Operations
Subcommittee



CHRIS DODD
Chairman
Western Hemisphere
Subcommittee

09/26/1991 10:14 FOREIGN OPERATIONS

P.02

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Congress of the United States
House of Representatives
Committee on Appropriations
Washington, DC 20515

September 25, 1991

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 TOM DELAY, TEXAS
 JIM KOLBE, ARIZONA
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 BARBARA F. VUCANOVICH, NEVADA
 JIM LIGHTFOOT, IOWA

CLERK AND STAFF DIRECTOR
 FREDERICK G. MOHRMAN
 TELEPHONE:
 (202) 225-2771

Honorable James A. Baker, III
 Secretary of State
 State Department
 Washington, D.C. 20520

Dear Mr. Secretary:

The Committee on Appropriations was notified in early August of your intention to obligate \$50 million in Economic Support Funds, and \$34 million in Foreign Military Financing for Peru. These notifications were preceded by a Presidential determination that Peru had met certain human rights and narcotics control standards.

In its 1991 Human Rights Report on Peru the State Department indicated that, "security forces personnel were responsible for widespread and egregious human rights violations."

Recent reports by reputable human rights organizations have indicated that widespread abuses of human rights continue and that the Peruvian military continues to engage in these abuses with impunity. President Fujimori during his recent visit to Washington indicated his intention to address some of these problems and to implement some specific policy changes.

Specifically, the Government of Peru has agreed to provide immediate access to both Peruvian judicial personnel and the International Committee of the Red Cross (ICRC) personnel to military detention centers. In addition the government announced its intention to create a central registry of detainees.

It is in recognition of President Fujimori's assurances, and the severe economic crisis in Peru that the Committee removes its hold on the \$50 million in economic support funds.

With respect to the \$34 million in Foreign Military Financing the Committee agrees to the obligation but not disbursement of \$27.65 million of these funds. It is the Committee's intention to

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allow obligation of all funds as requested with the exception of the \$13.75 million requested for the Peruvian Army. Of this amount the Committee agrees to the obligation of \$3.7 million for engineering equipment and vehicles for civic action programs, and the obligation of an additional \$3.7 million to train and equip one Peruvian Army battalion.

Obligation of the military assistance funds described above is contingent on the understanding that prior to disbursement of the military assistance, the Administration will inform the appropriate committees of Congress that the following steps have been taken by the Peruvian authorities:

-- Military assistance will be provided directly to President Fujimori and made available to the Peruvian military services by him or through appropriate civilian authorities set up by him for the purpose of overseeing this process;

-- A central registry of all detainees of any of the Peruvian security forces has been created, and

-- Access has been granted to all places of detention for personnel of the International Committee of the Red Cross and for Peruvian judicial personnel immediately following arrest has been granted.

In addition, the agreement to obligation of the military assistance is contingent on Administration agreement to consultations with Congress prior to disbursement concerning specific actions the Peruvian Government is taking to discipline and prosecute those responsible for the following cases:

- May 1988 Cayara Massacre
- November 1988 murder of Jugo Bustios
- June 1989 murder of Fernando Mejia Epocheaga
- September 1990 murders of Zacarias Pasca Huamani and Marcelino Valencia Alvaro
- August 1990 massacre at Santa Barbara, Huancavelica
- September 1990 murders at Vilcashuaman, Ayacucho
- July 1991 massacre at Santa Barbara, Huancavelica
- March 1991 murders at Chuschi, Ayacucho
- June 1991 murders of medical student and two minors.

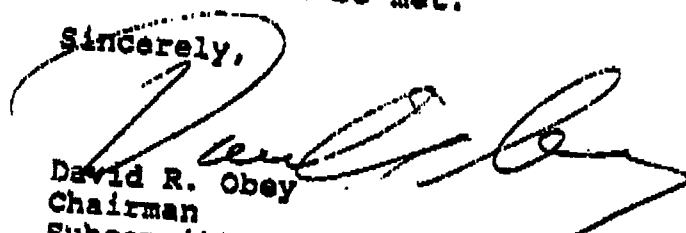
Further, these consultations should include discussion of actions the Peruvian Government is taking to appoint special prosecutors in each province with a public mandate from the national government and sufficient resources to investigate and prosecute human rights violators.

- 3 -

These consultations should include a discussion of the Committee's strong preference that the central registry of detainees be published by January 1, 1992.

Military assistance funds in the amount of \$27.65 million are not to be obligated until the Committee has received confirmation that the conditions in the letter will be met.

Sincerely,



David R. Obey
Chairman
Subcommittee on Foreign Operations,
Export Financing, and Related Programs

United States Senate

WASHINGTON, D.C. 20510

September 24, 1991

The Honorable Lawrence S. Eagleburger
Acting Secretary of State
Washington, DC 20520

Dear Larry:

In recent years the Administration has requested and the Congress has recommended large increases in foreign aid to combat narcotics in the Andean countries. However, in its report on the fiscal 1991 foreign aid appropriations bill, the Senate Appropriations Committee noted with concern "the Administration's evident intention to continue a growing emphasis on the military component in US counternarcotics efforts in the Andean region." The Committee made particular reference to the Administration's proposal to increase dramatically military aid to Peru, despite reports by reputable human rights organizations of widespread human rights atrocities by Peruvian security forces. The Committee recommended that:

"at a minimum, no military assistance be provided to Peru until the Peruvian Government commits itself to strong measures to bring the military under civilian control and to enforce respect for basic human rights.

Concrete steps the new Peruvian Government should be asked to undertake include (1) accounting for persons detained and disappeared in 1989 and 1990; (2) establishing a registry of all detentions so family members can be notified promptly of the arrest of a relative; (3) granting access to the International Committee of the Red Cross to all places of detention; (4) taking steps to bring to justice military officers responsible for human rights abuses, including the 1988 Cayara massacre; (5) purging from the military those directly involved in past abuses."

More recently, in its February 1991 Human Rights Report on Peru, the State Department concluded that:

"security forces personnel were responsible for widespread and egregious human rights violations. . . . There were widespread credible reports of summary executions, arbitrary detentions, and torture and rape by the military. . . . Credible reports of rape by elements of the security forces in the emergency zones were so numerous that such abuse can be considered a common practice condoned--or at least ignored--by the military leadership."

It was in this context that we placed holds on the Administration's proposal to obligate \$34.9 million in military aid and \$60 million in Economic Support Fund assistance for Peru during this fiscal year. We did not believe that a fair assessment of the human rights situation in Peru could conclude, as US law requires, that the Peruvian Government "has made significant progress in . . . 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." On the contrary, the State Department's report and recent reports of Amnesty International, Americas Watch and Peruvian human rights organizations all indicate that the Peruvian military has engaged and continues to engage in these very abuses with impunity.

We are aware of recent actions by the Fujimori Government to address some of these problems. However, while we welcome these actions it is too early to say what impact they will have. Without concrete proof that the requirements in our law have been met and that military personnel who commit abuses will be promptly brought to justice, we cannot in good conscience agree to the unconditional release of the military assistance funds.

At the same time, we recognize that Peru is facing a severe economic crisis. We understand that the majority of the Economic Support Funds currently on hold will be used to leverage contributions from other donors to enable Peru to obtain urgently needed assistance from the international financial institutions. We believe the United States has a strong interest in helping Peru overcome this economic crisis. We are convinced that without economic development, particularly in the impoverished rural areas where coca is cultivated, no amount of military assistance will win the war against drugs.

We have discussed our concerns personally with President Fujimori and he has assured us of his strong personal commitment to protect human rights. It is in recognition of those assurances, and for the reasons mentioned above, that we remove our holds on the ESF.

With respect to the \$34.9 million in military aid programmed as described in a letter of July 31, 1991 from General Teddy G. Allen, we will agree to the obligation, but not the disbursement, of all except \$10.05 million proposed for the Peruvian Army, the most notorious abuser of human rights among the security forces. These funds for the Army are primarily for counterinsurgency training and weapons. However, at the urging of President Fujimori, we are prepared to agree to the obligation of \$3.7 million of the funds intended for the Army for road building and other construction equipment for civic action programs only.

Our agreement to obligation of the portion of the military assistance funds described above is contingent on the understanding that prior to disbursement of the military assistance, the Administration will inform the appropriate committees of Congress that the following steps have been taken by the Peruvian authorities:

--Arrangements that the military assistance will be provided directly to President Fujimori and made available to the Peruvian military services by him.

--Creation and publication of a central registry of all detainees of any of the Peruvian security forces within three months;

--Access to all places of detention by the International Committee of the Red Cross and Peruvian justice personnel, immediately following arrest;

Failure to publish the central registry of all detainees within three months will be taken into account when we receive notifications for release of any additional military assistance for Peru that may be approved for fiscal 1992.

In addition, our agreement to obligation of the military assistance is contingent on Administration agreement to consultations with Congress prior to disbursement concerning specific actions the Peruvian Government is taking to discipline and prosecute those responsible for the following cases:

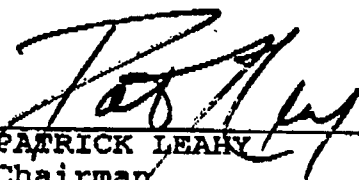
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Further, these consultations should include discussion of actions the Peruvian Government is taking to appoint special prosecutors in each province with a public mandate from the national government and sufficient resources to investigate and prosecute human rights violators.

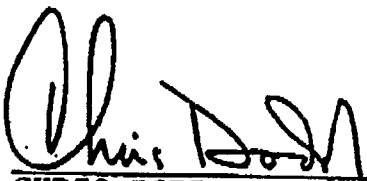
Finally, we would urge the Administration to seriously consider training Peruvian military personnel in the United States rather than sending US trainers to Peru. Both US and Peruvian citizens have serious concerns about sending US military advisers to that country.

Upon receipt of a letter from you entering into the understanding described in this letter, our holds on obligation of the military assistance with the exception of \$10.05 million for the Peruvian Army are removed.

Sincerely,



PATRICK LEAHY
Chairman
Foreign Operations
Subcommittee



CHRIS DODD
Chairman
Western Hemisphere
Subcommittee

DEPARTMENT OF STATE
WASHINGTON

September 27, 1991

Dear Mr. Chairman:

I am replying to your letter and to the letters of Chairmen Obey and Leahy regarding congressional opposition to full funding of the Administration's proposal to reduce the flow of cocaine coming from Peru. The Administration has received three separate proposals and sets of conditions from Congress regarding aid to Peru. I am disappointed that Congress has been unable to address this issue in a unified manner.

We believe that security assistance is essential to an integrated program of alternative development in the Upper Huallaga Valley, the source of sixty percent of the world's coca leaf. Without adequate security, Peruvian and other aid workers, including Americans, are at risk. Nor can essential road-building and civic action operations proceed if workers cannot be protected. If a development infrastructure is not in place, alternative crops cannot become economically viable.

We believe that eliminating major elements of security assistance will seriously damage our counternarcotics program in the Andean region. Moreover, a program of security assistance which included the Army would assist President Fujimori in improving that organization's human rights performance. During his recent visit to Washington, President Fujimori clearly indicated his commitment to proceed with interdiction efforts and to improve Peru's human rights record.

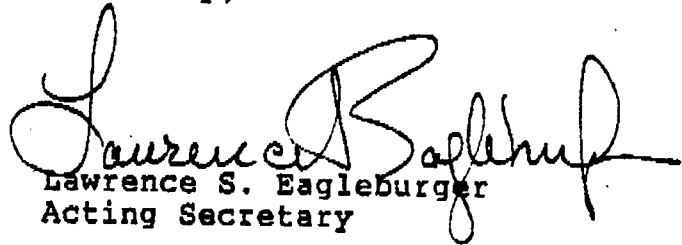
ONDCP Director Martinez and I are extremely concerned that these congressionally imposed conditions may have a detrimental impact on the effectiveness of the program. We are also deeply troubled that the lack of appropriate security assistance may unintentionally endanger the lives of those dedicated individuals involved in our counternarcotics and humanitarian programs.

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

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Nevertheless, the impasse that currently exists between the Administration and Congress must be bridged. The urgency of reducing the flow of cocaine to the United States requires us to begin this program as soon as possible. The Administration therefore reluctantly accepts the congressionally imposed conditions for release of the economic and military assistance as set forth by you and by Chairmen Leahy and Obey. To do otherwise would be an abrogation of responsibility to make every effort to reduce the flow of narcotics into the United States.

Sincerely,



Lawrence S. Eagleburger
Acting Secretary



United States Department of State

Washington, D.C. 20520

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Dear Mr. Chairman:

On September 27, the State Department accepted the congressional conditions on the disbursement of counternarcotics-related assistance to Peru. Since that date, the Government of Peru and its military forces have taken a number of steps to improve their human rights and counternarcotics performance. In cooperation with the Peruvian government, the Administration has also initiated several projects to enhance the capabilities of the public prosecutors and to set up a national registry of detainees.

The House Foreign Affairs Committee required that military assistance for Peru be tranchéd in the same manner as non-project Economic Support Funds. We plan to disburse 40 percent of the FY 1991 FMF to the Government of Peru in recognition of the progress that it has made in meeting the congressional conditions for human rights performance. The remainder of the FMF will be disbursed in second and third tranches only when the Peruvian government has taken additional steps to improve its counternarcotics and human rights performance.

The conditions imposed by the House Foreign Affairs Committee, the Senate Foreign Relations Committee, the House Subcommittee on Foreign Operations, and the Senate Subcommittee on Foreign Operations have been fulfilled in the following manner:

Military Assistance through Civilian Authorities

President Fujimori has given us a firm commitment that the military assistance will be provided directly to the Peruvian military services by him.

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

Access by the ICRC to Military Detention Centers

The International Committee of the Red Cross received permission to visit all military detention facilities on September 28. The ICRC has since been visiting military and police facilities throughout Peru on a regular basis. (The ICRC has thirty-five Swiss delegates in Peru, its largest operation in Latin America.) Between October 28 and December 8, ICRC delegates made 57 visits to 54 military installations, always without hindrance. They also made 96 visits to 66 police stations outside of Lima between September 18 and November 8. The ICRC representative encountered minor difficulties in only one or two cases. All visits were made without prior notification, and prisoners were interviewed privately, in accordance with ICRC guidelines.

Access by Local Prosecutors to Detention Centers

The prosecutors of the Public Ministry, an autonomous entity headed by the Attorney General, have had access by law to military facilities in the emergency zones since September 3. (Prosecutors have always had access to all non-military detention centers in Peru.) As a practical matter, this understaffed and underequipped ministry follows a policy of responding only to specific requests, generally from family members, to investigate identified cases. We know of no case where a prosecutor has sought to visit a military or police facility, and not gained access.

In recognition of the critical role the prosecutors play in investigating human rights abuses, the Agency for International Development (AID), through the International Criminal Investigative Training Assistance Program (ICITAP) of the Department of Justice, is assisting the Ministry as well as the courts and the police in improving investigative techniques. We are providing \$500,000 in FY 91 funds for this project. This program will enable the Public Ministry to play a more active role in the protection of human rights.

National Registry of Detainees

Acting on its own initiative and with its own resources, the Government of Peru has made considerable progress in developing a registry of detainees. There is now in place a system to track military prisoners. The registry in its present form has been in existence since August. Every day, outlying military installations call the Joint Chiefs of Staff in Lima to provide an update on detainees. This information is used to compile a daily, national list of prisoners held in military installations. A delegate from the International

Committee of the Red Cross reviews this list every morning in the office of the Undersecretary for Military Operations in the Ministry of Defense. The ICRC then follows up on specific cases, or double checks the presence of detainees in outlying areas in its unannounced visits to detention facilities.

While the military portion of the list is further along, initial steps have also been taken toward developing a police registry. The ICRC reviews every day the list of detainees at DIRCOTE, the national police anti-terrorism center where most individuals accused of terrorism are incarcerated. The public prosecutors also have access to the list of detainees at this facility. The DIRCOTE list shall be one of the first pieces of information to be entered into the national registry as soon as the Public Ministry, with our help, can get it started.

The compilation of a complete national listing of detainees, including those held by the police for terrorism and other security crimes, will require about six months for an initial start up and about twelve months for full implementation. We are providing \$355,000 to support the development of a national registry of detainees by providing communications equipment and other support to prosecutors and the police. AID is on the verge of signing with the Ministry of the Interior and the Public Ministry a memorandum of understanding covering USG assistance in setting up this national registry. By this summer, AID will provide funding for a central computer within the office of the Special Human Rights prosecutor in Lima to integrate the two separate registries, from the police and from the Ministry of Defense. When the project is completed, all security detainees in Peru will be in a computer data base under the control of the civilian Public Ministry.

Additional computer links will not only aid the establishment of a national registry but also enhance the ability of prosecutors in rural areas to follow up on cases. We will provide a radio communications link for the Ministry in Lima, a computer system to automate all case referrals, and an expanded radio communications network which would connect all the prosecutors in the emergency zones to the Public Ministry in Lima. This would affect roughly 60 provincial prosecutors. Technical assistance for this effort is being provided by ILANUD, the UN's regional Crime Prevention and Criminal Justice Institute, which has broad experience with Latin justice and penal systems. The ILANUD co-director who will collaborate closely on the project is a former Supreme Court Justice from Uruguay.

We believe the Congressional request for publication of the registry will have been met by providing full access to the

list by the ICRC and by the public prosecutors to check on the presence of detainees. Both the ICRC and ILANUD, organizations which have assisted in the creation of human rights registries in other countries, have advised against the printing of the list of detainees in the national media. Widespread distribution of names stigmatizes individuals before trial. Protection of detainees will be assured by placing primary control of the registry in the hands of the Public Ministry, which has statutory authority for prosecuting human rights abuses as well as institutional independence.

While much more must be done to improve respect for human rights in Peru, we believe changes over the last six months have already given practical content to President Fujimori's commitment to human rights. Both the special Human Rights Prosecutor and the Coordinadora for Human Rights have reported a decline in disappearances for the second half of 1991. (Based on statistics provided by the Coordinadora, there was an average of 9 disappearances a month from August-November compared to 36 a month for January-July.)

Specific Human Rights Cases

You also raised with us a number of individual human rights cases. There has been significant progress on two of these cases.

Santa Barbara/Huancavelica Murder

In response to the July 1991 massacre of farmers at Santa Barbara/Huancavelica, a military investigation has brought charges against a lieutenant and five non-commissioned officers. The lieutenant and five non-commissioned officers are variously accused of homicide, theft, and sexual assault, as well as the military crimes of abuse of authority and negligence. The prosecutor is seeking a sentence of fifteen years. When a military court tries criminal cases, normal penal code sentences are applied. There is no maximum three-year sentence in this case as has been alleged by some observers.

Clodomiro Chavez, the Special Prosecutor for Human Rights, has assured us that there was no intimidation of the public prosecutor involved in the case. Reports to the contrary, we are told, are false.

Callao Cases

There have also been indictments in the case of three young men killed in June after security officials were videotaped.

forcing them into a car trunk. There have been three different groups of policemen arrested or sanctioned in this case: those accused of the murders, their direct commanding officers, and those in charge, such as the Callao Chief of Police.

Five policemen now in detention have been dismissed from the police force and have been charged in the civil courts with homicide, crimes against due process, and perjury. In the case of medical student Rodriguez Pighi, there are murder charges pending against three policemen. In the case of the two Paquiyauri brothers, murder charges are pending against two other policemen.

Two of their commanding officers have been charged with homicide, and three others have been charged with perjury. According to the public prosecutor involved in the case, these individuals are only conditionally released and remain under orders to appear before the court. They are normally restricted to their residences or assigned to the police hospital. They are not allowed to leave their residences or the police hospital without the permission of the Director of Personnel for the Police.

The defendants sought to have this case tried in a military court; that request was denied by the Supreme Court. There is now no pending ruling for the Supreme Court to make.


Narcotics Performance

Although there are no specific counter-narcotics conditions attached to the first tranche of military assistance, the Government of Peru is increasing its efforts to disrupt trafficking operations. Peruvian Air Force interceptors, with U.S. radar assistance, have interdicted five narcotics aircraft flying through Peruvian airspace en route to Colombia. There is evidence that these air interdiction efforts have had a deterrent effect on narcotics aircraft traffic as well as a degree of disruption of trafficking activities in Peru and Colombia. The first of several planned raids on major trafficking centers was conducted by the Peruvian national police at Palma Pampa in November. These operations benefitted from Peruvian army logistical support--a trend that we hope will continue. The police also have plans to deny key airstrips to drug traffickers in the Upper Huallaga Valley. Denial of these airstrips is an essential condition for the second tranche of military assistance.

Our counternarcotics assistance to Peru is sorely needed to reduce cocaine shipments to the United States. The Government of Peru has been engaged in interdiction efforts solely with

its own resources. Our first tranche of military assistance will contain civic action equipment to assist in rehabilitating a road with other infrastructure projects, spare parts for the few flyable aircraft (now used in the aerial interdiction effort), and training for the police. This first tranche of FMF will also include ground support equipment for the Peruvian Air Force, helicopter spare parts, and funds for the training and equipping of one marine company.

Sincerely,



Janet G. Mullins
Assistant Secretary
Legislative Affairs