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TAGS: SNAR, PE, PHUM, EAID  
 SUBJECT: SUMMARY OF THE SEPTEMBER 12, 1991 HFAC  
 HEARING TO REVIEW THE PRESIDENTIAL DETERMINATION ON  
 NARCOTICS FOR PERU.  
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1. SUMMARY: A HEARING TO REVIEW THE PRESIDENT'S  
 DETERMINATION ON NARCOTICS FOR PERU WAS HELD BEFORE THE  
 TASK FORCE ON INTERNATIONAL NARCOTICS CONTROL, THE  
 SUBCOMMITTEE ON HUMAN RIGHTS AND INTERNATIONAL

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ORGANIZATIONS AND THE SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS OF THE HOUSE OF REPRESENTATIVES FOREIGN AFFAIRS COMMITTEE, ON SEPTEMBER 12, 1991. MEMBERS IN ATTENDANCE INCLUDED EDWARD FEIGHAN, CHAIRMAN OF THE TASK FORCE FOR INTERNATIONAL NARCOTICS CONTROL, ROBERT G. TORRICELLI, CHAIRMAN OF THE SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS, TED WEISS, HARRY JOHNSTON, DONALD M. PAYNE, PORTER GOSS, DOUG BEREUTER, STEPHEN SOLARZ, BENJAMIN A. GILMAN, JAN MYERS AND ILEANA ROS-LEHTINEN. THE ADMINISTRATION'S WITNESSES WERE INM A/SEC MELVYN LEVITSKY, ARA A/SEC BERNARD ARONSON, HA A/SEC RICHARD SCHLETER, AND STEPHEN GREENE, ACTING DEPUTY ADMINISTRATOR, DEA. CRITICS OF THE ADMINISTRATION'S PERU POLICY THAT TESTIFIED WERE HOLLY BURKHALTER, AMERICA'S WATCH AND JACK BLUME, FORMER SENATE STAFFER OF BCCI FAME.

2. THE HEARING FOCUSED ON THE EFFECTIVENESS OF COUNTERNARCOTICS (CN) PROGRAMS IN PERU. THE HEARING INCLUDED DISCUSSION OF THE FOLLOWING: QUANTITATIVE MEASUREMENTS OF CN SUCCESS; EFFORTS TAKEN BY THE GOVERNMENT OF PERU (GOP) TO ELIMINATE HUMAN RIGHTS VIOLATIONS; THE FAILURE OF THE GOP TO RATIFY THE VIENNA CONVENTION; THE STATUS OF BILATERAL AGREEMENTS ON MONEY LAUNDERING, EXTRADITION AND PRECURSOR CHEMICALS AND THE

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STATUS OF US DOLS 94.9 MILLION IN CN-RELATED ECONOMIC AND MILITARY AID TO PERU. OTHER ISSUES RAISED AT THE SEPTEMBER 12 HEARING INCLUDED THE WISDOM OF REDUCING MILITARY ASSISTANCE TO THE GOP WHILE INCREASING ASSISTANCE FOR JUDICIAL ENHANCEMENT PROGRAMS; IMPLEMENTING AN AERIAL ERADICATION PROGRAM; IMPLEMENTING CROP SUBSTITUTION PROGRAMS; ENHANCEMENT OF PERUVIAN INFRASTRUCTURE; AND JUDICIAL PROCEDURES FOR TRYING PERUVIAN MILITARY OFFICIALS FOR HUMAN RIGHTS VIOLATIONS. END SUMMARY.

3. IN HIS OPENING REMARKS, CONGRESSMAN FEIGHAN MADE IT CLEAR THAT THE HILL WANTED TO KNOW THE BASIS ON WHICH THE ADMINISTRATION HAD MADE ITS DETERMINATION THAT PERU HAD SATISFIED THE COUNTER-NARCOTICS AND HUMAN RIGHTS STANDARDS OF THE INTERNATIONAL NARCOTICS CONTROL ACT.

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(INCA). HE AGREED WITH THE ADMINISTRATION THAT A SUCCESSFUL PERUVIAN PROGRAM WAS THE LINCHPIN TO A SUCCESSFUL ANDEAN PROGRAM.

4. IN SUMMARIZING THE ADMINISTRATION POSITION, A/SEC LEVITSKY CITED THE FOLLOWING AS EVIDENCE OF PROGRAM EFFECTIVENESS OVER THE PAST TWO YEARS: 1) THE PERUVIAN AIR FORCE HAD FORCED DOWN AND INSPECTED OVER 50 AIRCRAFT, LEADING TO LARGE COCA BASE SEIZURES AND A NUMBER OF ARRESTS; 2) ARMY LEADERSHIP IS RESPONDING MORE VIGOROUSLY TO CONTROL CORRUPTION AND CURB ABUSES; 3) THE PERUVIAN NATIONAL POLICE (PNP) ARRESTED 1832 PEOPLE FOR NARCOTICS RELATED OFFENSES, SEIZED OVER 5 METRIC TONS OF COCA BASE, 250 KILOS OF HCL AND DESTROYED 149 LABS; 4) AN UMBRELLA AGREEMENT BETWEEN THE GOP AND THE USG WAS

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SIGNED) AND 5) PRESIDENT FUJIMORI IS STRONGLY COMMITTED TO CN EFFORTS AND WELCOMES USG ASSISTANCE.

5. A/SEC ARONSON NOTED IN HIS REMARKS THAT ON THE ISSUE OF HUMAN RIGHTS MORE PROGRESS HAD BEEN MADE IN THE PAST SIX MONTHS THAN IN THE ENTIRE HISTORY OF PERU. HE STATED THAT U.S. AID WOULD 1) PROVIDE THE GOP WITH

GREATER RESOURCES IN ITS EFFORT TO CONTROL ITS AIRSPACE AND ROADS WITHIN THE HUALLAGA VALLEY; 2) HELP BUILD DEMOCRATIC INSTITUTIONS, ESPECIALLY THE JUDICIAL SYSTEM, TO BETTER PROTECT HUMAN RIGHTS; 3) PROVIDE OPPORTUNITIES FOR COCA GROWERS THROUGH SUPPORT FOR LEGAL CROPS AND; 4) THE LOSS OF REVENUES FROM DRUG TRAFFICKING SHOULD WEAKEN THE GUERRILLAS AS THEY CONFRONT A STRONGER MILITARY AND POLICE PRESENCE. ARONSON STATED THAT PRESIDENT FUJIMORI BEGAN TO CONFRONT THE PROBLEM OF HUMAN RIGHTS ABUSES IMMEDIATELY AFTER HIS INAUGURATION. "IF WE WITHDRAW AID", ARONSON SAID, "THERE WILL BE FEWER RESOURCES TO COMBAT BOTH THE NARCOTICS AND HUMAN RIGHTS PROBLEM, AND BOTH WILL SURELY WORSEN."

6. A/SEC SCHIFTER ALSO STRESSED TO THE COMMITTEE THAT PERU IS TAKING STEPS TO IMPROVE ITS HUMAN RIGHTS RECORD. DURING A RECENT VISIT TO PERU, SCHIFTER SAW CLEAR EVIDENCE THAT ATTITUDES WERE BEGINNING TO CHANGE WITHIN THE PERUVIAN MILITARY AND POLICE.

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7. DEA ACTING DEPUTY ADMINISTRATOR, STEPHEN GREENE, STRESSED THAT NARCOTICS COOPERATION BETWEEN DEA AND PERUVIAN LAW ENFORCEMENT ELEMENTS HAD BEEN GOOD

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THROUGHOUT 1990-1991. HE CITED EVIDENCE THAT PERU'S LAW ENFORCEMENT ELEMENTS ARE COMMITTED TO THE DISMANTLING OF LABORATORIES, THE SEIZURE OF DRUG RELATED ASSETS, AND THE ARREST OF TRAFFICKERS. THE PNP HAD CONSISTENTLY SHARED INTELLIGENCE WITH DEA AND JOINT ARRESTS WERE BEING MADE. GREENE CONCLUDED HIS TESTIMONY BY STATING THAT "DEA SUPPORTS MILITARY AND ECONOMIC ASSISTANCE TO THE GOVERNMENT OF PERU. WITHOUT SUCH ASSISTANCE, THE GOP WILL BE UNABLE TO MEET ITS RESPONSIBILITIES TO CONTROL COCA PRODUCTION, COCAINE TRAFFICKING AND THE EXPANSION OF ALL FACETS OF THE COCAINE TRADE WITHIN PERU. IT WOULD BE COUNTERPRODUCTIVE TO DENY ADDITIONAL ASSISTANCE TO THESE EFFORTS."

8. REP BENJAMIN GILMAN NOTED PERU HAD NOT RATIFIED THE VIENNA CONVENTION AND HAD A "PRETTY POOR" RECORD IN FULFILLING OTHER STEPS IT HAD PLEDGED TO UNDERTAKE AT LAST YEAR'S DRUG SUMMIT IN CARTAGENA, COLOMBIA. THESE STEPS INCLUDE SIGNING EXTRADITION, MONEY LAUNDERING AND PRECURSOR CHEMICAL AGREEMENTS WITH THE U.S. LEVITSKY RESPONDED BY STRESSING THAT THE GOP HAD NOT IGNORED THESE AREAS. PERU HAD SIGNED A PRECURSOR CHEMICALS

AGREEMENT, COMPLETED AN EXCHANGE OF NOTES ON EXTRADITION, AND HAD NEGOTIATED A KERRY AMMENDMENT AGREEMENT. ASSET SEIZURES HAD OCCURRED EVEN THOUGH THE GOP HAD NOT ADOPTED ASSET SEIZURE LEGISLATION.

9. REP STEPHEN SOLARZ POINTED OUT THAT THERE HAD BEEN NO SIGNIFICANT REDUCTION IN THE AMOUNT OF PERUVIAN COCA GROWN IN RECENT YEARS. HE QUESTIONED WHY AERIAL

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ERADICATION PROGRAMS HAD NOT BEEN INTRODUCED AND WHAT WOULD BE THE COST OF PROVIDING 120,000 COCA FARMERS WITH

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AN ALTERNATIVE BIVELIHOOD. ADMINISTRATION REPS ASSERTED THAT PUTTING A FIGURE ON THE COST IGNORED THE REALITIES OF THE SITUATION. LEVITSKY POINTED OUT HOWEVER, THAT THERE WAS AN EXISTING FIVE YEAR STRATEGY TO DEAL WITH THE REDEVELOPMENT ISSUE, AND THAT THE COSTS ASSOCIATED WITH IT WERE INDICATIVE OF THE PROBLEMS WE FACED.

10. REP GOSS WAS NOT AS CRITICAL OF THE PERUVIAN GOVERNMENT. HE STATED THAT FUJIMORI'S PLANS SEEMED ENCOURAGING AND CROP SUBSTITUTION PROGRAMS WERE ESSENTIAL TO GET AT THE SOURCE OF THE PROBLEM.

11. WHEN QUESTIONS AND COMMENTS WERE RAISED BY THE COMMITTEE MEMBERS ON HUMAN RIGHTS VIOLATIONS IN PERU. A/SECS ARONSON AND SCHIFTER DEFENDED FUJIMORI'S COMMITMENT TO REDUCING ABUSES. ARONSON STRESSED THAT SCRAPPING THE AID WOULD NOT IMPROVE THE SITUATION. REP WEISS SAID HE WAS DISTRESSED THAT, IN MAKING THE DETERMINATION, THE ADMINISTRATION WAS IGNORING LAWS PASSED BY CONGRESS, AND ASKED HOW THE ADMINISTRATION COULD HAVE CONCLUDED, PURSUANT TO SECTION 4(A) OF THE INCA, THAT THE PERUVIAN MILITARY AND POLICE ARE NOT ENGAGED IN A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS. REP SOLARZ, STATING THAT, "ONE POL POT IS ENOUGH, WE DON'T NEED ANOTHER", MAINTAINED THAT CONGRESS NEEDED TO LOOK AT THE BIG PICTURE, INCLUDING THE THREAT POSED BY SENDERO LUMINOSO TO THE DEMOCRATIC GOVERNMENT OF PERU, AND THE FACT THAT HUMAN RIGHTS ABUSES ARE NOT ONLY WRONG IN THEMSELVES, BUT ARE COUNTERPRODUCTIVE TO  
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AN EFFECTIVE COUNTERINSURGENCY STRATEGY.

12. ASSISTANT SECRETARY SCHIFTER EMPHASIZED THAT "THE CAUSE OF HUMAN RIGHTS IN PERU WILL UNDOUBTEDLY BE ADVANCED IF WE STAY ENGAGED BY GOING FORWARD WITH OUR ASSISTANCE PROGRAMS." SCHIFTER DESCRIBED HOW MOST OF THE HUMAN RIGHTS ABUSES IN PERU OCCURRED IN THE EMERGENCY ZONES IN THE CONTEXT OF CONFRONTATIONS WITH A BRUTAL INSURGENCY, SUCH THAT THERE WAS NO NATIONWIDE

PATTERN NOR HIGH-LEVEL GOVERNMENT POLICY BEHIND SUCH ABUSES. REMARKING ON HIS TWO RECENT VISITS TO PERU, SCHIFTER NOTED THAT THE PERUVIAN MILITARY IS CLEARLY

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WILLING TO WORK WITH ITS U.S. COUNTERPARTS TO IMPLEMENT HUMAN RIGHTS TRAINING PROGRAMS AND REFORM. SEVERAL RESPECTED PERUVIANS, SUCH AS SENATOR BERNALES AND DIEGO GARCIA-SAYAN HAD TOLD HIM THAT THE MILITARY HAD IN FACT TAKEN A MORE FORTHCOMING ATTITUDE TOWARD THE CIVILIAN SECTOR IN RECENT WEEKS.

13. CRITICS OF THE ECONOMIC AND MILITARY AID PACKAGE THAT TESTIFIED WERE HOLLY BURKHALTER OF AMERICA'S WATCH AND JACK BLUME, FORMER SENATE STAFFER. BURKHALTER STATED THAT THE GOP WAS TELLING US WHAT WE WANTED TO HEAR. SHE ALSO SAID THE PERUVIAN OFFICIALS WERE INTERFERING, NOT ASSISTING IN COUNTER-NARCOTICS EFFORTS. BURKHALTER TESTIFIED THAT HUMAN RIGHTS VIOLATIONS WERE INCREASING IN PERU. BURKHALTER SUGGESTED THAT A LARGE PORTION OF THE MILITARY ASSISTANCE SHOULD BE TRANSFERRED TO JUDICIAL ENHANCEMENT PROGRAMS. BLUME EXPRESSED CONCERNS THAT THE PERUVIANS

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MILITARY IS CORRUPT. "HIGH LEVEL OFFICIALS SELL SECRETS TO NARCOTRAFFICKERS. IS THIS A SIGN OF COOPERATION."  
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