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Monday

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49 package sent 12/23

ARA/AND:A Hall:AH
12/17/91 X73360
ARA/AND:A Patterson

HA:R Schifter, HA:M Jacobsen, INM:A Matano, ARA/PPC:R S Jacobson,
ARA:M Kirk, AID/LAC:N Parker

IMMEDIATE LIMA

E.O. 12356: DECL: OADR

TAGS: PHUM, SNAR, PE

SUBJECT: Hill Briefing on First Tranche FMF Conditions;
Other Human Rights Action

REF: (A) 91 LIMA 16981, (B) 91 LIMA 17075,
(C) 91 STATE 372141, (D) 91 LIMA 17018

AWP
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1. This is an action request. Please see paragraphs 7-10.
2. Summary: A/S for ^{Human Rights and} Humanitarian Affairs Richard Schifter and ARA/AND Office Director Anne Patterson briefed Senate Appropriations Staffer Eric Newsom December 16 on progress in meeting first tranche FMF conditions. It was clear from Newsome that we must have police input into the registry for first tranche conditions to be met.
End Summary

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: JOHN L. MILLS
DATE/CASE ID: 17 APR 2001 200004404

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would not Newsom

2. On December 16 A/S Richard Schifter and ARA/AND Office Director Anne Patterson briefed Senate Appropriations Staffer Eric Newsom on the status of progress in fulfilling the Leahy letter on Peru. Leahy appeared to be satisfied with ICRC access to detention centers and our position on access to the registry, but he balked at use of the military registry alone to fulfill first tranche conditions for establishment of a national registry. He was also apprehensive about progress on the nine human rights cases.

expressed concern that in light of the language used in the Congressional conditions correspondence

3. ICRC Access: Newsom seemed satisfied on the requirement of ICRC access to detention centers. However, he noted that human rights groups were saying that prosecutors had attempted access only 6 or 7 times because they were intimidated. Schifter responded that he had been told that prosecutors' limited use of their access was mainly due to lack of reported detentions and resource constraints.

4. Registry: Newsom was less satisfied with progress on the registry, although he was impressed that we had the military's list physically in hand. He said that human rights groups had told him that while the military had a (short) list, there was no police input to the registry. Patterson pointed out that AID and its contractor would provide the necessary infrastructure to the police within eight months. Newsom was taken aback by the laundry list of infrastructure problems facing police compliance. At the end, he asked that at the very least, police stations with the proper infrastructure be brought on line with the registry now, with the AID project helping the rest later. (See para 26). *(for example Lima)*

5. Access to the registry: Newsom appeared satisfied when told that fiscales and the ICRC would have access to the registry and that families would have access to these groups. He was eager to get the phone numbers of ILANUD to check Patterson's statement that these groups did not favor broad publication.

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Leadership of the

6. A/S Shifter said that the overall situation was marked by a decline in the number of reported disappearance cases and a real commitment by the army and government to comply with these conditions. Newsom stated that prior to the release of the first tranche of FMF, the Congress would expect a letter outlining progress on the conditions. He ~~stated that~~ if the letter was not credible, the Committee would act to restrict aid to Peru in their FY 92 markup scheduled for mid-February.

might think we not overstate purpose for

7. Registry: Based upon our conversation with Newsom, it is our conclusion that we cannot go forward with the disbursement of the first tranche until we obtain police input into the registry. We suggest that the Embassy identify ~~one~~ units with sufficient resources to create at least a rudimentary list of detainees. The police list should also be made available to families through the fiscalia and the ICRC.

or more

8. Funding: Per ref ..., The NAS is authorized to allocate an estimated USD 5,000 to computerize the military registry.

9. Barrios Altos Case: The Department is ready to solicit FBI investigative/forensic assistance for the Barrios Altos case. However, we believe the FBI will be more receptive to providing assistance if it has a detailed proposal from post in hand. Embassy is requested to provide the Department with a more detailed proposal of how the investigation will be handled; specifically, the Embassy's ideas on how the investigation is expected to proceed, (i.e. exhumation, autopsy, ballistic analysis, neighborhood investigation?), and views on the corresponding nature of assistance needed, i.e. an investigator, a pathologist, etc. As soon as ~~that~~ information is received, the Department will engage the FBI. Embassy should keep in mind, however, that such an investigation might present serious security concerns for U.S. investigators working on the ground, and this will have to be taken into consideration in a final investigative plan. Please transmit by front channel cable, as DS channel cables are not received by the desk, HA, or S/CT.

Embassy's commitment

current and past

We also suggest Embassy contact the prosecutors who have been involved in the case to obtain a recidant on any recent developments.

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10. Letterbomb cases: DS/I/CT has offered to assist in providing forensic analysis of the evidence from the two letterbomb cases stands. Several competent facilities in the United States could provide the necessary assistance, including the U.S. Postal Service and the Bureau of Alcohol, Tobacco and Firearms. Regarding the Embassy's request for on-site assistance for these cases, DS believes that as both cases are somewhat aged, it is unlikely that on-site investigations will add substantively to their resolution. However, post is asked to determine whether eyewitness interviews were conducted in either case. If they were not, this should be noted as part of the investigative plan, if necessary to be accomplished on site by USG personnel. Post is asked to provide an investigative plan to the Department by front channel cable.

11. Per reftel D, Department is working with Amnesty, Americas Watch and WOLA to obtain all relevant information on the nine Congressional cases. Results will be cabled to Embassy septel.

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