

99.9 Wednesday, June 30, 1999

For Immediate Release

CONGRESSIONAL HUMAN RIGHTS CAUCUS TODAY DISCUSSES THE BERENSON CASE

Co-chaired by Representatives Tom Lantos (D-CA) and John Edward Porter (R-IL), the Congressional Human Rights Caucus is sponsoring a briefing in the Rayburn House Office Building (Room 2200) of the U.S. Congress on Wednesday, June 30th from 4 to 5:30 p.m. Entitled "Human Rights in Peru: The Lori Berenson Case," the meeting is open to the public. Representative Carolyn Maloney (D-NY) will host the event. Among the speakers will be several members of Congress, representatives from a number of human rights groups, legal experts, members of the religious community who have recently visited Ms. Berenson, as well as members of the Berenson family. Former Attorney General Ramsey Clark will also speak.

Embattled Fujimori Arrives in Washington to Blast his Critics

- o Congress and support groups back U.S. free-lance journalist victimized by Fujimori, who already has served three and a half years of a life sentence.
- o Lori Berenson was tried in military court by hooded judges in violation of the fundamental right to due process.
- o An increasingly unpredictable Fujimori arrives in Washington on the improbable mission of condemning the Inter-American Court of Human Rights for deciding against Lima in a Berenson-related human rights cause célèbre.
- o Letters calling for Berenson's immediate release are signed by what will shortly be the majority of House and Senate members.
- o White House and State Department dabble with the case but do not act decisively.

Under President Fujimori, the Peruvian government has violated some of the most basic elements of international law by the use of secret military tribunals that persistently have denied political prisoners their inalienable right of due process. Lori Berenson, 29, is serving a life sentence for allegedly having conspired against the Peruvian government. Berenson has steadfastly maintained her innocence, and her supporters have generated considerable support in the House and in the Senate for her unequivocal release, with others calling for the application of due process.

Lori Berenson, a 29-year old journalist and former MIT student, has been imprisoned in Peru for the past three and a half years. She is serving a life sentence on charges of terrorism, after having been accused of assisting rebel leaders of the Tupac Amaru Revolutionary Movement (MRTA). Though Berenson steadfastly has maintained her innocence, she was found guilty of "treason" by a hooded military tribunal that prohibited her from presenting a viable legal defense or challenging the evidence against her. Several years later, Fujimori, under universal fire from his critics over his star-chamber trials, released scores of political prisoners who also had been tried, convicted and sentenced by ersatz "judges" with not a day of legal training, and who had registered a 97% conviction rate. He refused, almost tauntingly, to afford comparable relief to Berenson.

Even though he raised the issue several years ago at a White House meeting with Fujimori, President Clinton has demonstrated a regrettable lack of initiative concerning the Berenson case, and Secretary of State Albright even less when it comes to vigorously representing the interests of U.S. nationals abroad. This attitude markedly contrasts with the actions of the U.S. Congress. In 1997, 52 Senators and 175 members of the House of Representatives signed letters to the State Department seeking immediate due process for Berenson. Fujimori's response at the time, which he repeated once again seven weeks ago, was that he would "never" release Berenson nor give her a civilian trial.

White House slow on the draw

The President is obligated under federal law 22 USC 1732 to see to it that any U.S. citizen incarcerated abroad is released by any means necessary—short of full-blown warfare—if their detention appears wrongful. According to the UN Working Group on Arbitrary Detention, Berenson has indeed "been deprived of liberty arbitrarily." Consequently, 40% of the House signed their names to a petition sent to Clinton beseeching him to recognize his presidential duty and exercise his influence to free Berenson. In addition 33 Senators have urged Secretary of State Albright to seek a humanitarian release.

In their letter to the Secretary of State, the Senators cite Berenson's steadily deteriorating health, after more than three and a half years of incarceration at high altitude under harsh and inhumane conditions, as warrant for concern.

For more than eight months of imprisonment, Berenson has had to endure isolation—115 days of solitary confinement—followed by the past four months during which time her contact with other prisoners' was severely limited. Although Berenson had been transferred last year from Yanamayo Prison in Puno, 12,700 feet high in the Andes, to the lower altitude of Socabaya Prison in Arequipa at 7,600 feet in October, her medical ailments have continued unabated. She still suffers from circulatory problems that cause numbness in her hands, recurring throat infections, periodic lack of vision in one eye, and has developed arthritis in her knees and persistent digestive problems.

The major point of contention regarding Berenson's case is that Peruvian authorities have completely ignored even elemental due process. From almost every direction, including the Department of State, the performance of Peru's notoriously tainted judicial system—particularly the reliance it placed on the use of military courts to try civilians—has been criticized, even by Fujimori's own then prime minister, who resigned in protest over the handling of the Berenson case. The record of the President's legal derelictions is not limited to the Berenson case. According to Miguel Jugo, director of Peru's Pro-Human Rights Association, at least 1,000 of the 3,800 people imprisoned on terrorism charges may be completely innocent.

Moreover, the UN High Commissioner on Human Rights told Reuters on June 10 that "the Peruvian government's disregard for international norms in Lori Berenson's case is so egregious ... that it has resulted in the wrongful, arbitrary deprivation of her liberty." The OAS's Inter American Human Rights Court (IAHRC) has decided that Peru breached two international covenants on the matter—the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Fujimori's contempt for democracy has never been far below the surface. He recently rebuffed an IAHRC ruling that prisoners be granted due process. In a case intimately tied to that of Berenson, Fujimori denied a new trial to four Chilean nationals convicted of terrorism by a military court. Key servitors in his government have urged that he withdraw Peru from the Court's jurisdiction after that body found in favor of those defendants.

According to Diego Garcia Sayan, director of the Andean Commission of Jurists, "Fujimori's reaction against the IAHRC verdict is consistent with his government's policy of pulling back from the international community when it comes to human rights. That way he can prevent international pressure on the issue."

Fujimori has just arrived in the United States to speak with his old friend, OAS Secretary General César Gaviria, who can expect a very strong response from the human rights watchdog community if he is foolhardy enough to tamper with the IRHRC's independence.

Eric Bowen

Research Associate

The Council on Hemispheric Affairs, founded in 1975, is an independent, non-partisan and tax-exempt research and information organization. It has been described on the floor of the Senate as being "one of the nation's most respected bodies of scholars and policy makers."