

@INTERNATIONAL EMBARGO: 0001 hrs gmt Thursday 21 November 1991

The following is the text of a letter sent to President Alberto Fujimori of Peru by Amnesty International's Secretary General Ian Martin on Thursday 14 November 1991.

I wrote to you on 24 October 1991 about Amnesty International's urgent concern at the tone and content of your recent remarks on the activities of Peruvian organizations defending and promoting human rights in your country. Amnesty International has been shocked by your condemnation of such groups as colluding with subversives.

In September you told members of the armed forces that human rights defenders were "the legal arm of subversion" and in October you said they were "accomplices of terror". Such people have been among the thousands of victims of extrajudicial execution, "disappearance" and torture perpetrated by government forces in the past decade. That you chose to condemn human rights groups in front of the armed forces therefore heightens our concern for their safety. We fear that condemnation could end in threats and attacks against human rights organizations; and that yet again such violations will be perpetrated with impunity.

Similar comments by you appeared in your article in the Spanish newspaper El País on 24 October during your recent visit to Europe. There you stated that organizations concerned with publicizing Peru's gross human rights record are involved in an international campaign to discredit the Government of Peru and are acting as "agents of terror".

Independent and legitimate organizations in Peru perform a vital role in trying to ensure that the government respects human rights law. Peruvian human rights organizations have consistently documented the systematic human rights violations by the security forces. They have also been vocal in condemning Sendero Luminoso abuses. The authorities over which you preside have often acknowledged the legitimacy and value of their work. The Public Ministry and the Coordinadora Nacional de Derechos Humanos regularly compare information on the numerous "disappearance" cases registered by both organizations. Recently the Armed Forces Joint Command and the Coordinadora met to discuss human rights and agreed to further meetings. As part of your government's initiative to promote a lasting peace in Peru, it has invited the Coordinadora to represent Peruvian human rights organizations on the Peace Council.

These are helpful developments. They show that the authorities do recognize, at least implicitly, how seriously Peruvian organizations are working to end Peru's human rights crisis.

The value of Peru's own human rights defenders to their country cannot

be stressed enough. By their work these activists demonstrate daily that Peruvians themselves are dedicated to protecting the rights of their countrymen.

It is therefore vitally important for Your Excellency to declare support for their work publicly. They need this open encouragement. In particular they need your Presidential guarantee that government forces will do everything possible to protect them and their families from attack.

The government should announce that it will not tolerate threats and attacks of any kind on human rights defenders, no matter who the perpetrators might be. And the government must act instantly and decisively at the first sign that its orders are being disregarded.

Your Excellency, we make these appeals and suggestions because Amnesty International is committed to working for the ending of human rights violations in Peru, as in every other country on earth. We do not single Peru out for attention: our concerns, like our membership, are worldwide.

In our reports on human rights in Peru we have striven to be as objective and impartial as possible.

We have explained in detail what our concerns are and why we have held the government accountable for the human rights violations committed by its armed forces: because it is governments which are responsible under international law for the protection of human rights.

But although our focus has always been on the violations for which the government was accountable, we have consistently expressed our condemnation of the killings and torture of captives by the Movimiento Revolucionaria Túpac Amaru (MRTA) and, in particular, Sendero Luminoso.

We have spelled this out in published reports and in personal correspondence with the authorities.

Yet time and again governments in Peru have tried to shift the focus away from their own culpability and the documented violations by their own forces. They have sought instead to hide behind the atrocities committed by Sendero Luminoso.

We and the international community reject that evasion of responsibility. The terror tactics of armed opposition groups can never justify counter-terror by the forces of law and order.

At your inauguration in July 1990, you yourself stated: "The terrorist violence our fledgling democracy currently faces cannot justify, in any way, the occasional or systematic violation of human rights."

Nobody can ignore the violence of groups like Sendero Luminoso when assessing a country's human rights situation. We have never done so.

At its International Council Meeting in Yokohama, Japan, this September, Amnesty International decided to broaden its policy of condemning the abuses committed by armed opposition groups in the context of internal armed conflict. This decision has been widely welcomed in Peru.

The organization now unequivocally condemns deliberate and arbitrary killings by armed opposition groups, both of defenceless civilians not involved in hostilities and of members of the security forces who have been incapacitated, have surrendered or are detained by such groups.

We base ourselves on international humanitarian law that applies to each party in situations of internal armed conflict. Humanitarian law sets out the standards by which governments and armed opposition groups should respect. The four Geneva Conventions of 1949 establish minimum humane standards in Article 3, common to all four conventions.

Amnesty International condemns the violation by Sendero Luminoso and the MRTA of the terms and spirit of Common Article Three, which explicitly prohibits at any time and in any place whatsoever the killing, mutilation, cruel treatment and torture of "persons taking no active part in the hostilities, including members of the armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detentions or any other cause..."

Tragically, the record shows that government forces engaged in counter-insurgency have also systematically violated these conventions as well as international human rights law for the past nine years.

When you took office just over a year ago you raised hopes by pledging a new era of human rights protection for Peru.

We consider those hopes have not yet been fulfilled, although there have been developments which we welcome.

Since you took office Amnesty International has documented the cases of some 250 people who have "disappeared" or been extrajudicially executed, mostly in the emergency zones. In the vast majority of cases no adequate judicial investigation has brought the perpetrators to justice.

The number of reported "disappearances" has fallen markedly during the past three months. It is too early to draw firm conclusions about this welcome respite - "disappearances" have decreased for short periods since 1983 only to rise again later.

Nevertheless we welcome the decrease and pray that it signals a turning point in the pattern of systematic violations by the armed forces.

The present reduction in the number of "disappearances" follows your government's decision to grant unrestricted access to Public Ministry officials and the International Committee of the Red Cross to all military and police installations in the land.

You also recently issued a directive to the security forces "to respect nationally and internationally recognized human rights" or face severe punishment.

We applaud these initiatives by you.

Our concerns remain however. The new measures do not amount to a fully coordinated strategy to eradicate human rights violations in Peru. In particular we believe that a sense of impunity pervades the armed forces.

It is a deadly and dangerous attitude that gathers strength from the continued failure to bring military perpetrators to justice and convict them.

Military courts retain jurisdiction over military personnel accused of human rights violations. These courts have never been known to have found a member of the military judicially guilty of such crimes even when the civil and military authorities have acknowledged that Peruvians were unlawfully killed.

Amnesty International has seen no evidence at all of a coherent policy to investigate judicially and bring to trial armed services personnel responsible for human rights violations.

Your Excellency, we appeal to you to reconsider your recent condemnation of Peruvian human rights organizations. Announce your support for them unequivocally and put the full prestige of your office behind their work for human rights.

Turn again to the inspiring pledge you made when you took office and have repeated on several occasions. Build on the measures you have already initiated. Make them part of a concerted human rights program by the Peruvian Government to ensure that the decline in "disappearances" of the past three months is sustained.

EMBARGOED FOR 0001 HRS GMT THURSDAY 21 NOVEMBER 1991

Note to Editors: Please contact the International Secretariat Press Office for any further information on this letter or on Amnesty International's human rights concerns in Peru. Under Amnesty International's rules no member may be involved in actions on his or her own country: therefore the Peru Section has played no part in collecting Amnesty International's information on Peru and is not permitted to answer queries on the organization's concerns there.