



*Centro por la Justicia y el Derecho Internacional*

Washington, D.C.  
May 15, 2007

His Excellency Dr. Alan García Pérez  
President  
Republic of Peru  
Palace of Government  
Lima, Perú

Via fax: 511 311 39 13

Dear Mr. President,

On behalf of the Center for Justice and International Law (CEJIL) and the Washington Office on Latin America (WOLA), we are writing to express to you our concern about several aspects of the current human rights situation in Peru.

CEJIL's principle objective is to achieve full implementation of international human rights norms in the member states of the Organization of American States (OAS) through the use of the Inter-American System for the Protection of Human Rights and other international mechanisms. CEJIL fulfills its mandate through provision of free legal assistance, legal training, and advocacy to strengthen the Inter-American System.

WOLA promotes human rights, democracy, and social and economic justice in Latin America and the Caribbean. It promotes dialogue between government and non-governmental actors, analyzes the impact of government policies and programs, and promotes alternatives through the publication of reports, education campaigns, and advocacy.

For more than 15 years, CEJIL and WOLA have worked with people and organizations in Peruvian civil society: both at difficult times, such as during the years of authoritarianism and massive violations of human rights; and during the years of hope that accompanied the return of democracy to Peru after the end of the Alberto Fujimori regime. In light of our work over the years in favor of democracy and respect for fundamental rights in Peru, we would like to express our concerns to you regarding certain actions and omissions on the part of your government in the area of human rights.

Following Peru's return to democracy in 2000, there were important advances made in the protection of human rights, but with insufficient results. The Truth and Reconciliation Commission (CVR) suggested democratic reforms that, had they been fully implemented, would have contributed greatly to ensuring that the violations of human rights that



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characterized the years of violence would not be repeated and democracy would not again be eroded.

Because of this, we believe it is crucial that your government follow the road map provided by the CVR in the area of human rights. We therefore find statements such as those made by Vice President Luis Giampetri that former President Valentín Paniagua “began the persecution of the armed forces by creating the Truth Commission” (*La República*, online edition, March 31, 2007) to be contrary to what is necessary and helpful at this time.

Regarding the reparations for victims agreed to by the CVR, we view the creation of the Council of Reparations and its pluralist membership as an encouraging sign. This suggests one way in which your government might proceed to assure the protection of human rights and guarantee the full implementation of the CVR’s recommendations.

Ending impunity for those who have committed serious human rights violations is an essential part of the fulfillment of the CVR’s recommendations. To move toward that goal, it is necessary that the Executive Branch supply the Public Prosecutor’s Office (Ministerio Público) and the courts with the information required, and that the Executive guarantee the absolute independence and autonomy of the Judicial Branch.

We note with concern the absence of a human rights policy outlining what your government’s priorities will be in this area over its five-year term. This omission becomes even more worrisome when taken into account with the government’s disregard for the National Human Rights Plan for 2006-2010, which was the product of a participatory process and which contains the basic elements for an official human rights policy. We believe your government should make the implementation of the National Human Rights Plan a priority.

Under your government, discussion has begun anew on proposals that caused us great concern in the 1990s, such as Peru’s withdrawal from supervision under the terms of the Inter-American Human Rights Protection System, and the closely-related debate over the application of the death penalty.

On the first issue, and bearing in mind the key role that the Inter-American System has played in the return to democracy in Peru, it is deeply concerning that high officials of your government have expressed their reluctance to see the Peruvian state remain under the supervision of the Inter-American System. This is worrisome enough when considered alone, but is even more so when viewed in light of the still-unaddressed shortcomings pointed out by the CVR. In this context, an eventual withdrawal by Peru from the Inter-American Court could jeopardize the effective protection of fundamental rights and the rule of law. Paradoxically, the debate in Peru comes at a time of greater cooperation by OAS member states with the Inter-American Commission and the Inter-American Court.

On the second issue, we are concerned that, during its early months, your government proposed broadening the applicability of the death penalty. Leaving aside the popular support that such a proposal might arouse, it implies a major step backward in standards of respect for human dignity. Proposals of this nature also disregard international obligations that states have incurred under the Inter-American Human Rights Convention, of which Peru is a signatory. Although we are heartened by the rejection of one of these initiatives by the National Congress, we note with concern that three bills remain before Congress that would broaden the applicability of the death penalty. We are concerned that members of your government have maintained this debate, thus preventing a definitive closure to what would be an unfortunate development in state policy.

Unfortunately, in recent months the climate for debate on human rights issues has deteriorated significantly. We are particularly concerned about statements made by Congressman Mauricio Mulder on February 13 of this year, who accused human rights lawyers of being “naïve and officious collaborators with terrorism,” and statements by Prime Minister Jorge del Castillo on March 10 of the same nature, who referred to human rights defenders as “communists disguised as lawyers” and “useful idiots for *senderismo* [a reference to the Shining Path group].” These accusations recall those which were repeated regularly by agents of the authoritarian Fujimori regime. We consider it fundamentally important that you heed the request made of all states by the Inter-American Commission on Human Rights to give “precise instructions” to all public officials that they “refrain from making statements that stigmatize human rights defenders or that suggest that human rights organizations act improperly or illegally, merely because of engaging in their work to promote and protect human rights,”<sup>1</sup> and “recognize publicly and unequivocally”<sup>2</sup> both the legitimacy of the work carried out by the Peruvian human rights community and that such “defenders are not working against state institutions, but rather, to the contrary, are contributing to the strengthening of the rule of law.”<sup>3</sup>

Our organizations are also concerned about your promulgation of Laws 28875 and 28925, which broaden the jurisdiction and powers of the Peruvian International Cooperation Agency. These laws allow a high degree of government interference in the activities of non-governmental organizations (NGOs) that do not access international funding for their work through the state, which is totally unnecessary in a democracy. The law on NGOs inappropriately restricts freedom of association and expression, according to standards of international human rights law. We encourage your government to rescind these laws immediately.

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<sup>1</sup> Inter-American Commission on Human Rights, *Report on the Situation of Human Rights Defenders in the Americas*, OAS/Ser.L/V/II.124. Doc. 5 rev. 1. March 7, 2006. Recommendation 10.

<sup>2</sup> *Ibid.*, Recommendation 1.

<sup>3</sup> *Ibid.*, Recommendation 2.



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As we have mentioned, the administration you lead faces the challenge of ending the impunity that has prevented resolution of a large part of the human rights violations and acts of corruption committed in decades past. In addition, your government has the challenge of ensuring that all Peru's citizens enjoy the benefits of democracy. Thus, it is crucial to strengthen the national institutional framework in order to promote the vigorous debate and exchange of ideas, citizen oversight of government, and compliance with national and international commitments in the area of human rights.

In conclusion, we urge you and your government to respond favorably to our concerns. Likewise, we would like to affirm our willingness to maintain an open and ongoing dialogue with you and your government on areas of mutual concern.

Yours sincerely,

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