



# EMERGENCY BULLETIN 40

## International Emergency Committee To Defend The Life of Dr Abimael Guzman

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5 November 1993

### 5TH IEC DELEGATION COMPLETES MISSION IN LIMA

From 23-30 November, the 5th IEC Delegation was in Lima demanding to see Dr Abimael Guzman and the other political prisoners, and protesting the crimes of the Fujimori regime. The delegation was a large one and very international, reflecting well the strength of the campaign.

The members of the 5th IEC Delegation were:

- \* Mario Bustamente (Mexico) - Journalist; Trade Union activist; Syndicalist;
- \* Peter Erlinder (US) - Lawyer; President, National Lawyers Guild;  
Professor, William Mitchell College of Law
- \* Haluk Gerger (Turkey) - Founding member, Human Rights Organisation of Turkey;  
Member of Executive Committee of World Federation of UN Associations;  
Professor, international relations; Journalist
- \* Carolyn Hadfield (US) - Member of IEC-Hawaii chapter
- \* Martin Heiming (Germany) - Lawyer for political prisoners
- \* Eduardo Umaña Mendoza (Colombia) - Lawyer; Judge, Permanent Tribunal of the  
Peoples; Member, Council of the World Organization Against Torture;  
Professor, University Externado of Colombia
- \* Maria Gomez Pava (Colombia) -Translator

Upon arriving in Lima, the international lawyers\* with the 5th IEC Delegation, Peter Erlinder and Martin Heiming (along with Eduardo Umaña Mendoza, who recently joined the legal team), presented a formal petition demanding to see Dr Guzman to Alberto Fujimori, to the various government ministries, the Supreme Council and Supreme Court of Military Justice. They set a deadline of 29 October for an answer from the government.

On Thursday, 28 October, Erlinder and Heiming went out to the Naval Base in Callao where the Fujimori regime is holding Dr Abimael Guzman in solitary confinement. At the gates of the Naval Base, they made the demand to the Naval commanders to see their client. The Naval authorities contacted the Supreme Court of Military Justice, where the lawyers were then sent. There the lawyers were told that the Supreme Court of Military Justice would respond to their demand. The press also began calling the lawyers at the hotel, saying they had been told by the Ministry of Defence that the international lawyers were in Lima.

Members of the delegation also met with a number of influential high-placed officials to increase pressure on the Fujimori regime. These included Dr. Soberon, the Director of the Assn for Human Rights; a member of Congress (Mr. Caseras) who headed the government inquiry of the La Cantuta disappearances/murders, and the director of the Int'l Red Cross in Lima. None could give any legal reasons preventing the lawyers from visiting their client, and to various degrees

\* Peter Erlinder and Martin Heiming, are named as representatives by the Lima lawyers who submitted petitions against the Peruvian regime to the Inter-American Commission of Human Rights- IACHR (of the Organization of American States). On 4 October 1993, Peter Erlinder argued these petitions on behalf of the lawyers from Lima at an IACHR hearing in Washington DC. These petitions protested the violations of international and Peruvian law in the cases of Dr Guzman and the other political prisoners. While in Lima, the international lawyers consulted with the Peruvian lawyers who submitted the petitions in their efforts to visit Dr Guzman and the other political prisoners.

acknowledged that even the reactionary decrees of the Fujimori regime do not prohibit the lawyers from visiting Dr Guzman now that the one-year solitary confinement period is over. (And in any case, according to all international laws, prisoners must be allowed to see their lawyers.) The International Red Cross also said they would themselves contact the Supreme Court of Military Justice regarding the request.

It was clear that the government felt sharp pressure from the presence of the IEC Delegation and the international lawyers in Lima, particularly after the lawyers' trip to Callao. That evening, 28 October, Fujimori appeared on Peru TV and actually spoke of Peter Erlinder by name as one of the international lawyers who had come to visit Abimael Guzman. Then he said that no one was going to tell him when Abimael Guzman can receive visitors, and that only he (Fujimori) will make that decision.

That same night, the Fiscal of Lima (the Public Prosecutor) came to the delegation's hotel. Instead of threatening them with expulsion as he did the 1st and 2nd IEC Delegations, he brought a formal document explaining that Dr Guzman's case was not in their jurisdiction, and wanted the lawyers to sign it. In other words, this top bureaucrat in Peru needed the signatures of the international lawyers confirming that he was not responsible for their problems in gaining access to Dr Guzman!

The delegation was in Lima during a week when Fujimori was particularly vulnerable. While there were predictions of a landslide victory for Fujimori in the referendum approving his dictatorial new Constitution, there were sharp contradictions in what he hoped would be "his camp". Many opposition parties and even the magazine Caretas endorsed the "no" vote. (And the vote turned out to be only 51% - 49% for Fujimori's new constitution, with most of the areas outside of Lima voting against it.) When the delegation arrived in Lima they were able to meet with Peruvian lawyers who had been members of the Association of Democratic Lawyers (ADL). They gave a first-hand report on political prisoners and the severe repression faced by lawyers who attempt to defend them. The 3rd Congress of the Lima Bar Association (Colegio de Abogados) was also scheduled for the week of the delegation's visit and the Lima lawyers suggested that the international lawyers attempt to address the Lima Bar Association to request that the Association pass a resolution to endorse the petition to see Dr Guzman, and encourage them to take other concrete measures to protect lawyers who represent political prisoners. They felt that such a debate within the Bar Association itself was very important to help protect lawyers who are attempting to represent their clients in a situation of increasing repression. The international lawyers met with Dr Jorge Avendaño, the head of the Lima Bar Association to make this request. In the meantime, many letters started coming in to Avendaño from lawyers around the world in support of the efforts of the international lawyers, and requesting that the Colegio take measures to protect the Peruvian lawyers who are defending political prisoners.

During the Congress the Lima lawyers reported that the issue of the repression of lawyers became a broad question among the membership (many of whom are quite conservative and have been unwilling to take an open stand against the Fujimori regime). On Friday the entire body voted on whether to allow Erlinder and Heiming to address to Collegio. They were denied being allowed to do so by only 4 votes, but about 15 Colegio lawyers made a special effort to meet with Erlinder and Heiming, and to thank them.

It is very significant that a group of Lima lawyers in the Colegio has openly opposed the Fujimori government's repressive decrees and are themselves taking concrete steps to make it more possible for them to represent political prisoners. Since Drs Crespo and Cartagena were arrested and sentenced to life imprisonment for "treason" for daring to defend their clients (especially Dr Guzman and Dr Huatay), the threat of such treatment has effectively prevented Lima lawyers from acting openly. The action they are now taking is at great risk to themselves. The letters sent from around the world were also testimony of the fact that they are not alone, and were powerful and meaningful statements of solidarity. (These letters were also distributed to the press, who have repeatedly mouthed Fujimori's lies saying that those who support the IEC are merely a handful of devoted PCP party-members overseas.)

Members of the 5th delegation were also able to meet with a recently released political prisoner who graphically described conditions in a particularly repressive prison where many political prisoners are held, as well as a family member of one of the La Cantuta victims, and they were able to investigate the conditions faced by the poor of Peru. Further reports on these findings will be in later EBs.

On 29 October, the IEC Delegation held a press conference in Lima to report on their findings, to denounce the government for refusing to let them in to visit Dr Guzman or

the other political prisoners, and to announce that they would continue to pursue their demands. Despite the fact that the press conference had to be held in the street because the room at the Association of Journalists which had been reserved was canceled at the last minute, and all the press who arrived were told that the press conference was "canceled" and were instructed to leave, a significant number stayed. The press was given a joint written statement from the delegation, the petition presented by the international lawyers, EB 39, and other material. Peter Erlinder also made a very strong statement concerning the case against the Fujimori regime at the OAS and he spoke of the determination of the legal team to defend the life of Dr Guzman; Carolyn Hadfield described the international campaign and the efforts being made by hundreds of thousands of people who are outraged by the Fujimori regime's actions against this political leader. After the press conference, news about the delegation was carried on radio, television, and in daily papers such as Expreso and La Nation.

It is the assessment of IEC that the accomplishments of the 5th IEC Delegation have been significant, and that the Fujimori regime is more on the defensive than ever concerning its crimes against Dr Guzman and the other political prisoners. For weeks, Fujimori has been making claims about letters and videos alleged to prove Dr Guzman is calling for an end to the people's war. At the same time, Fujimori is boasting about administering psychological torture on Dr Guzman. When the lawyers of the 5th Delegation made their demand to visit their client, Fujimori had to personally get on television to say he would decide when such a visit would take place. He continues to hold Dr Guzman in solitary confinement. If Fujimori has nothing to hide, why doesn't he allow Dr Guzman's lawyers to visit him?

It is more important than ever to fight to see Dr Guzman at this time. The international legal team will continue to pursue vigorously the efforts to see Dr Guzman and the other political prisoners. As the 5th Delegation announced in the press release (below), the international lawyers will return again to Lima until they reach their aim. Lawyers in Lima who submitted petitions to the IACHR, as well as others, are also working toward this goal under very difficult and dangerous conditions.

Many letters have also been sent to Supreme Court of Military Justice to demand that the international lawyers be able to visit Dr Guzman, and more are coming in each day. It is important that these continue to be sent, in an effort to continue the pressure on the Fujimori regime. *Letters can be faxed to: 5114-337690 in Lima. Please fax copies to London. If you are unable to get through (lines are often "down" in Lima) be sure to send a copy to London with a note that it didn't go through, and it will be forwarded.*

The following is one report on the 5th Delegation printed 28 Oct (the day before the press conference) in Expreso, a Lima daily known to be a mouthpiece of Fujimori:

#### "Again in Lima: 'Defence' Lawyers of Abimael Guzmán"

"The self-called 'defence' lawyers of Abimael Guzmán Reinoso and other high-ranking Senderist leaders -the North American, Peter Erlinder and the German, Martin Helming- this time asked the Peruvian Government to provide 'facilities and guarantees to visit and have private interviews' with their 'clients' in accordance with the San Jose Convention, Art. 8, d, paragraph 2.

"They make this petition 'noting that the terrorist chief appeared in a video shown on 12 September with a serious limp, as well as an excessive loss of weight which badly affected his health'.

"They also held that 'their client is subject to constant psychological pressure by officials of the National Intelligence Service of Peru'. Additionally, they add: 'we have learned from the international press that Dr Abimael Guzmán has no access to means of information'.

"Another reason for submitting their petition is that according to 'widely published pictures', the health of their other clients is seriously damaged. The pro-Senderist lawyers also stated that the OAS [Organisation of American States] 'has learned that Drs Alfredo Crespo Bragayrac and Jorge Cartagena Vargas could die within three or four years due to their conditions of imprisonment'.

"For these reasons they ask, by letter sent to the Ministry of Justice, Fernando Vega Santa Gadea, to visit, accompanied by their translator, not only Abimael Guzmán, but also Elena Iparraguirre, Martha Huatay, Alfredo Crespo and Jorge Cartagena.

"Finally, they say, as a kind of threat, that if they are not permitted the visits, they will denounce the rejection before the OAS."

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While the international lawyers were in Lima, faxes were sent to Sr Jorge Avendaño, head of the Lima Bar Association, on their behalf from across the world:

K.S. Nadhusudhanan (India) - Lawyer, Cochin  
Michael Deutsch (US) - Legal Director, Center for Constitutional Rights  
Monseigneur Jacques Gaillot (France) - Bishop from Paris  
Inigo Schmitt-Reinholtz (Germany) - Lawyer  
9 lawyers from Paris, France: Anne-Marie Parodi, M Struk-Debatisse, Christine Martineau, Christian Bourguet, Anne Weill, Mireille Glaymann, M Biroude, Danielle Matte, Christiane Fando; Cecile Draps (Belgium)  
Jose Lamberto Gonzalez Ruis, Frente Nacional de Abogados Dem. - Mexico  
Enrique González, American Association of Jurists (Mexico)  
Dr Jim Cairns (Australia) - Former Deputy-Prime Minister of Australia  
Dr Aydin Aybay (Turkey) - Lawyer, Professor of Civil Law, Univ of Istanbul  
Colin Lloyd Amery (New Zealand) - Lawyer, Executive Director, Lawyers Against Torture and Oppression Everywhere (LATO)  
Craig Everson (Australia) - Barrister and Solicitor of the High Court of Australia; Aboriginal Legal Services Ltd.  
Imrann Moosa (South Africa) - Advocate, Supreme Court of South Africa  
Gary P. Leupp (US) - Professor of History, Tufts University, Boston  
George Cooper (US) - Lawyer, Hawaii

The Statement of the 5th IEC Delegation  
Presented at a Press Conference in Lima, 29 October 1993

The 5th Delegation of the International Emergency Committee to Defend the Life of Abimael Guzman, declares:

I

- \* One year ago we were here as observers (in our capacity as international lawyers for human rights) at the military tribunal against Dr Abimael Guzman. At that time, our attendance at the tribunal was not permitted.
- \* This legal case is not over. From April 1993, this case, together with other petitions involving Elena Iparraguire, Dr Martha Huatay, Dr Alberto Crespo, Dr Jorge Cartagena and others, have been put before the Inter-American Commission on Human Rights of the OAS.
- \* We are the lawyers in this case. For this reason we are here again in order to talk with our clients. This is necessary in order to carry out their legal defence as is guaranteed by the American Convention on Human Rights, Article 8.
- \* Another reason we are here is that the Peruvian lawyers, such as Drs Crespo and Cartagena, who defended Dr Guzman have been persecuted and condemned to prison.
- \* We have delivered a petition to various authorities, including to the President of the Republic, the Supreme Court and the Supreme Council of Military Justice, asking for authorisation to visit our clients. Up to now, we have not received any answer. Yesterday, we went to the Naval Base at Callao where some of our clients are imprisoned, for example Dr Abimael Guzman. We were not allowed to enter.
- \* Our clients have the right to freedom of thought, information and culture, according to American Convention of Human Rights, Article 13. Similarly, the American Declaration of Rights and Duties of Man, Article 11, guarantees respect for the life and health of our clients.
- \* Clearly, these rights are not being respected. For example, Dr Guzman is under psychological pressure; Dr Cartagena urgently needs a medical operation, and we are afraid that Drs Crespo and Cartagena could die within 3 or 4 years due to the very hard conditions they are living under in prison.
- \* We will do all possible to achieve the respect of these rights for our clients. For this reason, we will be returning to Peru.

II

- \* Despite the pronouncements of the Peruvian government that respect for human rights is one of its fundamental concerns, we have gathered opinions from the population which contradict this official view.
- \* The degrading and inhuman treatment, the application of torture as a method in police interrogations, the inhuman prison conditions where those detainees suspected of "terrorism" are typically assigned, the summary trials, the arbitrary arrests, the extrajudicial executions, the forced disappearances, the persecution and imprisonment for simply practicing one's profession: these are actions of the regime which are aimed against the people under the pretext of combatting subversion.

- \* For the above reasons, we who sign this declaration, demand:
  - The restoration of the full observance of human rights in Peru
  - The full application of international agreements and conventions enforced in this matter (Universal Declaration of Human Rights of the UN and the American Convention of Human Rights of the OAS).
  - The unconditional respect for the practice of professional duties (lawyers, doctors, journalists, etc.)
- \* The Delegation of the IEC expresses its solidarity with the people of Peru and makes the commitment to continue informing the people of the world about the situation in this country until the inalienable rights of all the Peruvians are restored.

### III

The International Campaign to Defend the Life of Dr. Abimael Guzmán is growing larger and becoming stronger, now including hundreds of thousands of people. Peasants, students, professionals, workers, artists from India, Colombia, Germany, Nepal, US, Mexico, Turkey, and more than thirty countries have united to Defend the Life of Dr Abimael Guzmán and the other political prisoners. During the past year, millions of people have heard about the struggle of the Peruvian people and the violations of their basic rights committed by the Peruvian government. Many actions have been undertaken. For example, on 24 September, the speech that Dr Guzmán delivered from the cage a year ago, was presented and published throughout the world: on radio, in newspapers, from roofs of buildings and through street theatre in front of the Peruvian embassies of Spain, US, India, Colombia, Sweden, Denmark. Hundreds of thousands of leaflets demanding the end of the solitary confinement of Dr Guzmán were distributed. Banners with the slogan "Defend the Life of Abimael Guzmán" appeared on the main avenues of the larger cities of the world. In Bangladesh, 1,500 people attended an art exhibition denouncing the criminal policy of Fujimori against Dr Guzman and the other political prisoners.

The IEC is currently denouncing the fact that Fujimori is boasting about waging a psychological war against Dr Abimael Guzman and Fujimori's illegal policy of maintaining Dr Guzman in solitary confinement. New IEC chapters are being formed - for example in New Zealand. And this week workers in Turkey held a strike for one day to Defend the Life of Dr Abimael Guzman.

The IEC is firmly committed to continue defending the life of Dr Guzman and the other political prisoners. Through the distribution of information, street actions and the presentation of legal cases in international court and other means, we will demand that the Fujimori regime respect the basic rights of the people."

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More news of the work of the 5th Delegation and international legal team, including the situation with Dr Guzman, and the results of Fujimori's "referendum" will appear in the next Emergency Bulletin.

#### Workers in Turkey Go On One-Day Strike in Solidarity with Dr Guzman

On 28 October, while the 5th Delegation was in Lima, 32 workers at a radiator factory, Yuzuncu Yil Sitesi Isi Merkezi, in Ankara, Turkey went on a one-day strike in solidarity with Dr Guzman. This inspiring action was announced by the 5th delegation at their press conference. The workers also donated one day's wages to the IEC campaign, and have pledged to help distribute 1000 copies of the IEC pamphlet in Turkey. Following is their statement:

"Today Peruvian working people are living under the yoke of the US-sponsored Fujimori regime. On October 31, 1993 the U.S.-backed Peruvian government is holding a referendum under the farce of creating a new constitution, but in effect to secure the approval of the people to reinstate capital punishment. In opposition to their referendum, and as part of the most urgent world-wide struggle to protect the life of Dr Guzman, the great leader of the Peruvian Working people we, using our power derived from production, have stopped work for one day and donate one day's wages to the Campaign. We call upon everybody to be sensitive to human rights on all parts of our planet."

Signed, Worker's Representative Ozcan Dogan; Ankara, Turkey; Yil Isi Sitesi Factory

*(There is much more news about the campaign from around the world. It will be coming in the next Emergency Bulletin.)*

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## New Materials available from IEC

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