

Peruvian court sentences Lori Berenson to 20 years

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22 June 2001

A Peruvian court on June 20 convicted Lori Berenson of collaborating with an outlawed organization—the Tupac Amaru Revolutionary Movement (MRTA)—and sentenced the 31-year-old North American to 20 years in prison. Following the verdict, Berenson’s lawyer said he would appeal the conviction to the Supreme Court of Peru.

The decision by the three-judge panel essentially reconfirmed the verdict handed down by a secret military tribunal in 1996. Since then, Lori Berenson, who came to Peru as a left-wing journalist, has been imprisoned under harsh conditions, held successively in the unheated cells of the notorious Yanamayo maximum security facility in the Andean foothills and in solitary confinement in a men’s prison near Lima.

The decision of the military court, a group of hooded army officers, branded Berenson a leader of the Tupac Amaru movement guilty of “treason to the fatherland” and sentenced her to life in prison.

The verdict was overturned last year and a new trial ordered based on revelations concerning an event that made the MRTA known internationally—the 126-day siege of the Japanese ambassador’s residence in Lima in 1996-97. The siege, which took place after Berenson’s jailing, ended in a bloodbath when the military stormed the residence.

One former hostage, a Japanese official, has since said that 14 of the MRTA members were alive after the army commandos seized the building. They were massacred by the commandos. The Peruvian authorities have begun legal moves to charge former President Alberto Fujimori with murder in connection with the deaths.

Three former hostages held at the Japanese ambassador’s residence, including a retired navy admiral, have testified that one of the guerrillas told them Berenson was never involved in any significant way with the group and had been wrongly convicted.

Since the new trial was ordered, Fujimori and his secret police chief, Vladimir Montesinos, have both fled the country amid publicized revelations of the government’s involvement in human rights crimes and a vast network of

corruption. A new president, Alejandro Toledo, was elected early this month. But the second conviction of Lori Berenson has demonstrated that the methods of state repression fashioned during more than a decade of Fujimori’s extra-constitutional rule remain intact.

Despite her conviction being overturned last August, Berenson was never released. As her new trial unfolded, it became clear that it was merely a rehash of the sham proceedings conducted by the secret military court. It started with the presumption that she was guilty. The same evidence utilized by the military court was resurrected, including statements extracted under torture, secret videotapes of Berenson consulting with her attorney, materials in all likelihood planted by the police, and the self-serving claims of a Panamanian convicted on the same charges as Berenson that she, and not he, had collaborated with the MRTA.

In her statements to the court, Berenson denied any involvement with terrorism and said that while she had contact with people involved in the MRTA, they had never identified themselves as members of the organization. She also said she had no knowledge of their activities until the police grabbed her and tried to use her as a “human shield” in gaining access to the apartment used by the group.

The court proceedings themselves were a mockery. They were conducted on the basis of anti-terrorism laws imposed by Fujimori after the so-called “self-coup” of 1992, in which he suspended the constitution and disbanded the legislature, placing unrestricted powers in the hands of the military and the secret police.

The charge of “collaboration” leveled against Berenson is broad enough to criminalize virtually any political activity opposed by the government and the military. The charge, which carries a minimum 20-year sentence, can be leveled against anyone who has any contact with a group labeled as “terrorist” or who speaks out in defense of such a group.

Even the Organization of American States called upon Peru to scrap the draconian laws, stating in its 1993 annual report that the legislation “transgresses universally accepted principles of legality, due process, judicial guarantees and

the right to a defense.”

The presiding judge, Marcos Ibazeta, rejected a motion that he step down despite the fact that he had been identified by the ex-secret police chief, Montesinos, as “a member of the team.”

The defense attorney argued that the original case against Berenson had been fabricated by Montesinos, who has since been implicated in crimes ranging from massacres of students and peasants to the buying off of politicians, judges and media figures and the rigging of presidential elections.

Judge Ibazeta conducted the trial at the same time that he was running for the position of National Human Rights Ombudsman, a prestigious post that requires the votes of two-thirds of the Peruvian Congress. He used the trial, which was broadcast over national television, to posture as “tough on terrorism” so that he would win the backing of Peru’s right-wing legislators.

For much of the trial, Berenson was held in a barred cage on a stage facing her prosecutors, while Peruvian television cameras rolled. The Peruvian media seized upon the image, publishing a photo of the imprisoned defendant over the caption “tamed beast.” Reports routinely referred to her as the “gringa terrorista.”

Witnesses who failed to provide incriminating testimony—a night watchman at her building and a legislative aide she met in her work as a journalist, for example—were ridiculed by the judges, who aggressively reminded them that they were under oath, suggesting that they were either lying or concealing evidence.

The prosecution’s star witness, the Panamanian Pacifico Castellon, who had come to Peru with Berenson in 1994, tried to implicate her as a witting accomplice of the MRTA, while claiming that he himself knew nothing about the group before his arrest. Another witness, however, an admitted MRTA member, said that Castellon had told him in jail that he had agreed to implicate Berenson in return for a promise from the regime to reduce his sentence from life in prison to between five and ten years.

After the verdict was handed down, Lori Berenson’s defense attorney, Jose Luis Sandoval, said the decision only proved that the corrupt and discredited judicial system of the former dictatorial regime remained in place. “I think Mr. Fujimori and Mr. Montesinos are celebrating tonight,” he said, referring to the fugitive ex-president and his secret police chief.

Peru’s president-elect, Alejandro Toledo said he believed Berenson had received a fair trial and insisted she would receive no “special treatment.” Toledo, who has portrayed himself as the democratic antidote to the Fujimori regime, added, “We aren’t going to open the doors of the jails ... and what is valid for Lori Berenson is valid for all prisoners.

There can’t be special treatment according to nationality.”

The president-elect was alluding to the biggest concern of Peru’s ruling elite regarding the case. There are thousands of Peruvian political prisoners who have been jailed for long sentences and even life terms on evidence that is even more flimsy than that which was used to frame up Lori Berenson. Peasants accused by hostile neighbors of “collaborating” with guerrillas and students tortured by the military and forced to sign confessions are imprisoned without any proof that they were involved in armed actions. When it became known that the government was giving Berenson a new trial, many of them launched hunger strikes and other forms of protest to demand that their own convictions be overturned as well.

Toledo has no intention of conducting such a wholesale judicial review. Despite his pretensions as a democrat and “son of the poor,” he is committed to carrying out the economic austerity policies demanded by the International Monetary Fund and the Western banks. In a country where more than half of the population already lives below the poverty line, such policies cannot be successfully implemented without resort to state repression.

The new Peruvian president is scheduled to meet with the Bush administration in Washington on June 24, and he acknowledged that the issue of Berenson’s fate will be “on the table.” Given George W. Bush’s political record, however, it hardly seems likely that he will push for clemency.

In her statement to the court, Berenson spelled out the connection between her own case and that of countless other political prisoners in Peru and throughout Latin America:

“When ... I said my case has been used as a smoke screen, that it is a political trial, it is because of the particular elements regarding my case and also, in general, the cases of all those detained and tried in the context of political violence. There is a very simple reason: the existence of insurgent or rebel movements in Latin America—and many other places in the world—has a lot to do with social and economic conditions. The government responds through state policy, albeit solely militarily or with other components, to draw attention from these conditions.”

“I’ve been in jail many years now,” she concluded, “but I still have great hopes and I’m still convinced that there will be a future of justice for the people of Peru and all humanity.”



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