

AMERICAN BAR ASSOCIATION

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February 23, 1989

His Excellency Alan Garcia Perez  
President of the Republic of Peru  
Palacio de Gobierno  
Lima, Peru

Dear Mr. President:

I am writing to you in my capacity as President of the American Bar Association. Our Association and its more than 350,000 member lawyers have a deep commitment to the preservation of the rule of law in the international community. In particular, we seek to encourage the maintenance of judicial systems which are independent from governmental interference, and which respect the independence of judges and lawyers in order to maintain internationally recognized standards of fairness and justice. These objectives are embodied in a "Rule of Law Resolution" adopted by the Association's House of Delegates in February 1975.

Pursuant to this resolution, I am writing to you to express our deep concern regarding the murder of Manuel Febres on July 28, 1988, and the harassment of special prosecutor Carlos Escobar Pineda.

According to press and other reports, Manuel Febres, an attorney who had successfully represented Sendero Luminoso leader Osman Morote Barrioneuvo, was kidnapped on the morning of July 28 near his house in Lima. Later that morning, his body was discovered, with seven gunshot wounds. A group calling itself the "Rodrigo Franco Command" claimed responsibility for the murder. We understand that it has been alleged that the Rodrigo Franco Command has ties to the Peruvian military. Febres was very active in the Association of Democratic Lawyers, several of whose members have suffered harassment and threats. (One member, Jorge Vazquez Hayca, has been missing since 1986).

We understand that Prosecutor Carlos Escobar Pineda, an official of the Fiscalia de la Nacion, was appointed to the new position of Superior Prosecutor-Commissioner for the

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Investigation of Disappearances in mid-1987, and sent to Ayacucho to carry out his new duties. According to the New York Times, Escobar diligently investigated complaints of disappearances, and 50% of the complaints received resulted in the reappearance of the victim, either in freedom or in custody. We further understand that Escobar's office filed, or was preparing to file, charges against army officers responsible for several disappearances. Moreover, it is our understanding that Escobar has submitted a report implicating the military in the massacre of 29 individuals in the village of Cayara in the Ayacucho region.

Unfortunately, we understand that in response Escobar has been harassed, threatened and has received no official cooperation. For example, we have been informed that the Political Military Command in Ayacucho has tried to hinder his work, rejecting requests for various kinds of assistance. We also understand that Escobar has received death threats from the Rodrigo Franco Command and others. According to an article in the Peruvian newspaper La Republica, August 23, 1988, a member of the Senate, Carlos Melgar, made the following comment on the Rodrigo Franco Command's threat against Escobar: "If something happens to the Fiscal, then it happens; he would be replaced, that is the risk." Finally, recent reports indicate that Escobar's office has been either abolished or substantially scaled back financially and he has been transferred to Lima to await re-assignment.

In a third case, we understand that on September 24, 1988, the house and office of Dr. Mario Cavalcanti Gamboa, a prominent Ayacucho human rights lawyer, were damaged by dynamite explosions. The Rodrigo Franco Command took responsibility for the explosions and demanded that he leave Ayacucho.

These three cases, if our information is correct, reflect apparent serious violations of the rule of law in Peru and in the international community. The ability of lawyers to represent their clients is fundamental to maintaining international norms of equal justice for all. Mr. Febres' death will undoubtedly have a chilling effect on the representation of other individuals accused of offenses in Peru. Moreover, if prosecutors or judges investigating human rights violations are harassed with impunity or otherwise hindered in their work, such violations may very well increase.

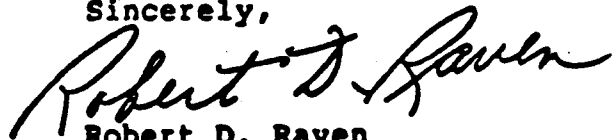
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The sole concern of the American Bar Association is for the maintenance of the rule of law in the international community and the elements necessary to sustain it. We agree that preservation of the security of the state and public order are responsibilities of any government and we are mindful of Peru's severe problems with respect to terrorism and insurgency on the part of groups desiring to create a totalitarian order in Peru. Nevertheless, these problems cannot justify murder of a defense attorney and other interference with the independence of lawyers and the investigation of criminal acts.

We respectfully write to inquire into the accuracy and currency of the information in this letter, and to request any information you might provide for a fuller understanding of these allegations. Based on this information we urge that those responsible for Mr. Febres' death and the bombing of Dr. Cavalcanti's house and office be brought to justice. We also respectfully urge that Mr. Escobar's former office in Ayacucho be re-established and that he be re-appointed to that office with maximum assistance and protection.

Thank you for your attention to this important matter. We look forward to your response.

Sincerely,



Robert D. Raven  
President

RDR/mlc

cc: Honorable James A. Baker III  
His Excellency Hugo Denegri  
His Excellency Admiral Juan Soria  
His Excellency Cesar G. Atala

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