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**AMERICAN BAR ASSOCIATION**

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January 7, 1993

**His Excellency  
President Alberto Fujimori  
Palacio Pizarro  
Lima, Peru**

Dear President Fujimori:

Our Association and its more than 380,000 member lawyers have a deep commitment to preservation of the rule of law in the international community. We seek to encourage the maintenance of judicial systems which are independent from government interference, and which respect the independence of judges and lawyers in order to maintain internationally recognized standards of fairness and justice. Those objectives are embodied in a "Rule of Law Resolution" adopted by the Association's House of Delegates in February 1975.

Pursuant to that resolution, I am writing to you to express our deep concern regarding the initiation of penal proceedings by the Peruvian government against Carlos Chipoco Caceda. Mr. Chipoco is a human rights lawyer widely known and respected throughout the Americas, and known personally by members of our Association, for his principled commitment to, and defense of human rights.

Mr. Chipoco is a founder of the Instituto de Defensa Legal in Lima, a human rights organization dedicated to representation of victims of human rights abuses. In 1986 and 1987 he was staff director of the Peruvian Senate Commission inquiry into alleged human rights abuses during the prison riots of June 1986. In 1987 and 1988 he was a fellow at Americas Watch in Washington, D.C. He later pursued graduate studies in international law and relations at Harvard Law School and the Fletcher School of Law and Diplomacy. He is currently a senior legal advisor to the United Nations Truth Commission in El Salvador, and also serves as co-counsel (with Americas Watch) in two cases against Peru before the Inter-American Court of Human Rights.

Justice for  
**all**  
for Justice

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Recently, according to our information, the Servicio de Inteligencia Nacional ("SIN") of Peru has drawn up a list of Peruvians living abroad who allegedly promote the interests of Shining Path. Reportedly, the SIN has submitted the list to a prosecutor. Mr. Chipoco's name has been placed on this list alleging that he has engaged in "apologia del terrorismo" (being an apologist for terrorism or for individual terrorists), Decree-Law No. 25475. The Peruvian government has recently initiated penal proceedings against Mr. Chipoco.

Our concerns are three-fold.

First, even if "apology for terrorism" could be made a criminal offense without violating fundamental principles of freedom of expression, Mr. Chipoco is no apologist for terrorism. On the contrary, he is known by distinguished members of our Association to be a principled, consistent advocate of human rights who opposes violations of fundamental rights, no matter who commits them. In his recently published book, En Defensa de la Vida, a collection of essays on human rights and international humanitarian law, he reiterates his condemnation of war crimes perpetrated by Sendero Luminoso against the people of Peru.

Second, the purported crime of "apology for terrorism" is, on its face, vague and overbroad, and lends itself to precisely the sort of repressive use against free expression that has occurred in Mr. Chipoco's case.

Third, in Mr. Chipoco's case, the abuse of this purported criminal law is aggravated by its explicit targeting of a human rights advocate, based on his role in presenting cases against Peru before the Inter-American Court of Human Rights, and based on his association with Americas Watch, an internationally respected human rights organization. If the rule of law is to prevail, human rights attorneys must not be penalized, let alone criminally prosecuted for their endeavors to assert the legal rights of their clients before courts, whether national or international. Nor should human rights advocates be prosecuted for working with organizations engaged in lawful activities of monitoring, reporting on and enforcing human rights.

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 do not interfere

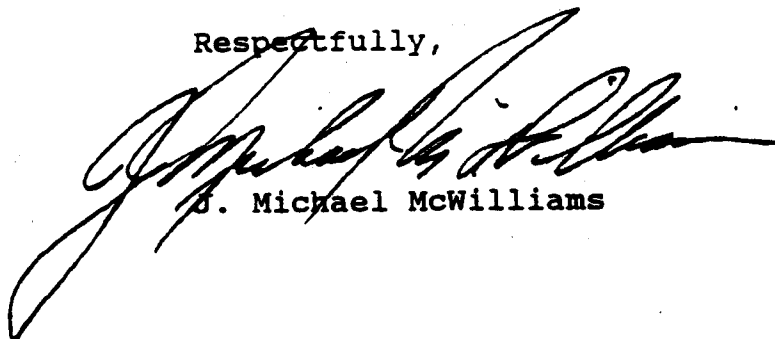
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in the matters of security of the state and public order; these are governmental responsibilities. Nonetheless, such concerns cannot justify the disregard of Mr. Chipoco's rights.

We respectfully urge you to repeal that portion of the pertinent Decree-Law which makes "apology for terrorism" a crime, and to take whatever steps may be within your power to make sure that official charges are not lodged against Mr. Chipoco under this Decree-Law, or if already lodged, are dismissed. Mr. Chipoco's name should be removed from the list.

Thank you for your consideration of our concerns and for your attention to this important matter. We look forward to your response.

Respectfully,



J. Michael McWilliams

cc: His Excellency Ricardo Luna, Embassy of Peru  
The President of the United States  
The Honorable Lawrence S. Eagleburger  
Acting Secretary of State  
The Honorable Claiborne Pell, Chairman  
U.S. Senate Committee on Foreign Relations  
The Honorable Jesse A. Helms, Ranking Minority Member  
U.S. Senate Committee on Foreign Relations  
The Honorable Lee Hamilton, Chairman  
U.S. House of Representatives Committee on Foreign Affairs  
The Honorable Benjamin A. Bilman, Ranking Minority  
Member, U.S. House of Representatives Committee on  
Foreign Affairs  
President, Colegio de Abogados de Lima (Peru)  
(Lima Bar Association)