



Legislation Text

File #: Res 1548-2000, **Version:** *

Res. No. 1548

Resolution calling upon the Peruvian government to immediately release Lori Berenson from captivity and allow her to return to the United States, and in the event, that such request is ignored or denied, calling upon the appropriate Committee of the City Council to convene and discuss potential legislative remedies.

By Council Members Berman, Robles, Malave-Dilan, Freed, Lopez, Michels, Moskowitz, Perkins, Reed, Warden, Abel and Golden; also Council Members DiBrienza, Fisher, Foster, Linares, McCaffrey, O'Donovan, Robinson, White and Wooten

Whereas, On November 30, 1995, Peruvian authorities arrested Lori Berenson, a United States citizen and resident of New York, on charges of terrorism for allegedly collaborating with MRTA rebels on a planned attack of the Peruvian Congress; and

Whereas, Ms. Berenson was subsequently convicted by a secret military tribunal in January, 1996, whereby she was found guilty of treason and sentenced to life imprisonment in Peru; and

Whereas, The military tribunal that sentenced Ms. Berensen failed to provide her any due process safeguards afforded in a normal civil legal proceeding, including the opportunity to have a trial, present evidence, offer testimony in her own defense or cross-examine any witnesses; and

Whereas, In her five years in captivity, Ms. Berenson, now thirty years old, has been subjected to harsh and debilitating conditions causing her numerous physical ailments; and

Whereas, In December 1998, after nearly three years of fact-finding, missions to Peru, and a visit with Ms. Berensen in Yanamayo Prison, the United Nations Commission on Human Rights issued an opinion which states that Lori Berensen has been deprived of her liberty arbitrarily and that the Peruvian government is in violation of articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, both of which Peru is a signatory; and

Whereas, In a 1999 report issued by the United States Department of State, Peru's human rights record was deemed poor in such areas as the protection of civil and political rights, the lack of accountability within the armed forces, particularly regarding counter-terrorist operations, overall prison conditions and judicial due process; and

Whereas, Ever since her arrest, Ms. Berensen has denied that she ever collaborated with insurgent rebels or participated in violent acts; and

Whereas, On August 28, 2000, Peru's highest military court overturned Ms. Berensen's life sentence stating that there was new evidence that she was not a rebel leader with the MRTA; and

Whereas, While the decision clears the way for a new trial in an open civilian court, under lesser charges for treason, serious doubts remain whether the Peruvian government will afford her the necessary due process requirements that have already resulted in Ms. Berensen's sub-standard incarceration for the past five years, now, therefore, be it

Resolved, that the Peruvian government immediately release Lori Berenson from captivity and allow for her return to the United States, and in the event, that such request is ignored or denied, calling upon the appropriate Committee of the City Council to convene and discuss potential legislative remedies.

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