

# THE LORI BERENSON CASE: HIGHLIGHTS

## **Arrest and Sentence**

Lori Berenson, a human rights activist working as a freelance journalist for two U.S. publications, was arrested in Peru in November 1995. Lori was charged with treason as a leader of the Tupac Amaru Revolutionary Movement (MRTA) and, although she has always vigorously proclaimed her innocence, she was sentenced to life in prison by a faceless and secret military tribunal while a hooded soldier held a gun to her head. She was afforded no due process.

## **Reversal, Retrial and Sentence**

The verdict was nullified and the sentence overturned in August 2000 following a review by the Supreme Council of Military Justice that finally admitted that it lacked any evidence to support the charges. Rather than being set free, her case was immediately remanded to the civilian terrorism courts where she underwent a second “trial” even though this constituted “double jeopardy.” In June 2001 the court declared Lori was not a member or a militant of the MRTA and had not participated in any violent act. However, the court found Lori guilty of collaborating with the MRTA and sentenced her to 20 years of imprisonment even though no witness gave testimony nor any real evidence was shown to support this verdict. She had faced a prejudiced court in a case filled with due process violations.

## **Prison Conditions**

Lori Berenson was confined for nearly three years at Yanamayo Maximum Security Military Prison in Puno at an altitude of 12,700 feet where the harsh climate, lack of heat, thin air, limited exercise, and poor food led to numerous medical problems. From October 1998 through August 2000, Lori was held at Socabaya Prison in Arequipa at a height of 7,600 feet where the climate was somewhat better, but where she spent much of the time in isolation, cut off from contact with the general prison population. She was been held in the Chorrillos Prison in Lima from September 2000 to December 2001. On December 21, 2001, she was forcefully removed by masked policemen who physically assaulted and sexually molested her.

## **Congressional Letters**

In July 2000, 221 Representatives signed a letter to President Clinton reminding him that he was obligated by Act of Congress 22 USC Section 1732 to secure the release of an American citizen wrongfully held abroad and urge him to seek Lori Berenson's release. In addition, 44 Senators signed a letter to President Clinton calling for Lori Berenson's release on humanitarian grounds.

## **Current Situation**

Lori Berenson's civilian trial commenced under the Fujimori government and continued under the interim government of President Valentin Paniagua. Her lawyer, José Luis Sandoval Quesada, appealed the decision in July 2001, shortly after the sentencing. On January 22, 2002, he gave a five-minute presentation before the panel of five judges, and on February 18, 2002, the five judges upheld the decision of the civilian courts.

In the meanwhile, Lori Berenson's case is being considered by the Inter-American Commission on Human Rights of the O.A.S., an organization that has long criticized the Peruvian judicial process and its illegal anti-terrorism laws. The particular concerns being evaluated by the Commission are violations in due process in Lori's civilian trial and denial of protection against double jeopardy.