

# Peru Sentences New Yorker to Life in Prison

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**LIMA, Peru, Jan. 11**— Lori Helene Berenson of New York was convicted of treason today by a secret Peruvian military court and sentenced to life in prison for aiding Marxist guerrillas who prosecutors said were planning to seize the Peruvian Congress and take hostages.

The widely expected verdict was announced by the military authorities and by her lawyer six weeks after Ms. Berenson was arrested in an anti-terrorist police operation that also led to the capture of 22 other people after an all-night shootout in a Lima suburb.

But the sentence came as a surprise, especially since prosecutors had requested a 30-year prison term, the minimum penalty for treason in Peru, and reflects the Government's tough policy toward insurgents.

Ms. Berenson, who is being held in a detention center for terrorists, is expected to be moved soon to Yanamayo Prison in Puno, a special prison for terrorists situated high in the Andes, to begin serving her sentence. Prisoners convicted of treason here are not allowed outside visitors for the first year of their sentence. After that, they are granted a 15-minute visit by relatives every month.

Life in the Yanamayo prison is notoriously harsh. Prisoners live in overcrowded quarters, are given a few minutes of sunshine each day, and often have inadequate food, former inmates have said.

Lawyers for Ms. Berenson, 26, said a treaty between the United States and Peru would allow her to serve her sentence in the United States after all judicial appeals have been completed. But the lawyers said their client had indicated no desire to serve her time in the United States.

In Washington, the State Department said it had repeatedly expressed concerns to the Peruvian Government about the fairness of the legal process.

"The United States deeply regrets that Ms. Berenson was not tried in an open civilian court with full rights of legal defense, in accordance with international juridical norms," said Glyn Davies, a department spokesman. But Ms. Berenson's lawyers said today that she had instructed the United States Government not to make any special appeals because she wanted her solidarity with the Tupac Amaru Revolutionary Movement to be clear.

Prosecutors had argued that Ms. Berenson had committed treason because she helped coordinate the activities of the guerrilla group, including stockpiling weapons, renting housing for the rebels and gathering information for an attack.

Lawyers for Ms. Berenson called the decision unjust and vowed to appeal, but they acknowledged that a conviction of treason was unlikely to be reversed.

The case focused international attention on Peru's guerrilla groups, which are not as strong as they once were but which still pose a threat to the country's stability, and on Peru's judicial system, which human rights groups have accused of violating basic legal principles.

Ms. Berenson, who grew up in Manhattan, was found guilty by a military judge whose identity was concealed behind a partition. The trial was closed to the public. Her lawyers said they had not been allowed to cross-examine witnesses or rebut key evidence.

"What occurred today is a travesty of justice," said Grimaldo Achahui, a Peruvian lawyer who argued Ms. Berenson's case before the military judge. "There was not one piece of concrete evidence presented to show that Lori had committed treason. It was all conjecture."

Ms. Berenson's lawyers said her association with Tupac Amaru, a pro-Cuban group formed in the early 1980's, was driven by her commitment to change social conditions in Peru and that Ms. Berenson had no knowledge of the group's terrorist acts, including the bombing of Western embassies and kidnappings.

The court also convicted of treason the 22 other people, mainly Peruvians, who had been detained with Ms. Berenson. Most received life sentences, including Tupac Amaru's second-in-command, Miguel Rincon Rincon, who was captured in the shootout on Dec. 1.

Ms. Berenson's family said through a spokesman that it was "angry and upset" over the verdict. "This is outrageous," said the spokesman, Thomas Nooter, who read a statement by Ms. Berenson's father, Mark, a statistician who teaches at Baruch College. "Lori is a pacifist opposed to every form of violence. She has devoted her young life to helping the poor and oppressed. She would never hurt anyone."

Reaction to Ms. Berenson's conviction was mixed in Lima today. "She's just another one of those liberal, naive gringas who thinks she has been appointed by God to save the world," said Malecia Lopez, a 34-year-old nurse. "I don't feel sorry for her."

In 1992, to try terrorism cases, the Government instituted military courts in which the identities of judges are concealed to protect them from reprisals. Hundreds of Peruvians have been convicted of treason and sentenced to life imprisonment in such courts.

According to Peruvian defense lawyers, a person is guilty of treason if he or she takes up arms against the Government or plays a leadership or motivating role in a movement to overthrow the Government. The maximum penalty is life imprisonment.

Some foreigners convicted of treason served several years of their sentences and were then released after their countries intervened. In 1994, an Italian woman, Gabriella Guarino, was

convicted of collaborating with Shining Path guerrillas and sentenced to 20 years in prison. But she was released and returned home last year.

Mr. Achahui, Ms. Berenson's lawyer here, said in an interview that he planned to appeal her case to a higher military court, which he hopes will overturn her conviction and send her case to a civil court on lesser charges of terrorism or collaboration. Peru's military appeals courts are composed of five judges, who are usually senior military officers who lack training in the law and typically uphold lower court rulings.

Mr. Achahui, who stood briefly next to Ms. Berenson at the closed reading of her sentence today, said she was surprised by the harsh sentence.

"She was prepared to receive 30 years, not life in prison," he said.

" 'What should I do, counselor,' " Mr. Achahui said his client asked. " 'Appeal?' "