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Peru: End of “faceless judge” system - only one step towards fair trials in terrorism cases

By having made provision for the identity of judges to be made public yesterday -- in itself a significant improvement -- the Peruvian authorities have only gone part of the way to ensuring a fair trial for prisoners facing terrorism charges, Amnesty International said today.

For the past five years terrorism cases have been heard by “*jueces sin rostro*”, “faceless judges” whose identity is concealed by a screen. Indeed, trials falling short of international human rights standards have been and remain a feature of the government’s counter-insurgency strategy.

“Congress has occasionally passed positive reforms to these laws, but they have been piecemeal amendments which failed to satisfy fair trial standards,” Amnesty International said. “What is urgently required is a root and branch reform of the anti-terrorism legislation, such that the accused are guaranteed a fair trial, no matter how serious the crimes of which they are accused.”

In order to achieve this goal, the authorities need to abolish a series of provisions which are still in force, including:

- the prohibition imposed on police and military personnel involved in the detention and interrogation of the accused to appear as witnesses, thereby preventing their cross-examination by the defence;
- and the fact that civilians accused of “treason” are tried by military courts;

“The right to a fair trial is a right which should not be undermined, however difficult the circumstances faced by the authorities in maintaining law and order,” Amnesty International said. “It is time the Peruvian authorities repealed all those elements of its anti-terrorism legislation which undermine that fundamental right.”

BACKGROUND

Since 1992, at least 5000 prisoners have been convicted under Peru’s anti-terrorism laws, having been denied a fair trial. It is not known with any precision how many of these have been subsequently released. According to human rights groups in Peru, over the past five years at least 1400 “*presos inocentes*”, “innocent prisoners”, have been falsely accused of terrorism. Of these, some 600 still languish in jail, according to Peruvian human rights defenders.
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