

Further Information on UA 250/06 (AMR 46/024/2006, 21 September 2006) and follow-up (AMR 46/027/2006, 11 November 2006) – Death Penalty

PERU Proposed extension of death penalty laws

In an encouraging development, a draft bill to put into effect the death penalty for terrorist offences was voted down by Congress by a majority of 49 to 26 on 10 January. However, three other bills that would widen the reach of the death penalty are still before Congress.

The draft bill that has been rejected was the fourth such bill submitted to Congress since President Alan García came to office in July 2006.

Two of the other draft bills now before Congress were introduced by the government and the ruling APRA party. They propose to reform Article 140 of the Constitution, which deals with the use of the death penalty for crimes of terrorism and treason, to extend the use of the death penalty to cover those convicted of the rape and murder of children under the age of seven. These two draft bills also suggest that Peru should withdraw from the American Convention on Human Rights (ACHR). States party to the ACHR are barred from extending the scope of their death penalty laws. A third draft bill was introduced by another party, the *Unidad Nacional*, National Unity, proposes a more extensive reform of Article 140. It would extend the use of the death penalty to those convicted of the rape of children under the age of nine, the rape and murder of mentally or physically disabled people, or of children between nine and 18 years old.

Amnesty International acknowledges the serious nature of the crimes that are the subject of these three draft bills, but is concerned that they run counter to international standards seeking to narrow the scope of the death penalty, and that they go against the global trend towards eradication of capital punishment. While children must be protected from violence, the death penalty has not been shown to act as a more effective deterrent than any other punishment.

Amnesty International also remains seriously concerned that the possible withdrawal of Peru from the ACHR would constitute a serious setback for the protection of human rights in the country, and would leave the inhabitants of Peru without recourse to the inter-American human rights system when domestic courts do not provide effective remedies for individual human rights violations.

BACKGROUND INFORMATION

On 11 November, a draft law to increase the sentences for those convicted under 1992 terrorism legislation was submitted for consideration by the government to Congress. The draft bill dealt with the application of the death penalty for the terrorist offences recognised in article 140 of the 1993 Constitution. The draft bill proposed to impose the death penalty on those convicted of either belonging to the leadership or being members of an armed opposition group involved in the killing of defenceless people, and on convicted terrorists who re-offend.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:

- welcoming the decision of Congress to reject this draft bill and urging Congress to vote against the three remaining draft bills proposing to extend the use of the death penalty for some sexual crimes;
- expressing deep concern that Peru is considering broadening the scope of the death penalty
- expressing sympathy for the victims of rape and killing of children;
- urging them to vote against these draft bills for the following reasons: the death penalty is the ultimate form of cruel, inhuman or degrading treatment or punishment; the draft bills run counter to international standards seeking to narrow the scope of the death penalty, and go against the global trend towards eradication of capital punishment, with an average of two to three countries every year abolishing capital punishment for the last two decades; it has not been shown to deter crime more effectively than other punishments, and to end the death penalty is to recognize that it is a destructive, diversionary and divisive public policy that is not consistent with widely held values; courts in Peru can protect society from violent offenders by ensuring that the perpetrators of such violent crimes are brought to justice and punished according to the severity of their crimes.
- expressing serious concern that two of the draft bills suggest that Peru should withdraw from the American Convention on Human rights
- expressing serious concern that to withdraw from the American Convention on Human Rights would be to deny the inhabitants of Peru ways to obtain meaningful remedies from the inter-American human rights system when domestic courts do not provide effective remedies for human rights violations.

APPEALS TO:

Prime Minister

Sr. Jorge Alfonso del Castillo Gálvez

Primer Ministro, Av. 28 de Julio 878, Miraflores, Lima 18, PERÚ

Fax: + 51 1 610 9680

Salutation: Dear Prime Minister/Sr. Primer Ministro

Minister of Foreign Affairs

Sr. José Antonio García Belaunde

Ministro de Relaciones Exteriores, Ministerio de Relaciones Exteriores, Jirón Lampa 535, Lima 1, PERÚ

Fax: + 51 1 311 2410

Salutation: Dear Minister/Sr. Ministro

President of the Congress

Sra. Mercedes Cabanillas Bustamente, Presidenta del Congreso

Congreso de la República, Plaza Bolívar s/n – Av. Abancay, Lima 1, PERÚ

Fax: + 51 1 311 7703

Salutation: Dear President/Sra. Presidenta

President of the Congressional Justice and Human Rights Commission

Dr. Raúl Castro Stagnaro, Presidente de la Comisión de Justicia y Derechos Humanos

Congreso de la República, Plaza Bolívar s/n – 2º Piso – Of. 213, Lima 1, PERÚ

Fax: + 51 1 311 7797 (if someone answers, say "me da tono de fax por favor")

Salutation: Dear President/Sr. Presidente

President of the Constitution and Congress Regulations Commission

Dr. Aurelio Pastor Valdivieso

Presidente de la Comisión de Constitución y Reglamento del Congreso

Palacio Legislativo, Av. Abancay s/n, Lima 1, PERÚ

Fax: + 51 1 311 7767 (this is a very busy fax so you may want to send letters instead)

Salutation: Dear President/Sr. Presidente

COPIES TO:

Human Rights Organization

Coordinadora Nacional de Derechos Humanos

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and to diplomatic representatives of Peru accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 22 February 2007.*****