

9 July 1999

Further information on EXTRA 83/99 (AMR 46/18/99, 7 July 1999) - Threat of withdrawal from the jurisdiction of the Inter-American Court of Human Rights**PERU**

Peru's Congress voted to withdraw from the jurisdiction of the Inter-American Court of Human Rights on 7 July 1999. Amnesty International is profoundly dismayed by the vote, and believes it to be an extremely serious setback for the promotion and protection of human rights in Peru.

The organization also believes that by refusing to recognize the jurisdiction of the Inter-American Court as binding, the Government of Peru has effectively denied human rights abuse victims any redress before an international court of law. Over the past months the Inter-American Court has determined, through an impartial and fair judicial process, that the human rights of several persons in Peru had been violated.

Amnesty International further believes that by withdrawing from the jurisdiction of the Inter-American Court, the Government of Peru has rendered meaningless article 205 of Peru's 1993 Constitution. The article states: "Once domestic jurisdictions are exhausted, the person who believes his or her rights enshrined in the Constitution to have been violated may seek recourse before the courts or international bodies established according to the treaties or conventions to which Peru is a party". (*"Agotada la jurisdicción interna, quien se considera lesionado en los derechos que la Constitución reconoce puede recurrir a los tribunales u organismos internacionales constituidos según tratados o convenios al los que el Perú es parte."*) Peru has been a State party to the American Convention on Human Rights since 1978. In 1981 Peru unconditionally accepted that the Inter-American Court should hear matters relating to Peru's fulfilment of the Convention and undertook to comply with the judgment of the Court in any case to which it is a party.

Recourse to the Inter-American Court of Human Rights is vital in Peru. Thousands of cases of human rights violations perpetrated by the security forces between 1980 and 1995 cannot be resolved because judicial investigations within Peru have been blocked by two Amnesty Laws which, in 1995, gave members of the security forces immunity from prosecution. Thousands of prisoners accused of terrorism-related crimes have been denied a fair trial, under procedures which systematically violate international fair trial standards. Amnesty International has repeatedly called on the authorities to repeal the Amnesty Laws, and to bring Peru's anti-terrorism legislation into line with international fair trial standards. The organization has also repeatedly condemned human rights abuses by Peru's armed opposition groups (*grupos alzados en armas*).

The decision to withdraw from the jurisdiction of the Inter-American Court is the latest in a series of measures taken over past years by the two governments of President Alberto Fujimori which have had the effect of undermining the rule of law and the protection of human rights. These include the nine-month suspension of constitutional rule in 1992; the approval of the Amnesty Laws in 1995; the curtailment of the autonomy and independence of the Attorney General in 1996; the removal of three Constitutional Tribunal judges in 1997; and the curtailment of the autonomy and independence of a constitutional body responsible for the appointment of judges and attorneys in 1998.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Spanish or your own language:

- expressing profound dismay at Peru's decision to withdraw from the jurisdiction of the Inter-American Court of Human Rights;
- stating that Amnesty International believes the decision to be an extremely serious setback for the promotion and protection of human rights in Peru;
- adding that Amnesty International also believes that the decision leaves human rights abuse victims in Peru without effective recourse to an international court of law;
- urging the Government of Peru to reconsider the decision and, at the earliest opportunity, to take the necessary steps to renew its commitment to accept the Inter-American Court's decisions as binding.

APPEALS TO:

President of the Republic of Peru

Presidente Alberto Fujimori
 Presidente de la República del Perú
 Palacio de Gobierno
 Plaza Mayor
 Lima 1, PERÚ

Telegrams: Presidente de la República, Palacio de Gobierno, Lima, Perú

**Telex: 20167 pe palacio
 20331 pe sec pre**

Fax: + 511 426 6770

Salutation: Dear Mr President/Estimado Sr. Presidente

President of Congress

Señor Ricardo Marcenaro Frers
 Presidente Interino del Congreso
 Congreso de la República, Plaza Bolívar s/n, Lima 1, PERÚ

Telegrams: Sr Presidente del Congreso, Lima, Perú

Faxes: + 511 427 0195

Salutation: Dear Minister / Sr Ministro

President of Congress' Human Rights Commission

Señor Dennis Vargas Marín
 Presidente de la Comisión de Derechos Humanos del Congreso
 Congreso de la República
 Plaza Bolívar s/n, Lima 1, PERÚ

Telegrams: Presidente Comisión Derechos Humanos Congreso, Lima, Perú

Faxes: + 511 426 5252 / 427 8181

Salutation: Dear President / Sr Presidente

President of Congress Justice Commission

Oscar Medelius Rodríguez
 Presidente de la Comisión de Justicia del Congreso
 Congreso de la República, Plaza Bolívar s/n, Lima 1, PERÚ

Telegrams: Presidente Comisión Justicia Congreso, Lima, Perú

Salutation: Dear President / Sr Presidente

COPIES TO:

Human Rights Organization

Coordinadora Nacional de Derechos Humanos, CNDDHH, Jr. Túpac Amaru 2467

Lince, Lima 14, Perú

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 9 August 1999.