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PERU:

Prisoners of Conscience.

*Demonstrators accused of
Terrorism-related offences.*

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Prisoners of Conscience

Demonstrators accused of terrorism-related offences.

Amnesty International considers Peruvian students Gastón Espinoza Fonseca and Alfredo Ronald Espinoza Fonseca to be Prisoners of Conscience¹. The two students were arrested on 11 July 2000, at University Hemilio Valdizán, in the City of Valdizán, Huánuco Department, while they distributed flyers on the “March of the Four Suyos”² and accused of terrorism-related offences.

The organization believes that Gastón Godoy Tucto and Alfredo Ronald Espinoza Fonseca have been unfairly arrested and accused of terrorism-related offences because, according to information

¹ *Amnesty International asks for the immediate and unconditional release of all prisoners of conscience, persons deprived of their freedom anywhere in the world because of their political, religious or other convictions, or because of their ethnic origin, sex, colour, language, national or social origin, economic situation, birth or other circumstances, as long as such persons have not used or advocate violence.*

² *The Peruvian presidential elections held in April and May 2000 were marred by allegations of irregularities and fraud. After the elections a series of mass demonstrations known as “the March of the Four Suyos” took place on 26, 27 and 28 July 2000, in which peasants, students, trade unionists and other sectors of civil society took to the streets to demand new presidential elections and for measures to be taken to strengthen democracy in Peru.*

received by the organization, there is no evidence whatsoever against them. The rights of association and free expression are fundamental rights of all citizens, under the International Covenant on Civil and Political Rights and the American Convention on Human Rights of which Peru is party.³

According to reports, on 11 July 2000, Gastón Godoy Tucto and Alfredo Ronald Espinosa Fonseca, two students of the Hemilio Valdizán University, were distributing flyers promoting mass participation in the "March of the Four Suyos" when they were summoned by security guards of the university who forced them to produce their student identification cards and empty their knapsacks. Flyers bearing information on the march

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and documentation of the political opposition were the only items found in their possession. However, this was enough to warrant their being escorted by university security personnel to the office of the President of the university's reorganizing commission who reported them to the *Departamento Contra el Terrorismo* (DECOTE), Anti-Terrorism Department, and

³ Article 19 of the International Covenant on Civil and Political Rights and Article 13(2) of the American Convention on Human Rights state that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice".

to the Attorney General.

According to information received by Amnesty International, the District Attorney acknowledged that there was no evidence against them for terrorism-related offences but instructed that investigations should be conducted and referred the case to the judge of Huánuco's second criminal court (*segundo juzgado penal*), who brought a case against the students for terrorism-related offences. That day, Gastón Godoy Tucto and Alfredo Ronald Espinoza Fonseca were taken to the Potracancha penitentiary, Huánuco Department.

In September 2000, the judge of Huánuco's second criminal court issued an order for the unconditional release of Alfredo Ronald Espinoza Fonseca. This release would be upheld or annulled by a higher court responsible for terrorism-related offences. This higher court could spend a minimum of two months evaluating the case and uphold or annul the order of unconditional release. As long as this order has not been upheld by the higher court, Alfredo Ronald Espinoza Fonseca will remain incarcerated.

The application by Gastón Godoy Tucto's defence team for his unconditional release was denied by the judge.

Amnesty International considers Gastón Godoy Tucto and Alfredo Ronald Espinoza Fonseca prisoners of conscience because they have been arrested only because of their political convictions while they were peacefully exercising their right to free expression. The organization believes that the Peruvian Government is using the antiterrorism legislation against the students to intimidate those who oppose President Fujimori's Government in the aftermath of protests following the presidential elections held in April and May

2000. Amnesty International is appealing to the Peruvian authorities to release the two students immediately and unconditionally.

Article 21 of the International Covenant on Civil and Political Rights and Article 15 of the American Convention on Human Rights states that “the right of peaceful assembly shall be recognized[...].”

Article 13(3) of the American Convention on Human rights states that: “ The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information or by any other means tending to impede communication and circulation of ideas and opinions”.

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Additional Information

Amnesty International has received reports of harassment and intimidation of social and political activists, human rights defenders and members of civil society who oppose President Fujimori's regime. In some cases, Peru's antiterrorism legislation has been used to intimidate those sectors.

In 1992 the Peruvian Government introduced a series of antiterrorism laws, by which hundreds of persons were falsely accused of terrorism-related offences and thousands subjected to unfair trials.

In May 2000 Alberto Fujimori was re-elected President of Peru. Fujimori's candidature for a third consecutive term is viewed as unconstitutional by a large sector of the population, because Peru's 1993 Political Constitution (*Constitución Política del Perú*) only allows for two consecutive presidential terms in office. The electoral victory of President Fujimori was tarnished by claims of electoral fraud during the first and second rounds of the elections held in April and May 2000 respectively.

The claims of fraud and irregularities in presidential elections in Peru led the Organization of American States (OAS) General Assembly to send a high level mission to the country in June 2000.

The OAS recommended that Peru reconsider returning to the jurisdiction of the Inter-American Court of Human Rights (from which Peru withdrew in July 1999), and made additional recommendations to reform the electoral process in Peru and strengthen democracy in that country. A permanent mission from the OAS is currently discussing ways of implementing the recommendations of the OAS high level mission with members of the political opposition and civil society. To date, the Peruvian Government has not implemented any of these recommendations.⁴

⁴ At press time President Alberto Fujimori announced new presidential elections after the release of a video revealing the apparent implication of the President's Security and Intelligence Advisor allegedly bribing opposition members. On 16th September, 2000 President Fujimori announced that he would not contest the election to be held in 6 or 7 months.

☛ WHAT CAN YOU DO?

Please send telegrams, telex, fax, urgent letters, airmail letters in Spanish or in your language to the following authorities:

expressing concern about the detention of Gastón Godoy Tucto and Alfredo Ronald Espinoza Fonseca;

informing that Amnesty International considers them prisoners of conscience, because they were detained merely and exclusively because of their political ideas; pleading for their immediate and unconditional release;

welcoming the order of unconditional freedom for Alfredo Ronald Espinoza Fonseca, but expressing concern about the possibility that this unconditional release may not be upheld by the higher court for terrorism issues;

expressing concern about the failure of the judge to grant unconditional release to Gastón Godoy Tucto;

emphasizing that the right to freedom of expression and assembly is guaranteed under Articles 19 and 21 of the International Covenant of Civil and Political Rights and Articles 13 and 15 of the American Convention on Human Rights (treaties of which Peru is state party);

urging the authorities to respect those rights.

AUTORITIES

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