

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AMR 46/006/2003 (Public)
News Service No: 112
12 May 2003

Embargoed until 12 May 2003 00:01 GMT

Peru: "Innocent prisoners": unfinished business from the transition to democracy

"Each and every 'innocent prisoner' must be immediately and unconditionally released," insisted Amnesty International today on publication of its report, [La legislación "antiterrorista" y sus efectos: una asignatura pendiente de la transición a la democracia](#) ('Anti-terrorist legislation and its effects: unfinished business from the transition to democracy').

The international human rights organisation is urging the Peruvian government to guarantee that all those wrongfully accused of crimes of "terrorism" will be immediately and unconditionally released, that their criminal records will be erased and that they will be adequately compensated so that they can start to rebuild their lives once more.

"More than ten years have passed since the 1992 "antiterrorist" legislation came into force, enabling and encouraging the unjust detention of people. It is unacceptable that almost three years after the fall of Alberto Fujimori's government, women and men still remain in maximum security prisons for crimes they never committed," Amnesty International declared.

Since the "antiterrorist" legislation came into force, Amnesty International has documented at least 1100 cases of "innocent prisoners". Many have now been released by means of the Pardon Commissions established in 1996 or through the courts. However, the organisation has a list of 20 innocent people who remain in prison, and believes they represent only a small fraction of those still in Peruvian prisons on false charges of crimes of "terrorism".

"For this very reason, prisons need to implement a proactive policy of identifying all possible "innocent prisoners". Moreover, the Pardon Commission, which was established on President Toledo's accession to power, must be given adequate resources and the necessary staff to review all outstanding cases without delay," added the organisation.

The report, published today by Amnesty International, welcomes changes to the "anti-terrorist" legislation implemented by executive order following the Constitutional Court's ruling in January 2003 that various aspects of this legislation contravened the Peruvian Constitution. However, the organisation remains concerned by the fact that "terrorism" has still not been clearly defined. Whilst Amnesty International has not yet been able to evaluate the effect of these decrees in terms of guaranteeing fair trials for all political prisoners and gaining the release of all those wrongfully charged with crimes of "terrorism", the organisation welcomes the fact that there will be public retrials for some political prisoners in civil courts.

"The government must, as a priority, review the "anti-terrorist" legislation on a continual basis,

including the executive orders of January and February 2003, to ensure that this legislation is in line with international standards for fair trials”, stated the human rights organisation.

Finally, Amnesty International stressed that the government must comply with the Inter-American Commission on Human Rights decision regarding closure of the Challapalca and Yanamayo maximum security prisons.

"There still remains much to be done to ensure that universal human rights are respected and promoted in Peru," concluded Amnesty International.

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