

PERU Forty five people detained under anti-terrorism legislation

Forty five people were arrested when they went to vote in the second round of Peru's presidential elections, under sweeping anti-terrorism legislation. Such prisoners can be held without charge for 15 days, during which they are frequently tortured and ill-treated.

The 45 were arrested on 28 May when they gave their names at polling stations in Arequipa, Puno and Tacna Departments. Some appear to have been arrested only because their names were the same as, or similar to, those on the arrest warrants. They risk being falsely charged and imprisoned, especially given the unfair trials they would face under Peru's anti-terrorism legislation. If so, Amnesty International would consider them prisoners of conscience and would ask for their immediate and unconditional release.

BACKGROUND INFORMATION

Over 5,000 people are named on arrest warrants issued under the various branches of Peru's antiterrorism legislation, which came into effect between May and December 1992. Human rights organizations in the country as well as the Peruvian ombudsman have repeatedly expressed concern about these *requisitorizados* ("wanted people"). The only evidence against most of them are the testimonies of former armed opposition group members known as *arrepentidos* (repentants). These people took advantage of the Repentance Law (*Ley de arrepentimiento*), which from May 1992 to November 1994 gave benefits (such as reduced sentences) to members of armed opposition groups who gave information leading to the capture of other alleged members of their organisations. The police have arrested many people on the unsupported evidence of "repentants". Whole communities of *requisitorizados* are reported to live in fear, after warrants were issued for their arrest although most are reported to have no links with armed opposition groups.

Amnesty International has expressed deep concern that Peru's antiterrorism legislation has allowed the unjustified arrest, conviction and prolonged imprisonment of hundreds of prisoners of conscience and possible prisoners of conscience. During President Fujimori's first term (1990-95) the authorities were keen to show the success of his counter-insurgency strategy, and were more interested in securing convictions than following fair trial procedures laid down in international law. As a result, hundreds of people have been falsely convicted of terrorism-related crimes. Amnesty International has documented hundreds of such prisoners of conscience and possible prisoners of conscience since 1992.

In 1996 the government established a special commission to review the cases of prisoners falsely charged or convicted of crimes of terrorism. The commission had the power to propose to the President that he pardon those prisoners who had evidently been victims of miscarriages of justice. More than 450 prisoners were pardoned and released on the Commission's recommendation. Others were acquitted by the courts.

The Peruvian Congress ended the Commission's mandate in December 1999, and all such cases were handed over for review to the *Consejo Nacional de Derechos Humanos* (National Council for Human Rights), which is part of the Ministry of Justice. This body has not yet proposed that the President pardon any of the prisoners whose cases it is reviewing. When it was disestablished the

Commission handed over to the President the files of at least 60 prisoners it recommended for pardon. They are still in prison.

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

- urging the authorities to ensure that 45 people arrested on 28 May 2000 when they went to vote are not ill-treated or tortured in detention;
- expressing concern that they may have been falsely accused of terrorism-related offences, and stating that if so Amnesty International would consider them prisoners of conscience, and call for their immediate and unconditional release.

APPEALS TO:

Minister of Justice

Alberto Bustamante Belaúnde
Ministro de Justicia
Ministerio de Justicia
Scipión Llona 350
Miraflores
Lima 18, PERU

Fax: + 511 422 3577

Salutation: Dear Minister/Estimado Sr. Ministro

Minister of Interior

General César Enrique Saucedo
Ministro del Interior
Ministerio del Interior
Plaza 30 de Agosto s/n
Urb. Córpac
San Isidro
Lima 27, PERU

Fax: + 511 224 2405 / +511 475 3419

Salutation: Dear Minister/Estimado Sr. Ministro

COPIES TO:

Human rights organization

APRODEH
Jr. Pachacútec 980
Jesús María
Lima 11, PERU

Fax: + 511 431 0477

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 24 July 2000.