

EXTERNAL

AI Index: AMR 46/33/97

18 August 1997

Further information on UA 224/97 (AMR 46/28/97, 21 July 1997) - Possible cruel and inhumane treatment

PERU Prisoners transferred to Challapalca Prison

New Names: Juan AGUILAR MANTILLA

Ricardo AZA ZUÑIGA

Andrés CACERES GAMARRA

Andrés CACERES TUANAMA

Carlos Jesús CONDE SAAVEDRA

Daniel CRUZADO ARROYO

Giovani Dante GAMARRA PUERTA

Ricardo HURTADO DE LA CRUZ

Jacinto LARA CORTEZ

Adolfo LIRA GARCIA

Enrique LOCK COVERA

Rolando MOSCALON FARFAN

José RAMIREZ LINGAN

Emilio REINOSO AGUILAR

Carlos SULLCA SANCHEZ

Tito USCUVILCA PATIÑO

Oscar ZEVALLOS RAMOS

Fernando SANGA PORTOCARRERO

Hugo PALOMINO OCHANTE

Jesús Martín ENCINAS OTANI

and 31 other unidentified prisoners

60 other potential transfers to Challapalca Prison

On 8 and 9 August 1997 the 20 above named prisoners, plus 31 other unidentified prisoners, were transferred to the new maximum security *Penal de Challapalca*, Challapalca Prison. These are the first prisoners to be held in this new prison. Some 60 other prisoners are believed to be in danger of imminent transfer.

Due to the high altitude of the prison the prisoners are in danger of suffering serious health problems and even death, should they reside there over a prolonged period of time.

According to a report published by Peru's Ministry of Justice, the Challapalca Prison is located at "5.000 metros sobre el nivel del mar", "5,000 metres above sea level". (Source: *Política Penitenciaria en el Perú: Diagnóstico de la Realidad Carcelaria Coordinadas para la Creación de un Sistema Penitenciario, Ministerio de Justicia, Instituto Nacional Penitenciario, 1995, Penitentiary policy in Peru: An Analysis of Prison reality Prepared for the Creation of a Penitentiary System, Ministry of Justice, National Penitentiary Institute, 1995, page 52*).

Prior to the transfer, Amnesty International sent urgent appeals to the Minister of Justice, Dr. Alfredo Quispe Correa, requesting the authorities to halt the transfer and suspend the decision to bring the Challapalca Prison into operation, until such time as a full and independent inquiry was conducted into the consequences for the health of inmates transferred to the prison. Similar appeals were made to the *Instituto Nacional Penitenciario* (INPE), National Penitentiary Institute, by Peruvian human rights organizations; by

relatives of the prisoners awaiting transfer to the new prison; by Peru's *Defensoría del Pueblo*, Ombudsman's Office; and by Peruvian experts in high altitude medicine. The INPE, under the direction of the Ministry of Justice, has responsibility for Peru's prisons. These appeals have so far gone unheeded.

On 12 August, relatives of some of the inmates transferred to the prison filed an *habeas corpus* petition before a judge in Lima, the capital, in favour of the prisoners. The petition argued that certain rights of the prisoners were at risk as a result of the transfer and requested that "[...] *se pretenda reponer las cosas al estado anterior a la violación del derecho constitucional de la integridad física, psíquica y moral*", "[...] the situation prevailing before the violation of the constitutional right to physical, psychological and moral integrity be reinstated".

The petitioners, in support of their petition, invoked Peruvian and international human rights law, including the Constitution of Peru, the Universal Declaration of Human Rights, the United Nations (UN) International Covenant on Civil and Political Rights, the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the American Convention on Human Rights. By 15 August the judge had not issued a ruling on the petition.

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

- expressing profound dismay that prisoners have been transferred to the *Penal Challapalca*, Challapalca Prison;
- calling on the authorities to reverse the decision which led to the transfer of the prisoners by returning them to other prisons;
- reaffirming the claim made by Peruvian and foreign experts in high altitude medicine that prolonged exposure to such an altitude could lead to serious health problems, including death;
- calling on the authorities to halt any further transfers to the Challapalca Prison until a full and independent inquiry is conducted into the consequences for the health of prisoners held at such high altitudes over a long period of time.

**APPEALS TO:**

Minister of Justice  
 Dr. Alfredo Quispe Correa  
 Ministro de Justicia  
 Ministerio de Justicia  
 Scipión Llona 350  
 San Isidro  
 Lima, PERU

**Telegrams: Justice Minister, Lima, Peru**  
**Fax: + 511 422 3577 / 445 8076**  
**Salutation: Señor Ministro / Dear Minister**

**COPIES TO:**

Human rights organization  
 CNDDHH  
 Jr. Túpac Amaru 2647  
 Lince,  
 Lima 14,

PERU

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 29 September 1997.