

UA 279/97

Intimidation/Death threats/Fear for safety 20 August 1997

**PERUELBA Greta MINAYA CALLE, judge (f)**  
**Francisco SOBERON GARRIDO, human rights defender**  
**Manuel BALUARTE, human rights journalist**  
**Staff of the *Asociación pro Derechos Humanos***

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Peruvian judge Elba Greta Minaya Calle is being intimidated for her work on behalf of prisoners who have been arbitrarily detained. Francisco Soberón Garrido and Manuel Baluarte, respectively director and journalist for the independent human rights organization, *Asociación pro Derechos Humanos*, APRODEH, Association for Human Rights, and the staff of APRODEH, have been threatened with being killed. Amnesty International believes these incidents are linked. The organization fears for the safety of judge Minaya and all of APRODEH's staff.

On 15 August 1997, judge Minaya was followed by individuals in a VW car as she drove to APRODEH's offices. APRODEH staff approached the driver, after he had parked outside the offices, and asked if he was following judge Minaya. The driver replied in the affirmative.

While judge Minaya was in the APRODEH offices, Francisco Soberón received four anonymous telephone calls, and Miguel Baluarte one, asking for judge Minaya. After proffering insults, the callers threatened to "disappear" and kill all the APRODEH staff.

These incidents occurred in the wake of a resolution published on 13 August in *El Peruano*, the government gazette. The resolution authorised the *Procurador Público para Casos de Terrorismo*, Public Prosecutor for Terrorism Cases, to conduct a criminal investigation into allegations that judge Minaya had not acted according to the law in upholding an *habeas corpus* petition in favour of a woman in the custody of DINCOTE, the anti-terrorism police force. The woman's release was ordered by judge Minaya. The investigation could have led to the detention of judge Minaya herself, on suspicion of "terrorism". Had she been detained, AI would have considered her to be a prisoner of conscience.

A public outcry against the resolution led the authorities to publish a further resolution in *El Peruano* on 16 August, revoking the first resolution and ordering an internal investigation by the judiciary into allegations of professional misconduct by judge Minaya. The new resolution removed the danger of the judge being detained.

#### **BACKGROUND INFORMATION**

The resolutions published in *El Peruano* followed previous rulings by judge Minaya in which she upheld *habeas corpus* petitions filed in favour of two human rights victims whose cases have received considerable international attention. The first case is the unresolved "disappearance" in 1991 of student Ernesto Castillo Páez by members of the Peruvian security forces (see *Amnesty International Report 1992 and 1993*). Earlier this year, judge Minaya appeared as a prosecution witness before the Inter-American Court on Human Rights, in the Ernesto Castillo Páez case, brought against Peru by the Inter-American Commission on Human Rights.

The second case is the arbitrary detention last November of former army general and prisoner of conscience, Rodolfo Robles Espinoza, by members of Peru's intelligence services (see *Amnesty International Report 1997*). In the wake of his arbitrary detention, judge Minaya ordered his release, but this was ignored by the military. Days later, and following Peruvian and international pressure, General Robles was released.

The intimidation of judge Minaya and the death threats against APRODEH's staff are the latest in a long line of intimidation, harassment, death threats and armed attacks against individuals and institutions critical of President Alberto Fujimori. These incidents have taken place in the context of longstanding claims by critics that Peru is under the rule of "*un gobierno civico-militar autoritario*", "an authoritarian civic-military government", intent on securing its reelection in 2000 for a third five-year term of office.

The incidents also follow the destitution by Congress of three judges serving on the *Tribunal Constitucional*, Constitutional Tribunal, who previously ruled that President Fujimori's candidature in 2000 would be unconstitutional. The destitution is widely regarded as having seriously undermined Peru's judicial independence, and as a clear sign of attempts to silence opinions which do not coincide with those of the government and its parliamentary majority. They also follow recent revelations that some opponents of the government have had their telephone conversations systematically tapped.

The targets of this long line of cases of intimidation include journalists, members of the parliamentary opposition, and radio and television stations disseminating critical reports of President Fujimori's administration. Many of the cases have been reported by Amnesty International (see, for example, Urgent Action 201/97, AI Index: AMR 46/27/97, 8 July 1997).

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

- expressing concern at allegations of intimidation against judge Elba Greta Minaya Calle, and of death threats against human rights activists Francisco Soberón Garrido, Miguel Baluarte, and other staff of the human rights organization *Asociación pro Derechos Humanos (APRODEH)*;
- calling for a prompt, full and independent investigation into the death threat allegations, requesting that the findings be made public, and those responsible be brought to justice;
- calling for the authorities to take the necessary steps to guarantee the safety of APRODEH's staff;
- calling for the issuing of a presidential directive which will affirm the independence of the judiciary in law and in practice.

**APPEALS TO:**

President of the Republic  
 Presidente Alberto Fujimori  
 Palacio de Gobierno  
 Plaza de Armas  
 Lima 1, PERU

**Fax: + 511 426 6770/ 426 1120 (please wait until someone picks up the phone and then say: "me puede dar tono de fax, por favor").**

**Telegrams: Presidente Fujimori, Lima, Perú**

**Salutation: Sr. Presidente/ Dear President**

President of Congress

Dr. Carlos Torres y Torres Lara  
Presidente del Congreso  
Plaza Bolívar s/n  
Lima 1, PERU

**Fax: + 511 426 8290**

**Telegrams: Dr. Carlos Torres y Torres Lara, Congreso, Lima, Perú**

**Salutation: Señor Presidente del Congreso/Dear President of Congress**

**COPIES TO:**

Human rights organization

APRODEH

Jr. Pachacutec 918

Jesús María

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 1 October 1997.