The Republic of Peru is the fourth largest Latin American country. Over half of its nearly 16 million people live in the highlands of the Andes mountains, while some five million live in and around the capital, Lima, on the Pacific coast. About half of the people are mestizos, descendants of the indigenous peoples and Europeans; over one third are purely indigenous peoples. Both Spanish and Quechua are official languages.

Peruvian exports include, in the order of value, copper, fish meal, coffee, sugar, silver and cotton. Countries buying Peruvian products are, in order of importance, the United States, Japan, the Federal Republic of Germany and the United Kingdom. Peru is approaching self-sufficiency in petroleum.

Peru has been governed by the military since a bloodless coup on 2 October 1968 deposed President Fernando Belaunde Terry and dissolved the two-chamber legislature. A junta, composed of the commanders of the army, navy and air force took power and named General Juan Velasco Alvarado President of the Republic and head of the Revolutionary Government of the Armed Forces. Early measures taken by the military Government included the complete nationalization of the petroleum industry and to a large extent the mining and fishing industries. A major objective was a reform in the land tenure system.

In July 1974, a law establishing a basis for controlling the news media was promulgated and the six newspapers published in Lima with a national circulation were expropriated. Subsequent years saw the frequent short-term detention and deportation of editors and journalists, and the temporary closure of weekly news magazines.

In August 1975, after a severe illness, General Juan Velasco Alvarado was replaced as President by his Prime Minister and Minister of War, General Francisco Morales Bermúdez. On 18 June 1978, elections were held for a Constituent Assembly of one hundred seats which is to draft a new Constitution. Elections for a return to constitutional government are now scheduled to take place in 1980.

Peru is a member of the United Nations, the Organization of American States, the Latin American Free Trade Area and the Andean Pact and is one of the group of non-aligned nations. It has ratified the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and has signed the American Convention on Human Rights.


A law of general amnesty was promulgated in Peru on 18 July 1978, exactly one month after elections for a Constituent Assembly. However, as of January 1979 Amnesty International's concerns in Peru remain fundamentally the same as those stated in the Peru Briefing Paper.

Since the summer of 1978, there have been periodic large-scale arrests of trade unionists, political activists and community leaders. The most recent wave of arrests took place during the first week of January 1979, when the military Government suspended constitutional guarantees and declared a State of Siege in order to defuse a general strike planned for 9/11 January. Emergency measures included the arrest by the military of close on 800 people in Lima alone, mainly trade union leaders and members of the political opposition. How many of those detained are still in custody is not known, although Amnesty International has received reports from local sources that more than 35 are still in detention.

The mass arrests of January 1979 seem to follow the pattern of the military Government's reaction to the social disturbances that have erupted periodically since January 1976 (as described in the Peru Briefing Paper). During the second half of 1978, several other events involving police repression and short-term detentions were brought to Amnesty International's attention. A prolonged strike of miners in August 1978 was brought to an end in mid-September by measures which included a State of Emergency, military occupation of the mining areas and the forcible evacuation of protest marchers from Lima to their own home provinces. Arbitrary detentions took place also during strikes by teachers and students in November, and during the public protests over increases in bus fares in Lima in the last days of October.

Continuing public unrest in Peru has been linked, in various quarters, to the economic difficulties that have beset the civilian population. Official statistics showed a sharp rise in the cost of living, at the same time registering a substantial decrease in the real wages of workers in both the private and state sectors. Although the reportedly mounting social tensions are explained by the political opposition as a popular response to the tight economic situation, the Government has regarded public demonstrations and workers' strikes as disruptive of public order and "subversive". The military regime has enacted stricter legislation which, in turn, has met with public criticism.

Although the convocation of the Constituent Assembly in July 1978 seemed to pave the way for a peaceful transition to civilian rule, there has been sustained protest against amendments made to the Code of Military Justice (Código de
Peru

1. Introduction
Issues of particular concern to Amnesty International in Peru are:

a) the periodic large-scale arrests of trade unionists, political activists and community leaders; terms of detention generally last less than six months, but there are many rearrests;

b) that civilians are, as a matter of routine, brought before the military courts for a broad range of offences, that habeas corpus is ineffective and that there is no appeal to civil courts;

c) that consistent allegations of severe maltreatment during interrogation by members of the Peruvian Investigative Police have been made by prisoners charged with guerrilla activities;

d) that prison conditions for both common-law criminals and political prisoners are poor.

2. The Political Context
The "Statute of the Revolutionary Government", the first Decree Law of the military Government that took power on 2 October 1968, declared that government would be based on "the firm defence of national sovereignty and dignity" and that a principal objective of the régime was "to raise to superior living standards, compatible with the dignity of the human person, the sectors of the population which are least favoured, through the transformation of the economic, social, and cultural structures of the nation" (Decree Law 17063, 3 October 1968).

On the next day, another decree law made null and void a contract signed by the previous Government with the International Petroleum Company (IPC) which had prolonged IPC's existing concessionary rights to exploit what was then Peru's only producing oil field; yet another ordered the immediate expropriation of the IPC concession and installations.

Subsequent years saw the nationalization of the electricity and telephone systems, the railways, the six major newspapers with a national circulation, and most of the banking, fishing, mining and metal industries.

It was, however, the Law of Agrarian Reform—Decree Law 17716 of 24 June 1969—that brought about the structural changes in Peru which had the most far-reaching domestic consequences. Between 1969 and 1972, over 2.6 million hectares were redistributed, benefiting an estimated 100,000 families: by 1977 about 10 million hectares had been expropriated. This agrarian reform has, however, been criticized by agricultural workers' federations for having totally
bypassed certain regions, for delays in adjudicating in disputes, for the absence of appropriate technical assistance and credit, and for the amount of money now required regularly from peasant villagers to compensate former landowners.

In August 1975, General Juan Velasco Alvarado was replaced as President by his Prime Minister and Minister of War, General Francisco Morales Bermúdez. Although there was never an open break with the policies of the Velasco Government, President Morales has slowed down or even reversed the previous tendency towards increasing state participation in the economy. Similarly, the earlier emphasis of the agrarian reform on redistribution has now changed in favour of a rationalization of agriculture to increase production. Terms are now being agreed for foreign investment in certain sectors, such as petroleum exploration and extraction (dominated by the state firm, PETROPERU), which might have been unacceptable under the Velasco regime.

The Government of the Armed Forces under President Morales has also altered its position on political participation, and has drawn up a timetable by which the restoration of constitutional government is to be achieved. Elections for a Constituent Assembly, which is to draft a new Constitution, took place on 18 June 1978, and an elected government is planned for 1980.

Promised democratization by the Morales Government has not, however, forestalled a dramatic growth in public opposition to the policies of the regime, especially its economic policies. Severe financial problems have forced the authorities periodically to devalue the national currency, the soles, and to renegotiate repayment of the foreign debt. International financial institutions, however, have imposed increasingly harsh conditions for the granting of standby credits. Private foreign banks, which are among the Government's main creditors, use the criteria of the international financial bodies—primarily the International Monetary Fund (IMF)—as a basis for decisions on debt rescheduling.

Austerity measures in response to the national economic crisis, which have hit the poorest sectors of Peruvian society hardest, were rises in petrol costs—which immediately raise public transport costs—and cuts in basic food subsidies. Such measures have on each occasion been met by massive street demonstrations and nationwide strikes. In disturbances of this kind in January 1976, July 1976, July 1977 and May 1978, there were deaths from shooting and mass arrests—of between 2,000 and 6,000 people. Each time the authorities imposed a State of Emergency and suspended constitutional guarantees. The repression in each case provoked further protests demanding the release of political prisoners predominantly trade union and community leaders—and the resignation of Government officials responsible for the violence with which the disturbances were put down.

After negotiations between the IMF and the Peruvian authorities in early 1977, petrol prices were doubled and food subsidies cut, but financial credits for the following year were granted. There was a general strike on 19 July 1977 in protest at the measures. However, the strike was declared illegal under the State of Emergency provisions, and over 2,000 strikers and demonstrators were detained. Furthermore, a Ministry of the Interior Resolution (No. 010-77, of 22 July 1977) empowered all state and private employers to dismiss summarily those trade unionists who had been involved in promoting the strike. Under this Resolution, over 5,000 trade union members and leaders lost their jobs, including most of those who had been detained. The dismissals have led to major protests, including a fifty-day hunger strike by dismissed workers in early 1978.

In May 1978, an IMF team was again in Lima to discuss financial credits, after the second half of the funds agreed in mid 1977 had been withdrawn: Peruvian authorities had allegedly not complied with the conditions agreed upon.

On 18 May, a 68 per cent price rise in petrol and a total abolition of food subsidies were decreed: within a few days, food and transport costs doubled. Immediately, there were nationwide disturbances, during which at least 38 people were shot dead by security forces. Up to 6,000 arrests were made between 18 and 23 May, when a 48-hour general strike ended.

In a television speech on 21 May, President Morales asked the forgiveness of the Peruvian people for the severe economic measures. He also said that "further measures may have to be taken if there is no response from the international (financial) bodies despite the sacrifices endured by the Peruvian people"—implying that Peru might default on its foreign debt. In a speech on 26 May, he attacked the international financial institutions and the developed nations for their "blatant lack of political and social vision" in financial relations with nations of the developing world, which, he said, created "economic recession and explosive social situations."

Despite the President's insistence that the disturbances would not obstruct moves towards democratization, the mass arrests and selective deportations carried out during the May 1978 demonstrations and the 22-23 May nationwide general strike appeared seriously to jeopardize the first stage of the democratization process: the election of a Constituent Assembly on 18 June 1978. Many candidates were in detention or in hiding at the time of the elections, and 10 leaders of major left-wing political parties who were candidates in the election were forcibly exiled, although later they were allowed to return at Government expense.

3. The Legal Situation

The Statute of the Revolutionary Government of 3 October 1968 established the principles by which the military have governed Peru up to the present; it included a commitment to act in conformity with the Constitution (1933) "where it is compatible with the objectives of the Revolutionary Government". The safeguards for individual rights established by the Constitution have, however, been formally suspended periodically, in response to economic and political crises, in accordance with Article 70 of the Constitution, and have, on other occasions, been subordinated to new legislation and to executive orders.

Almost all the political prisoners in Peru about whom Amnesty International has been concerned during the period of military government have been held under the military court system; the exceptions are those held for short periods in police detention. Political imprisonment has come into the sphere of the civil courts only in so far as it is these courts that may apply a legal remedy for arbitrary detention (habeas corpus), and may in some cases challenge the jurisdiction of the military courts.

Changes in the interpretation and application of legislation in large part in
existence before 1968 have led to the scope of military court proceedings involving civilians being considerably extended since then. In 1977 and 1978, over 2,000 civilians were brought before the military courts and classified by them as “political-social” prisoners. In addition, many civilians are brought before the military courts on non-political charges. Civilians who resist arrest, or otherwise abuse a member of the police or the military are liable to prosecution under one of the clauses of Title Five of the Code of Military Justice, “Attack on the Armed Forces”. Similarly, attempted bribery of a member of these forces can be punished under the Military Code of Justice.

The bases of the military court system are the Ley Orgánica del Poder Judicial (the Organic Law of the Judicial Power), the Ley Orgánica de Justicia Militar (the Organic Law of Military Justice) and the Código de Justicia Militar (the Code of Military Justice), Decree Laws 14605, 14612, and 14613 respectively, each promulgated on 25 July 1963 by an earlier military Government. Article 4 of the Organic Law of the Judicial Power states that “The Military Courts will be governed by their own law.”

Although Article 4 of the Organic Law of Military Justice states that the (civil) Supreme Court of Justice has the power to give a ruling in disputes between civil and military courts on questions of jurisdiction, Amnesty International knows of no cases in which the jurisdiction of the military courts has been challenged. Apart from recourse to habeas corpus, there is no provision for appeal to a civil court against the verdict of any military court (see Section 3, iii).

(i) The structure of the military courts
The military courts are headed by the Consejo Supremo de Justicia Militar, a court of eight magistrates, all officers on active duty in the armed forces: the army, navy, air force and the Civil Guard (Guardia Civil), the para-military police force. Under the authority of the Consejo Supremo, each branch of the armed forces maintains a separate system of courts of investigation (Jueces Instructores) and trial courts (Consejos de Guerra) by which their own personnel—and civilians also—can be disciplined in accordance with the Code of Military Justice. Judges are officers in the armed forces, and are appointed by the high command of the force to which they belong; Civil Guard judges are appointed by the Minister of the Interior. The prosecutors (Fiscales) and legal advisers (Auditorías) are trained lawyers, officers in the Military Juridical Corps (Cuerpo Jurídico Militar).

The Civil Guard courts in practice have almost exclusive jurisdiction over political prisoners, although no article of the Code of Military Justice or of the Organic Law of Military Justice specifies separate jurisdictions within the military court system. In general, political prisoners are transferred to the courts in just one of the five Police Judicial Zones (Zonas Judiciales de la Policía) where the Civil Guard courts sit—the Second Police Judicial Zone of Lima. Although in matters of law and the administration of justice the Civil Guard courts are formally responsible only to the Consejo Supremo de Justicia Militar, there are grounds for concern about the functional independence of these courts. This is largely because of their structural and hierarchical subordination to the Minister of the Interior, who is responsible, according to Decree Law 19849 (Ley Orgánica del Sector Interior) for the control of “domestic government, internal security, public order and penitentiary administrations”. The Minister of the Interior, who appoints Civil Guard judges, is also head of the Civil Guard, the Peruvian Investigative Police (Policía de Investigaciones del Perú) and the Republican Guard (Guardia Republicana) and is empowered to “direct and control all the activities of the Police Forces”.

Although there is no evidence that this hierarchical relationship has, in fact, influenced the final judgment of individual prisoners by judges of the Civil Guard courts, there is ground for concern about its possible influence on the pre-judgment stages of court proceedings (during which prisoners have been held for over a year), and about the courts’ response to allegations of maltreatment (see Section 6 below). It is particularly anomalous that the Minister of the Interior should be the direct superior of the police forces involved in detentions, interrogations, investigations and the guarding of prisons, and that he should also appoint trial judges from the force under his command.

It is also disquieting that, since most cases of political imprisonment are resolved at the level of the Juez Instructo and the Consejo de Guerra of the Civil Guard courts, close supervision by the Consejo Supremo de Justicia Militar may be impeded by administrative barriers.

(ii) Military court procedures
There is a pattern of widespread short-term detention in Peru: civilians are regularly detained during extensive preliminary inquiries by the Civil Guard courts, but there are few convictions. This calls in question the good faith of these courts, and their independence.

Each year, as many as several thousand political prisoners go through the Civil Guard courts, and many are detained for considerable periods during initial hearings, sometimes for over a year. Most of them are charged in connection with activities in trade unions and political parties. Trade union and community leaders may undergo such periods of detention repeatedly. Few of the political prisoners who appear before the courts are convicted of any crime. Most of the 25 political prisoners now in detention after conviction by the military courts have already been in detention for several years; 13 of them were detained in 1972. These prisoners differ from the several thousand other political prisoners in pre-trial detention at the time of writing in that they were charged with crimes relating to the actions of illegal armed groups.

Furthermore, many prisoners released in the course of Civil Guard court proceedings, even after months of imprisonment, are granted only provisional liberty, as in their cases, proceedings technically remain open. Some prisoners have been held provisionally at liberty for several years, because court proceedings were, in practice, suspended in their cases, but during this period they have been required to report regularly to the police. Official certificates of “police background” (antecedentes policiales) for ex-prisoners on provisional liberty record the charges pending against them, and police comments on these charges. Copies of these certificates must be presented by ex-prisoners to prospective employers on request, and must be produced when applying for travel documents or for a place in a state educational institution.

A frequent basis for pre-trial detention in recent years (see Section 3 above)
has been “Insult to the Armed Forces” (Ultraje a la Fuerza Armada), Article 101 of the Code of Military Justice, but as far as Amnesty International knows, no convictions of civilians on this charge have yet been upheld by the Consejo Supremo de Justicia Militar under the present Government.

Six leaders of the trade union for workers in the Belgian-owned “Eternit” roofing factory in Lima were detained on 27 April 1977, charged with the authorship of pamphlets and other printed matter, and of slogans painted on the factory walls which were, according to the formal accusation, “slanderous and offensive to the Revolutionary Government of the Armed Forces”. The six men were subsequently convicted by a Civil Guard Consejo de Guerra and sentenced to from four to seven months’ imprisonment. All were released in November 1977. An appeal against this conviction, long after the six men had completed their sentences, was upheld by the Consejo Supremo de Justicia Militar in May 1978, reportedly on the legal grounds that the Armed Forces, as the de facto Government of Peru, must be open to criticism. Although there is now a precedent in cases of civilians charged with “Insult to the Armed Forces”, it is not known whether the police and the Civil Guard courts will continue to justify detentions on this charge. Should charges continue to be pressed on the basis of Article 101, they may constitute prima facie evidence of the application of justice in bad faith by the Civil Guard courts.

Another charge frequently brought against political detainees, in cases where, as far as Amnesty International knows, there have been no convictions, is “sabotage”, which comes under Article 146, Sections 3 and 4 of the Code of Military Justice. Trade unionists involved in strikes during States of Emergency, or other strike action that has been declared illegal have not infrequently been charged with “sabotage of production”, generally linked to other charges. Section 3 of Article 146 refers to those who “disorganize or disturb” the function of essential services, while Section 4 provides for punishment of those who “illegally paralyze the activities of production, transportation or consumption through the use of violence against persons or things...”.

The Law of Agrarian Reform specifies in Section 8 what actions are punishable as “sabotage of the Agrarian Reform” in accordance with Article 146 of the Code of Military Justice, and has been the grounds for detaining leaders of peasant federations, although, again, no convictions have been reported to Amnesty International.

Convictions under the Civil Guard courts which have been upheld by the Consejo Supremo de Justicia Militar have largely been in those cases involving alleged action by illegal armed groups. Charges have generally included “Attack on the Armed Forces” (Ataque a centinela o Fuerza Armada), Title Five, Article 126-139, Code of Military Justice) and “Crime against State Security” (Contra la Seguridad del Estado, Article 140 of Title Six, Code of Military Justice, entitled “On the Illegal Formation of Armed Groups and the Fabrication, Commerce in and Use of Arms and Explosives”). Charges under Titles Five and Six have, however, frequently been brought against leaders of trade unions, student federations and non-violent political groups in accordance with Articles 137 and 141, but have not, apparently, led to convictions. Article 137 concerns those who “take part in a riotous assembly in which acts of violence were committed collectively against a sentinel or armed force...”. Article 141 concerns those who “make arms or explosives” and has been applied to people alleged to have made “Molotov cocktails”.

(ii) Legal remedy

Habeas corpus is the fundamental legal remedy against unlawful detention in Peru and is guaranteed in Article 69 of the Constitution. It empowers the civil courts to order the release of any prisoner found to have been detained arbitrarily. This generally entails locating the prisoner, and establishing whether he or she has been detained more than 24 hours without having been brought before a court as required by Article 56 of the Constitution. However, lawyers claim that, in practice, the 24-hour rule is regularly broken in both common criminal and political cases—partly because of the congestion caused by inadequacies in the judicial and police facilities—and that the courts rarely order a release solely on these grounds.

Where the civil courts try to use habeas corpus in political cases, however, there is some evidence that the police may deliberately try to obstruct it. Prisoners who have been the subject of Amnesty International appeals were detained for more than three months without the police acknowledging that they were in detention and without their appearing before any court: civil courts tried in vain to locate them and implement habeas corpus. This obstructiveness appears to be most common in the Lima area, where many prisoners have reported being moved round from one police station (comisarías) of the Peruvian Investigative Police to another, in what has come to be called the “Carousel” (merry-go-round). Apparently the sole purpose of this is to frustrate habeas corpus by keeping the prisoners totally incommunicado.

In addition to provisions for the application of habeas corpus in cases where a prisoner has not appeared before a court, there are pre-1968 judicial precedents which establish the power of civil courts, by means of habeas corpus, to order the release of prisoners held on the orders of the military courts, if the basis for such detention is determined to be arbitrary within the terms of the Military Code of Justice.* No recent cases of this nature are known to Amnesty International, however, nor is it certain that the military courts and executive authority would, in practice, accede to such judicial release orders.

(iv) International legal instruments


4. Number and Categories of Political Prisoners

The number of political prisoners held in Peru varies widely within relatively short periods of time: from 36 prisoners in early April 1978 to as many as

*The principle was first clearly confirmed in jurisprudence of the Peruvian Supreme Court of Justice on 190 October 1914.
6,000 according to some sources, on 24 May 1978. The cases of 54 prisoners were either under adoption or investigation by Amnesty International in June 1978, when this text was written.

Most political prisoners in Peru are held because of their activities in trade unions, student federations, community organizations, or because they have taken part in street demonstrations against Government policies or in support of strike action. They are generally held for a few weeks to a few months, but leaders are often rearrested. Most are clearly prisoners of conscience.

Large-scale arrests are most frequent where political and economic crises coincide, particularly when strikes take place in protest against Government policies. Although a high percentage of those detained at these times of crises are brought before the military courts for preliminary hearings, very few are ever convicted of any crime. Of an estimated 2,000 people arrested in connection with the 19 July 1977 general strike, court officials have reported unofficially that 742 were given hearings, but fewer than five were convicted of any crime. However, approximately 300 of those detained were held for six months or more before release, and detained trade unionists lost their jobs.

In 1978, up to 6,000 arrests followed nationwide disturbances and a general strike. It is too early at the time of writing to determine how many of those arrested will remain in detention and for how long.

Similar mass arrests of from one to three thousand people occurred in February 1975, in the course of disturbances centered on a strike for higher wages and better working conditions by the Lima police, and in January and July 1976 when there was strike action against austerity measures. In each case, large groups of prisoners were held for several months before release, and in each case, the decision as to who was to remain in prison for one month and who for six months appeared to be arbitrary, partly because of administrative deficiencies in the military courts.

People have been arrested in groups because of specific political activity, particularly in universities. At 5 a.m. on 22 August 1976, security forces occupied the campus of the Universidad Nacional de Ingenieria (the National Engineering University) and arrested all the approximately 150 students then living in the student residences. Most were released after several days, but the 55 who were taken to testify before a military court were held for between three and 12 months, charged with “Damage to Public Property”, “Deterioro del Patrimonio del Estado” and “Insult to the Armed Forces” (Ultraje a la Fuerza Armada). Fourteen of the detainees, each an official of a student federation, were held until November 1977 before being granted provisional liberty. Their trial is still pending.

Six hundred and fifty-one students of the Universidad Nacional “La Cantuta” (the national university for teacher training) were arrested on the night of 21 February 1977, and the campus was closed because, the authorities claimed, it “had become a center of Marxist-Leninist doctrine”. Most of the students were taken to the “Leoncio Prado” Military Academy, which was used as a temporary detention camp. One of them, twenty-two-year-old Walter Bravo Trujillo, died of brain damage some 12 hours after arrest, apparently as a result of a blow from a rifle butt when he was detained. Six months later, 28 were still in detention, charged with “Insult to the Armed Forces” and crimes against state security (“contra la Seguridad del Estado”); again, all were leaders of student federations. By December 1977 they had all been granted provisional liberty, without having been either convicted or acquitted. Their case may be reopened.

Other group arrests have been made after local industrial disputes, primarily in industries under state control. They have occurred when union members in a particular industry have taken strike action, or when there has been a strike in a particular region—a province or city, for example.

The November 1976 strike by fishermen in the state fishing concern PESCAPERU who were trade union members was a protest against the denationalization of the fishing fleet, and the consequent nullification of labour contracts. It resulted in at least 350 arrests in the city of Chimbote. Some 30 leaders of the steelworkers’ union in the state plant SIDERPERU, also in Chimbote, were detained when their union announced a strike in sympathy with the fishermen. Although the charges against the detainees ranged from “Sabotage of Production” (Article 146 of the Military Code of Justice) to “Insult to the Armed Forces”, most were granted provisional liberty after several weeks or months in detention, and court proceedings were suspended.

The people most often taken into detention in the countryside have been members of mountain peasant communities who have engaged in disputes with agrarian reform authorities, or in confrontations with security forces over local problems. Mass protests by national federations of peasants, notably the Confederacion Campesina del Peru and the Confederacion Nacional Agraria—founded by the Government in 1972—have resulted in the frequent arrests of local and national leaders. The main leaders of the Confederacion Nacional Agraria were most recently detained in May 1978 and, shortly afterwards, the authorities announced the dissolution of the Confederation on the grounds that it had become a “political organization” (the Vice-President of the organization, Vicente Baylon, remains in detention at the time of writing, on unspecified charges).

In June 1978, the only political prisoners known to Amnesty International to have been tried and convicted by the military courts were 25 who were charged with crimes under the Military Code of Justice, Title Five, “On the Organization of Illegal Armed Groups”, and Title Six, “Attack on the Armed Forces”. The sentences passed ranged from two to 12 years’ imprisonment, and 13 of the prisoners have been in detention since 1972. There are 13 political prisoners awaiting trial on charges based on Titles Five and Six of the Military Code of Justice.*

5. Location and conditions of detention centers and prisons

In the period immediately after detention, prisoners are generally held in the custody of the Peruvian Investigative Police (PIP) either in local police stations

*A law of general amnesty was promulgated on 18 July 1978, ordering the release of all prisoners charged with or convicted of “political-social” crimes. Most convicted political prisoners, including those charged with guerrilla activity, were subsequently released. Political prisoners still in detention include Juan Ariasopina and Raimundo Zanabria. They await trial before a military court for an attack on a police officer—a charge carrying the death penalty.
or in the Lima headquarters of the State Security branch of the PIP (Seguridad del Estado), situated in the Lima Prefecture.

When large-scale arrests have been carried out, other police establishments have been used for temporary detention. These have included the general headquarters and training camp of the Civil Guard at "La Campina" and the central barracks of the Republican Guard at Potoo-Rimac, both in the Lima area. In addition, on one occasion, over 600 students were detained briefly in the grounds of the "Leoncio Prado" Military Academy in Lima.

Pre-trial detention conditions—while the prisoner is still in police custody—are worst following mass arrests, because of the overcrowding and the poor physical state of the police detention centers. Prisoners in the State Security wing of the Lima Prefecture are held in a single cell approximately 6 by 4 metres in size, without sanitation. Up to 100 prisoners are reported to have been held there at one time, some of them for several months. The main jail area of the Prefecture, generally used for common-law criminal suspects, is a three-tier cell block; political prisoners are held there after mass arrests. Cells in local police stations are also full after mass arrests of political prisoners and are reported to be more primitive than in detention centers in the capital.

After an initial hearing before a court, political prisoners are generally transferred to a prison under the authority of the General Prison Administration (Dirección General de Establecimientos Penales), a sub-section of the Ministry of the Interior. In the Lima area, the prison used exclusively for political prisoners is the Centro de Rehabilitación y Adaptación Social (CRAS) in Callao, which contains three cells, each about 5 by 4 metres in size, and each holding from 20 to 30 prisoners. Although the 1978 Amnesty International mission (see below) was not permitted to visit Callao Prison, conditions there are reported to be the worst of any CRAS prisons, with inadequate sanitary arrangements and drinking water, and a total lack of facilities for prisoners to get any exercise or fresh air.

Political prisoners are held also in the CRAS of Lurigancho, a more modern prison opened in 1968 in Canto Grande on the outskirts of Lima. Originally built for 1,800 prisoners, Lurigancho now holds up to or over 5,000. Largely as a result of this severe overcrowding (sometimes there are seven prisoners in cells designed for one) conditions are very poor. Prisoners complain of lack of water, poor food, the lack of rehabilitation facilities for more than a minority of prisoners, and of the almost total lack of medical supplies in the prison hospital. Each complaint may be partly due to the lack of financial resources at the disposal of the (civilian) prison administration, and the continual growth of the prison population. The Amnesty International mission was able to visit parts of the Lurigancho Prison but was prohibited, by a direct order from the Interior Ministry, from meeting prisoners and from visiting the prison wing then used for political prisoners (see below).

Women prisoners are generally transferred to the Women's Prison in the Lima suburb of Chorrillos, where conditions are said to be relatively good. The comparatively few political prisoners not held in Lima are in provincial prisons, including the Amazon penal colony, El Sepa.

6. Torture and Maltreatment

There is considerable evidence of widespread brutality on the part of the Peruvian Investigative Police during some interrogations, particularly of the urban poor. Several community leaders of the "pueblos jóvenes" ("young towns" or "self-help communities")—poor neighbourhoods surrounding Peru's coastal cities—known to Amnesty International have been repeatedly beaten in police detention and have been disabled as a result. Rank and file trade unionists too may suffer repeated short-term detention and maltreatment. As the majority of these prisoners are released before a trial process is completed, the reason for the maltreatment appears to be intimidation. From prominent trade union and political leaders claims about physical maltreatment in detention are less frequent.

The relatively few prisoners who are charged with participation in guerrilla activities are the ones who have made detailed and consistent allegations of brutality during interrogation—brutality so severe that it undoubtedly amounts to torture. These prisoners, some of them in detention since 1972, have at different times given Amnesty International statements in which they claim to have been tortured by electric shocks, suspension by the feet, forced inhalation of ground chilli peppers (aji) and in other ways. The Peruvian Investigative Police and the special anti-guerilla corps of the Civil Guard, the Batallón Sinchi, are said to have inflicted torture, and there have been disquieting reports from some prisoners that the military courts have entirely disregarded their claims that they have been tortured and forced to sign confessions. One of the objectives of the April 1978 Amnesty International mission to Peru was to meet with these prisoners in order to examine the substance of their allegations, but the mission was prohibited from having contact with any political prisoners at all.

There have been several cases in recent years of police personnel being prosecuted and convicted by the Civil Guard courts for allegations of torture of brutality toward prisoners. In September 1974, the then President, Juan Velasco Alvarado, publicly condemned the use of torture, announced an investigation into allegations that it was being inflicted in Peru and demanded the resignation of the current head of the Peruvian Investigative Police, alleged by a number of people to have been implicated in torture. The Peruvian delegation played an important part in supporting United Nations Resolution 3452 (XXX) on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was adopted by the General Assembly on 9 December 1975.

7. The death penalty

The death penalty was imposed in Peru seven times between 1973 and February 1976, with execution carried out by firing squad on the prison island "El Frontón" near Lima. Each of the men executed had been convicted of the murder of a member of the police.

Before the 1968 military coup, the death penalty was only infrequently imposed: one source states that 12 prisoners were executed between 1871 and 1971. From 1924 to 1933 the death penalty was effectively abolished, as the Penal Code then made no provision for its application. The Code was subsequently
modified several times, and, by 1968, had provision for the death penalty for treason and certain categories of murder.

Since 1968, a series of decree laws have added to the number of capital crimes, particularly those in which members of the armed forces and the police are killed or injured, and political terrorism.

Decree Law 19910 (30 January 1973), modified by Decree Law 20828 (see below), provided for special summary procedures in trials of those charged with murdering a police officer, or with robbery resulting in a death. Military courts, in cases involving the death of a member of the police, are to complete the trial proceedings within 48 hours, and the death sentence is to be carried out within 24 hours of judgment being given. There is no right of appeal to a civilian court.

On 3 December 1974, Decree Law 20828 prescribed the death penalty for “Those who for political purposes make attempts on the lives of persons, or who damage property, employing whatsoever means... if death or injuries of whatever gravity should be produced”; death is also prescribed for those found to be “the authors, co-authors, accomplices, and those who conceal the acts”.

Decree Law 20828 was a direct response to the assassination attempt, on 1 December 1974, against the then Prime Minister, General Edgardo Mercado Jarrin, when Generals Javier Tantaleán and Guillermo Arbulú were wounded by gunfire. The stated purpose of the law was the suppression of “political terrorism”. According to its preamble, “the punishment must be drastic, the procedures summary, and the execution of sentence immediate.”

While the several decree laws providing the death penalty for specifically political acts have not yet been applied, their availability is cause for concern. It is hoped that the Government of Peru’s signature, in June 1977, of the American Convention on Human Rights, will be followed by the derogation of this legislation: Article 4, section 4 states that “In no cases shall capital punishment be inflicted for political offences or related common crimes.”

8. Amnesty International Action

(i) In June 1978 Amnesty International groups were working on 48 individual cases of prisoners detained on account of political or trade union activity. Appeals have been made for the release of all prisoners of conscience.

(ii) Amnesty International has appealed for full investigations to be made into allegations of torture or maltreatment and has launched appeals on behalf of prisoners whose detention has not from the first been acknowledged by the police, as it is during the initial periods of detention incommunicado that maltreatment is most likely to occur.

(iii) Amnesty International has made appeals on behalf of specific people in danger of execution, and has asked for the abolition of the death penalty in Peru.

(iv) In April 1978, an Amnesty International mission visited Peru. It consisted of Senator Hans Rau, a specialist in Latin American law and former Finance Minister of the city state of Hamburg in the Federal Republic of Germany, and the researcher on Peru in Amnesty International’s International Secretariat. The mission held long talks with military court officials, including the President of the Consejo Supremo de Justicia Militar and his juridical staff, and was able to examine trial records. The mission also observed a session of the Consejo Supremo de Justicia Militar and visited a trial court (Consejo de Guerra) in the Second Police Judicial Zone.

Meetings were also held with the President of the Consejo Nacional de Justicia, the body which appoints and may dismiss all officials of the judiciary - except members of the military courts - and with the Prefect of Lima, the commander of the Lima police forces.

A meeting planned with the Minister of the Interior was inexplicably cancelled a few hours before it was to have taken place, and visits to the Callao Prison and to political prisoners held in Lurigancho Prison were expressly forbidden by the Ministry of the Interior.
AMNESTY INTERNATIONAL is a worldwide movement which is independent of any government, political grouping, ideology, economic interest or religious creed. It plays a specific role within the overall spectrum of human rights work. The activities of the organization focus strictly on prisoners:

- It seeks the release of men and women detained anywhere for their beliefs, colour, sex, ethnic origin, language or religion, provided they have neither used nor advocated violence. These are termed 'prisoners of conscience'.
- It advocates fair and early trials for all political prisoners and works on behalf of such persons detained without charge or without trial.
- It opposes the death penalty and torture or other cruel, inhuman or degrading treatment or punishment of all prisoners without reservation.

AMNESTY INTERNATIONAL acts on the basis of the United Nations Universal Declaration of Human Rights and other international instruments. Through practical work for prisoners within its mandate, Amnesty International participates in the wider promotion and protection of human rights in the civil, political, economic, social and cultural spheres.

AMNESTY INTERNATIONAL has over 2,000 adoption groups and national sections in 35 countries in Africa, Asia, Europe, the Americas and the Middle East, and individual members in a further 74 countries. Each adoption group works for at least two prisoners of conscience in countries other than its own. These countries are balanced geographically and politically to ensure impartiality.

Information about prisoners and human rights violations emanates from Amnesty International's Research Department in London.

AMNESTY INTERNATIONAL has consultative status with the United Nations (ECOSOC), UNESCO and the Council of Europe, has cooperative relations with the Inter-American Commission on Human Rights of the Organization of American States and has observer status with the Organization of African Unity (Bureau for the Placement and Education of African Refugees).

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